

Lecture by Mary Robinson
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Ethics, Human Rights and Globalization

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The invitation to give the Second Global Ethic Lecture here at the University of Tübingen was irresistible. Linking human rights with ethics and globalization represents, I believe, a connection whose time has come. And yet, the task is daunting. Every day brings further evidence of the unacceptable divide in our world; the harsh statistics of millions living in extreme poverty and enduring conflict. The increasing frustration and disillusionment with market led globalization is evidenced by the protests at the G8, WTO, EU and other Summits.

We are at the edge of a big idea – the shaping of ethical globalization. But how? What are the components, the linkages, and the energies that need to be harnessed? And what better place to pose such questions than here in Tübingen?

I would like to express deep appreciation to the Rector, Professor Schaich, for his warm welcome, and to thank my friend Professor Hans Küng for this invitation. He was the first to introduce me to the concept of a global ethic. I am a great admirer of his lifelong commitment to bringing people of different spiritual traditions and backgrounds together around the values that unite us as one human family.

A year ago, as my colleagues and I were working to build public support for the World Conference against Racism, we looked to the unique role of faith leaders in promoting greater tolerance and respect. Many of the religious and spiritual leaders who had participated in the Millennium World Peace Summit joined together against prejudice and intolerance. Their statements are collected in a book entitled Sacred Rights. I see their willingness to contribute to the values of the World Conference as a significant expression of Hans Küng's

vision of a Global Ethic that undergirds international efforts to protect the human rights of every individual.

A similar commitment has been reflected in the results of the UN Year of Dialogue among Civilizations 2001. Hans Küng was one of the Eminent Persons who contributed to the consultations during that Year and with the other members of the Group he has just published an assessment, *Crossing the Divide: The Dialogue among Civilizations*.

In preparing my remarks for today, I was reflecting on the fact that nearly ten years have passed since the adoption of two important international declarations, one by the world's governments, the other by the world's religious leaders. These documents were, in many ways, ahead of their time in addressing what world leaders at the UN Millennium Summit identified as the central challenge we face today: ensuring that globalization becomes a positive force for all the world's people.

The two texts I am referring to are Declaration and Programme of Action from the World Conference on Human Rights, adopted in Vienna in June 1993, and the Declaration of the Religions for a Global Ethic adopted in Chicago just five months later.

It is a measure of the rapid pace of social change that neither document refers specifically to the term "globalization" which has today become so central to our attempt at describing our times. However, both offer the vision and proposals for how I believe we should go about responding to the growing "backlash against globalization".

I would like to do three things in my lecture. First, to offer a brief account of the intellectual challenge faced by my Office in implementing the United Nations human rights programme. Understanding that role, its possibilities and its constraints will aid our discussion. Second, to explore the linkages between ethics and human rights in general terms. What is the relationship between ethics and rights and how do they both link to values, morality and to law? It is not only an interesting intellectual exercise to analyze these concepts, it is directly relevant to the world of action and to policy choices we face as individuals, as citizens of different countries, and as world citizens. Thirdly, I will address the challenges of globalization. What role can ethics and human rights play in a world of greater inequality within as well as between nations?

Office of the High Commissioner for Human Rights

The international human rights cause began with the United Nations Charter and the Universal Declaration of Human Rights over a half-century ago. Since that time a rich and extensive body of international law directed at bettering the human condition has been agreed upon by states, including the numerous developing countries, which were to achieve their independence with the support of the United Nations. A large part of that law consists of international treaties defining universal rights and freedoms and setting out the duties of states to uphold them. Another part concerns international human rights institutions to implement human rights norms and standards, which have been created or evolved at both regional and international levels.

The Office that I head as High Commissioner for Human Rights is a recent example of these institutional developments. Established by the General Assembly eight years ago, the OHCHR is intended to offer leadership, support and co-ordination to the international human rights system and to the United Nations human rights programme. It is no small task. Our mandate is to promote and protect all human rights, civil, political, economic social and cultural, of all people, in all countries. Apart from grappling with the challenge of a huge mandate funded by a far less ambitious budget, I found, when I took up this post in September 1997, that there was a deeper issue to be addressed. Again and again I heard the complaint that human rights at the UN level was “politicised”, that it did not have its own inherent integrity.

