

# Globalisation and Human Rights Obligations: Interactions between the State, the Market, and International Cooperation in an Integrated World

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## Abstract

Globalisation driven by developments in technology, openness, and interdependence in economic and social transactions, has drastically changed the power dynamics of the bilateral and complex relationships among states, markets, and individuals. These transformations have understandably attracted mixed reactions from human rights scholars, with many envisaging a rather negative outlook on the effect of globalization on the realisation of fundamental human rights in many parts of the world. This article reviews the common notion of globalisation as a threat to human dignity and the promotion of human rights, and using the *World 3.0* scenario of globalisation expounded by Ghemawat (2011), defending the position that a more integrated and globalised world offers superior opportunities for the protection and promotion of human rights. The article then identifies some areas in which economic, social, and cultural rights policy and advocacy efforts should evolve in this eventuality. It is proposed that a new form of global integration, enhanced regulation and governmental role can create a more robust environment for the realisation of human rights.

**Keywords:** *Globalisation; Human rights Integration; International cooperation; ESC rights realisation*

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## 1. Introduction

The *raison d'être* of the international human rights regime and its many institutional mechanisms – as defined by the International Bill of Rights and subsequent human rights treaties and protocols – is the protection of fundamental rights and freedoms of human beings everywhere, which are indispensable for dignified lives. Thus, the design of the international human rights regimes attaches the primary obligation on protection of human rights on the state – as duty bearers – in which the individual lives; however, there is also an extraterritorial obligation which spans all states, reflecting the global nature of human rights based on shared values such as fairness, justice and dignity for all.

Globalisation as a phenomenon has radically affected and transformed the way the global interactions take place, from the market forces, technology and the level of state control and sovereignty in policymaking. There is an across-the-board recognition that globalisation increases and further opens up new ways for interconnectivity and interdependency between and among states and people (Addicott et al., 2012). These changes have very significant impacts on the level and quality of human rights enjoyed by individuals and groups regardless of the national jurisdiction they live in. Thus, globalisation has become an increasingly visible and prominent variable affecting the overall enjoyment of human rights by the multitudes; this is particularly relevant in the context of Economic, Social and Cultural rights (ESC rights).

Human rights scholars have long recognised the inevitable influence of the globalised world-order on the realisation of human rights in general as well as on specific rights, with arguments supporting both sides of the debate (Dunoff, 1999; Evans, 2010; Kinley, 2009; Shafir & Brysk, 2006). However, very few of these analyses seriously examines globalisation as a force that breaks barriers and integrates disparate states within more universally-adept systems and mechanisms which can be harnessed for better protection and promotion of human rights for all individuals across the globe.

Global capitalism and its associated liberal rights, Evans (2011; p. 91) alludes, should be accepted as “an inherent characteristics of humankind, not a self-consciously made choice about our preferred pathway to the good life.” No matter where we stand on the debate on globalisation, there is no doubt that the current path of globalisation requires rethinking, for the fact that its benefits are still not maximised and there is only limited scope for influencing its course (Appel, 2019; World Commission on the Social Dimension of Globalization,

2004). As philosopher Peter Singer has aptly stated whether “we accept or reject the claim that economic globalisation is a good thing, we can still ask if there are ways of making it work better, or at least less badly” (Singer, 2002; p. 103). This notion of taming globalisation for the greater good has far-reaching consequences to the realisation of human rights.

### 1.1 Aims and objectives

This article aims at exploring the interactions and points of convergence between these two global ideals: universal enjoyment of human rights and global integration of national policy boundaries. It is the objective of this article to identify the commonalities of essence between globalisation and human rights within the ESC rights framework and the emerging trends on the future trajectory of globalisation, with its possible impact on the realisation of ESC rights. It does not aim to take sides on the globalisation debate, but rather attempts to position ESC rights in a more globalised world, specifically within the paradigm of *World 3.0* as expounded by Ghemawat (2011), which offers such a perspective in the analysis which can hopefully catalyse a more creative approach to link these two important phenomena.

### 1.2 Methodology

This article adopts a critical commentary approach using a doctrinal lens and is designed to capture the scholarly discourse on globalisation, juxtaposed within the context of the international human rights norms. This methodology is useful in mapping and scoping, as well as developing deeper analysis and conceptual innovation (Grant & Booth, 2009). The methodology is grounded in a thorough evaluation and critiquing of existing ideas and conceptual models in the field, with the purpose of synthesising them towards a new conceptual model. Hence, this paper provides a comprehensive literature review and conceptual analysis of historical and contemporary debates on globalisation and the realisation of human rights. It then puts forward a conceptual narrative on the role of State in guaranteeing the realisation of human rights in a globalised and interconnected world.

## 2. Making sense of the current debate on globalisation, integration, and regulation

Whereas globalisation and its effects are felt in many aspects of modern life, its impact on the States' regulatory capacity, increasing influence of corporations and market forces, ethics and human rights implications of globalisation are particularly relevant for developing a better appreciation of the interaction between these concepts. Using Nobel Laureate Joseph Stiglitz's argument that, while those who vilify globalisation overlook its benefits, its proponents are even more unbalanced in providing a clear picture (Stiglitz, 2002), one can propose the need to be more accommodative in appreciating this interaction. A more nuanced approach to understand this complex interaction can help identify more points of convergence and commonality.