Listening carefully I discerned two different strands to these complaints. The first alleged that the agenda of human rights amounted to finger pointing by Western countries, largely at developing countries, for their failure to uphold civil liberties, and that this was done selectively.

The second strand concerned the narrow emphasis of this finger pointing exercise. Human rights was seen to be largely confined to civil liberties – such as, fair trial, freedom of expression, association, and religion, and the absence of torture- and ignored economic and social and cultural rights, such as the right to food, to education to basic health care.

My first task, then, was to work with my colleagues to

restore confidence in the integrity of the UN human rights system. Our starting point is that every country has human rights problems and should be open to constructive scrutiny and criticism. We have also clarified the true agenda of human rights, as confirmed at the Vienna World Conference on Human Rights in 1993. It comprises the equally strong protection and promotion of civil and political rights on the one hand and economic social and cultural on the other, together with a commitment to reach consensus on advancing the right to development.

Ethics and Human Rights

Here and now we are already embraced by the three formidable terms of my title. To simplify for the sake of impact, I have an ethical responsibility to speak as truthfully as I can to you, who have a right to hear my considered views on this topic in a manner intelligible to you but also consistent with what I might say in Tokyo, as well as in Togo or Tübingen, or in any other setting on the globe. Whatever the situation, there is no escaping the moral or ethical responsibility of the speaker, the rights and indeed duties of the audience to listen carefully and fairly and, nowadays, on such a major topic, the global implications of the speech. I stress this rather obvious point to help root our occasion in this actual concrete situation and to avoid the mystification which the title itself or indeed the necessary abstractions in its development might produce. Ethics, human rights and globalization are part of our everyday experience and to that we must continually return.

Ethics and morality

In general, as well as in academic discourse, the terms ethics and morality, operate at times interchangeably and at other times distinctively. For our purposes it will be convenient to use ethics in the more concrete sense of ethical decision and action, with morality and its cognates used in a more fundamental and abstract sense.

Among other descriptions that of the human being as a moral or ethical being, as one who makes ethical decisions and performs ethical actions, good or bad, is universally acceptable. So the range of ethics and morality is as broad as the human race, however diverse

the view may be as to what in particular areas of human activity is adjudged to be morally acceptable or unacceptable, good or bad, right or wrong.

Ethics is therefore often the product of particular traditions of a community, either a particular society, or portion of society, or more widely, it is the product of the particular history of large numbers of societies, allowing us to speak of the ethics of the human community. At this most basic level, ethics, human rights and the developing global interactions of the whole human race are also intimately intertwined.

Ethics must be connected to morality. Ethics without morality is empty. Unless this link is there people inside certain communities fall into the delusion of thinking that their own ethical codes exhaust all there is to morality in general. They allow their own ethics to masquerade as true morality. One flagrant example of this was the South African Immorality Act under apartheid. That law enshrined a racist ethical code of the dominant white community that proclaimed interracial marriages as immoral.

The collapsing of ethics into morality is also a source of the complaint of cultural imperialism behind some interpretations of international human rights instruments. For example, the assertion that one category of rights, civil and political, is more important than other categories such as social or labour rights. Or indeed, the reverse proposition, which is also advanced. It can amount to a covert effort to smuggle a particular ethics into a universal order, and to call the result universal morality. The starting position must be that of the Universal Declaration of Human Rights which proclaimed the entitlement of all human beings everywhere to all rights. That essentially moral position was reaffirmed, as I have said, in the Vienna Declaration of 1993.

Values

At a more abstract level than morality and ethics we could place values. Values are the building blocks of both morality and of ethics. Thus a significant achievement of the Millennium Summit of the General Assembly, held in September 2000, the largest gathering of Heads of States ever to have taken place, was to agree on a number of fundamental values essential to international relations in the twenty-first century. (A/RES/55/2). These are: freedom, equality, solidarity, tolerance, respect for na-

ture and shared responsibility. I will return to these values later and to the commitment in the Millennium Declaration "to ensure that globalization becomes a positive force for all the world's peoples".

Human rights and Law

Moving now to human rights: in our hierarchy, they seem to occupy an intermediate stage between values and moral foundations and the immediate personal decisions, which concern ethics. In this they are akin to law, particularly international law, and yet not to be identified simply with law. Law is nevertheless an indispensable part of the picture. It is a necessary complement to both morality and ethics. This is not simply because it is a coercive instrument sometimes necessary to get a set of moral and ethical values to work. It is also because it is a crucial element in the ongoing, dynamic relationship between ethics and morality.

Law, especially through the jurisprudence of the courts, introduces the element of open-ended, continuing investigation into the meaning of moral and ethical values as they deal with new circumstances that no one could predict when covenants, and rules, were first drawn up. This allows both ethics and morality to evolve to meet modern times. The field of bioethics is a current example. My Office has invited experts on bioethics to convene in Geneva later this week for a consultation on moral and ethical issues arising from developments in biotechnology, and to address the manner in which the international human rights system should respond. So, the traffic is not just one way: human rights law does not simply translate morality and ethics into a rule; it also provides the impetus to fresh development of morality and ethics.

Global ethics and global human rights

To sum up: we can say that values, morality, ethics, law and human rights are all linked in a complex normative cluster. We need to do further thinking about that cluster. The events of 11 September and their aftermath underline the urgency of that thinking. It may be helpful to explore the topic further here, not least because one of its major navigators in recent decades has been Professor Küng. His explorations into the most difficult terrain of world religions and their associated moralities have opened the way to dialogue and conver-

gence at the spiritual sources of morality and civilization. In addition, by promoting a coalition between religious believers of very different traditions, non-believers and religious agnostics, in search of a moral consensus on a number of fundamental issues, he has furthered the prospects of the global conversation that is essential to a globalising ethics – if one may use the phrase, – and to the global ethos that will make human rights more comprehensible, complete and defensible around the globe.

In that work Professor Küng has laid great stress on peace between the religions and the nations and on non-violent means in promoting a free and just society. I am reminded of Virginia Woolf's challenge to apply innovative thinking:

"We can best help you prevent war, not by repeating your words and repeating your methods, but by finding new words and creating new methods".

With his further insistence on the value of truth and truthfulness, Hans Küng's work suggests an important grouping of values which should offer further possibilities of grounding such a universal or global ethic. Truth, freedom, justice and peace, along with the other values declared at the Millennium Summit- equality, solidarity, tolerance, respect for nature and shared responsibility among the nations for economic and social development- are being recognised and practiced, or violated in different ways in the most diverse situations around the world. In their further elaboration through continuing dialogue, the framework of ethical globalization, in which human rights, civil and political, social, economic and cultural, enjoyed without discrimination, become part of the rules of the road, could really begin to emerge. It would be a profoundly humane ethics shepherding a humane globalization and not an ethics simply playing catch-up to self-interested and blundering economic and military forces.

The very call to truth is also a call to defend freedom of expression and of search for truth, a call to listen to the truth traditions of the others and to be open to being enriched by them. Such call to ever fuller truth excludes both fanaticism and indifference, as Professor Küng points out. Such a moral call and response can only be pursued effectively where other moral values like freedom and justice are fully honoured.

Together they find more concrete expression in the language of human rights. For their proper implementa-

tion freedom, justice and their embodiment in human rights require and promote solidarity between all humans on the basis of the inviolable and equal dignity of each. The establishment of such a peaceful, just and free society on earth constitutes the present political challenge and ethical obligation of the human race. It also represents the commitment of world leaders in the Millennium Summit. The practical question then is how we may hold the international community to those commitments.

Globalization

In his report to the UN Millennium Summit, Kofi Annan, described the world of globalization,

"... as a new context for and a new connectivity among economic actors and activities throughout the world. Globalization has been made possible by the progressive dismantling of barriers to trade and capital mobility, together with fundamental technological advances and steadily declining costs of transportation, communication and computing. Its integrative logic seems inexorable, its momentum irresistible."

But we all know that, despite its momentum, concerns about its impact continue to grow. The report notes that the increasing backlash against globalization has come about, first, because its benefits and opportunities have been so highly concentrated among a relatively small number of countries and are spread unevenly within them. Further its costs are unevenly distributed, with developing countries and countries with economies in transition bearing the brunt of those costs. More broadly, globalization has come to mean greater vulnerability to unfamiliar and unpredictable forces that can bring on economic instability and social dislocation. As the report puts it:

"There is mounting anxiety that the integrity of cultures and the sovereignty of states may be at stake. Even in the most powerful countries, people wonder who is in charge, worry for their jobs and fear that their voices are drowned out in globalization's sweep."

Where do we go from here?

In straightforward terms the task is to create the momentum to implement the Millennium Declaration's commitment to make globalization a positive force for all the world's people, to make it inclusive and equitable.

Prime Minister Tony Blair, who gave the First Global Ethic Lecture last year, spoke in similar terms when he saw the way forward in developing a doctrine of international community based on a foundation of mutual rights and responsibilities. His steps towards that community include the need for rich countries to meet what he termed their moral obligation to the poor countries and in the long term their self-interest, in freeing up trade in agricultural goods. He also called for much more radical action on debt relief and environmental protection in particular tackling global warming through implementing the Kyoto Protocol.

A similar message is to be found in an interesting book, *An Open Letter on Globalization – the Debate*. The book arose from an initiative of the Prime Minister of Belgium, Guy Verhofstadt, as President of the European Council. He wrote an open letter post Genoa and post 11 September, to anti-globalization protesters. In the letter, he conceded that the protesters might be asking many of the right questions. But did they have the right answers? He later convened a conference in Ghent to which he invited a number of globalization critics and others including myself. What emerged as a consensus was the need for a new approach, which Guy Verhofstadt termed “ethical globalization”.

Human rights and globalization

Building an ethical and sustainable form of globalization is not exclusively a human rights matter, but it must include the recognition of shared responsibility for the universal protection of human rights. That responsibility is shared by all of us, individuals, the religions, corporations, states, international financial institutions and the United Nations - all of us. Over 50 years ago, the drafters of the Universal Declaration of Human Rights stressed the link between respect for human rights and freedom justice and peace in the world, and called for a just international and social order. That Declaration also affirmed that the true meaning of human rights is one that embraces duties and community as well.

What is emerging is the need for globalization as an economic process to be subject to moral and ethical considerations and to respect international legal standards and principles. I want to illustrate how a new alignment between the framework of international human rights law and that of globalization can be ad-

vanced. Let me mention a few examples of how a human rights based approach could help develop thinking and action towards an ethical globalization.

World Trade

My first example concerns the international rules regulating trade. The 144 Members of the World Trade Organization have all ratified at least one human rights instrument. All but one have ratified the Convention on the Rights of the Child, and 112 have ratified the International Covenant on Economic, Social and Cultural Rights. When negotiating and implementing international rules on trade liberalization, these governments should bear in mind their concurrent obligations to promote and protect human rights, mindful of the commitment made in the Vienna Declaration 1993, that “human rights are the first responsibility of governments”.

While the WTO agreements provide a legal framework for the economic aspects of the liberalization of trade, the norms and standards of human rights balance this by offering a legal framework for trade liberalization’s social and ethical dimensions.

What does that mean in practice? It means answering questions such as :

- Is trade truly free and fair? The developing countries have heard many promises over the years but have too often found that, in practice, access to markets where developing countries hold competitive advantages has been denied.
- Do intellectual property rules consider the cultural rights of indigenous and local communities?
- Are intellectual property rules conducive to ensuring access to drugs under the WHO essential drug list?

AIDS/HIV

On this last question let us consider the issue of AIDS. First clinically encountered in 1981 in San Francisco as a disease of gay men it is now endemic in practically every country and mainly in the heterosexual community. For all the virus’s own neutrality as between nationality, class and gender, it is now dominantly infecting and affecting the poorer classes and countries in the developing world with women increasingly the more vulnerable. Sub-Saharan Africa has been devastated

and many Asian, Caribbean, East European and even Latin American countries are following in Africa's footsteps.

A lack of respect for human rights is linked to virtually every aspect of the AIDS epidemic, from the factors that cause or increase vulnerability to HIV infection, to discrimination based on stigma attached to people living with HIV/AIDS, to the factors that limit the ability of individuals and communities to respond effectively to the epidemic. Our work and that of others has shown that emphasis on the human rights of victims can make a great difference. Let me explain.

Human tragedies of this kind, although not normally on this scale, are often the first disturbers of moral conscience and the first prompters of moral response. Given the global range of the pandemic only a global response will be effective. In the search for a global ethic, a very practical beginning might be made by analysing the dimensions of the pandemic with, for example, people living with HIV/AIDS in Zambia, their carers and others responsible. These dimensions of the pandemic would uncover the deeper roots in cultural practices and in the multiple economic, social and health privations. As these are only in part locally or nationally generated, and particularly in the economic sphere are of international origin in even the most remote Zambian village, one is rapidly entangled in the inequities of world trade and the failure of international aid.

Lack of adequate nutrition, of basic medicines, of clean water, of elementary education, of suitable employment, of equality for women, among a multitude of other privations, increase the vulnerability of these poor people to HIV and AIDS. The poverty deprives them in turn of the means of treatment and care, which are available to the wealthy. And just as poverty makes them more vulnerable to HIV, so infection and disease in turn increase their poverty through extra medical costs, loss of income, funeral costs and so on. If one were to trace on the globe the lines of the privations contained in the UNDP Human Development annual reports they would coincide almost exactly with the line of infection by HIV.

Starting from HIV/AIDS in our hypothetical Zambian village, with its immediate appeal to the moral conscience, one could begin to discern, step by painful step, the elements of a global morality, or at least of the requirements of a humane moral response which would

have world-wide implications and operate at every level of individual and social human existence from biological and physical through the relational, intellectual and spiritual. It may be the task of some of those already living with AIDS and of those living with them and caring for them to help articulate the global moral range of the seemingly menial tasks and restricted lives in which they are involved. The insights of the poor, deprived and suffering are essential to our enterprise of developing a globalising ethic with a human rights component. People living with HIV/AIDS and their associates could be one matchless source.

On the positive side there is progress in recognising global responsibilities. Recent proposals have highlighted the need for increased cooperation around key areas.

The World Health Organization Commission on Macroeconomics and Health, led by Harvard economist Jeffrey Sachs, has proposed that rich countries spend an extra one-tenth of 1 percent of their economies on the health of the poor. If all wealthy countries cooperated, it would add \$ 38 billion a year to health spending by 2015. The commission argues that if that money went to poor nations that also spent more and improved their health care systems, these countries would see at least \$ 360 billion a year in economic gains, lifting millions of people out of poverty and saving an estimated 8 million lives a year.

The UK Chancellor Gordon Brown, has proposed a US \$ 50 billion a year investment fund for development targeted at building the capacity of developing countries to improve education and health systems.

A practical expression of cooperation and shared responsibility repeatedly called for is that developed countries should halt the slide in Official Development Assistance and become true development partners for the Least Developed Countries by lifting the burden of debt.

TRIPS and Aids

The debate over access to HIV/AIDS drugs in developing countries has highlighted the potential conflicts between the intellectual property rights of pharmaceutical companies, which are vital for innovation and research, and the rights of people facing life threaten-

ing disease to adequate health care. Making globalization respond to the needs of all people means finding ways to address this conflict.

The World Trade Organization's Declaration on the Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health adopted in Doha in 2001 sent an important signal regarding the need to balance intellectual property rights against public health priorities for developing countries. The Declaration stresses the need for TRIPS, which covers patents, to be interpreted in a manner "supportive of WTO members' right to protect public health" and to promote access to medicines, particularly with regard to HIV/AIDS, tuberculosis, malaria and other epidemics.

The Global Compact

A key characteristic of economic globalization is that the actors involved are not only states but private power in the form of multinational or trans-national corporations. It is now the case that more than half of the top economies in the world are corporations not states, and international investment is increasingly private. Thus a new challenge is to ensure that such powerful actors in the globalized economy are accountable for the impact of their policies on human rights and human lives.

One initiative in which my Office is deeply involved concerns the encouragement of an ethical approach by private business enterprises to their activities. The UN Global Compact, which was formally launched by the Secretary-General in July of 2000, is becoming an overall framework through which the UN is pursuing its engagement with the private sector. It is worth noting that it involves the encouragement of self-regulation, or ethics, to uphold human rights and environmental standards rather than legally binding regulation. However we should also note that there is considerable debate over whether such ethical codes can be fully effective. There is a trend towards holding companies accountable through legal rules for the human rights and environmental impact of their policies.

The Compact calls on business leaders, trade unions and NGOs to join forces behind a set of core values in the areas of human rights, labor standards and the environment. Let me outline briefly these three areas. With respect to human rights, corporations should ensure

that they uphold and respect human rights as reflected in the Universal Declaration of Human Rights and are not themselves complicit in human rights abuses. In the area of labour standards, businesses should uphold freedom of association and collective bargaining and make sure they are not employing under-age children or forced labor, either directly or indirectly, and that, in their hiring and firing policies they do not discriminate on grounds of race, creed, gender or ethnic origin. And in relation to the environment, companies should support a precautionary approach to environmental challenges, promote greater environmental responsibility and encourage the development and diffusion of environmentally friendly technologies.

Another critical area where the private sector must play a bigger role, if globalization is to benefit more people, is employment generation. There are an estimated 66 million unemployed young people in the world today making up more than 40 % of the world's total unemployed. What future can they expect without the opportunity of decent work? To highlight the urgency of the problem, the ILO estimates that the global economy will need to accommodate half a billion more people in developing countries over the next 10 years.

The UN has launched a Global Agenda for Employment as a way to focus the energies of UN agencies, the Bretton Woods Institutions, national governments, employers and trade unions on addressing these challenges.

Permanent Forum on Indigenous Peoples

Making globalization benefit all means taking steps to involve those who have been most excluded from shaping their future. Within the UN system, one innovative step in this direction is the new Permanent Forum on Indigenous Issues which will have its inaugural meeting in New York in May.

For the first time we have a body in which indigenous peoples are real partners. Of the 16 members, 8 are representatives of governments and 8 are indigenous people. Indigenous and governmental experts working together will decide the agenda, the discussions, the contents and the recommendations. The Forum is all encompassing, covering social and economic, environment, development, education, health, human rights and all matters affecting indigenous peoples. Will it rise

to the challenge of respecting the spiritual values and the approach to communal rights of indigenous peoples? In a very real sense the Forum may provide an entry point for implementation of the principles of ethical globalization.

Environment

It is a natural step from a particular focus on indigenous peoples to broader protection of the environment. This will be addressed in a World Conference on Sustainable Development in Johannesburg in August. Ten years ago the Rio Conference laid out targets for sustainable development in Agenda 21. The new Conference will review progress on those targets. It is notable that world leaders committed in the Millennium Declaration to “adopt in all our environmental actions a new ethic of conservation and stewardship”.

The relationship between human rights, environmental responsibility and sustainable development was the subject of a recent expert seminar held under the joint auspices of the OHCHR and the UN Environment Agency. It is a field that requires more exploration but in their conclusions the experts recognised,
“... that respect for human rights is broadly accepted as a pre-condition for sustainable development, that environmental protection constitutes a pre-condition for the effective enjoyment of human rights protection, and that human rights and the environment are interdependent and inter-related.”

And the experts noted:

“... the broad recognition that poverty is at the center of a number of human rights violations and is at the same time a major obstacle to achieving sustainable development and environmental protection. A rights-based approach can enhance the impact of policies and programmes at the national and international levels on this matter.”

Conclusion

Rereading the Millennium Declaration, and assessing it in the aftermath of 11 September, I am struck by the fact that we have no need for new pledges and commitments. They are all there in solemn language.

We need something more prosaic: – implementation, implementation, implementation! One of the attributes

of the human rights system is that it is refining its capacity to measure progress through monitoring steps taken by states to implement their commitments. Here, too, the rigour of a legal regime can help to underpin the values of ethical globalization. The next phase must be less aspirational, less theoretical and abstract, and more about keeping solemn promises made.