Any intersection of discourse concerning globalisation and human rights naturally creates not only fierce arguments and counter-arguments on the merits or drawbacks of these two themes, but also a fair bit of intellectual energy is apportioned on scrutinising how these ubiquitous forces interact and influence one another. While the pro-globalisation camp emphasises the progress brought about by globalisation and integration in the last several decades in terms of increased global aggregate wealth and poverty reduction, the anti-globalisation camp is of the view that globalisation has helped only a few and left behind a significant proportion of humanity, resulting in the greatest degree of inequality in history (Coyle, 2010). The form of globalisation that is prevalent in the world today is seen by many to be unfair, undesirable, and unsustainable (Prato & Adams, 2021), mainly because of the hegemonic dominance of the rich and powerful States and corporations, which undermines the sovereignty of weaker States (Reddy, 2012). All states in the end lose much of their ability to control capital forces, economic flows and to even shape their domestic public opinion as they are under pressure from above (supra-national institutions and MNCs).

At the core of globalisation is the convergence of many diverse States and societies to become increasingly alike (Pikalo, 2007), and the unprecedented integration of world economies and cultures under the rubric of globalisation has attracted vast amount of intellectual output. For the purpose of this article, globalisation is identified as and associated with the economic, political, social and cultural processes it encompasses (Ssenyonjo, 2009), with particular emphasis on economic interdependence of States, technological change, cultural homogenisation and global institutions (Feyter, 2007). Instead of the narrow definition of economic dimension of globalisation, often preferred

by anti-globalisation scholars (Twining, 2009), the adoption of a broad definition allows our discussion to address the aspects of interconnectedness in globalisation that have direct bearings on human rights, and also make it possible to build the *World 3.0* scenario to the exposition later in this article.

## 2.1 Challenges and opportunities in realising Economic, Social and Cultural Rights in a globalised world

ESC rights espoused in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international and regional human rights instruments encompass a set of human rights that are fundamental for the realisation and protection of human dignity (United Nations, 1966). The basic rights identified in the ICESCR include: right to work (article 6); rights in work (article 7); trade union rights (article 8); right to social security (article 9); right to social protection (article 10); right to health (article 11); right to an adequate standard of living (article 12); right to education (article 13,14); and cultural rights (article 15).

All States parties to ICESCR are required to ‘take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of available resources, with a view to “achieving progressively the full realisation of the rights” and “by all appropriate means”’ (ICESCR, article 2(1)). This obligation necessitates the States parties to engage all appropriate means and resources at their disposition, including the requirement to direct domestic legislations and policy tools as well as international engagement with other States, towards the “progressive realization” of these rights. State responsibility and obligations with regard to ESC rights, like all other categories of human rights, consists of the obligation to *respect*, *protect* and *fulfil* these rights. While the approach of progressive realisation applies to all rights, the Committee on Economic, Social and Cultural Rights (ESCR Committee) has established that the Minimum Core Contents of these obligations attach an immediate obligation on the States, which are not subject to progressive realisation or the available resources.

Despite the near-universal ratification of ICESCR (as of 2022, a total of 164 States have ratified the covenant) and the emphasis on *universality*, *indivisibility*, and *interdependence* of all human rights, the realisation of ESC rights still remain far below that of Civil and Political rights (Robinson, 2004; Strydom, 2019). The low level of ESC rights realisation is often associated with the capacity of the State to fulfil these rights, especially citing the resource-intensive nature of these rights. It is also argued that in contrast with civil and political rights, ESC

rights realisation requires a substantial amount of resources and most States, particularly developing States, are resource-constrained, therefore unable to fully address the requirement to have these rights fulfilled (Chirwa & Amodu, 2021; Felner, 2009; Künnemann, 1995). ESC rights literature also advances arguments from the economic and programmatic nature of these rights as well as the presently dominant market-based international economic environment, which affects the State's ability to 'guarantee' these rights.

States confront a number of challenges in the progressive realisation of ESC rights, including the available policy space for the State to properly regulate the enjoyment of facilities and services that are required for the ESC rights realisation and the resources constraints all States face. These factors of market reality effectively confine the scope of States to exercise their policy imperatives to ensure the realisation of ESC rights. While the judicial recognition of ESC rights and their justiciability (Koch, 2003) in courts offer strong foundations for guaranteeing the protection of these rights, the practicality of the State responsibility to ensure the realisation of these rights remains difficult mainly due to the inherent nature of these rights. The new globalisation forces and the international economic order also ostensibly have the effect of shrinking policy space for States (Forster et al., 2020), resulting in cutbacks on the level of policy autonomy States traditionally possessed and exercised, particularly in areas of direct market engagement and intervention (Jackson, 2021).

While the obligation to *respect* and *protect* the ESC rights require State resources particularly in the form of setting up and administering the requisite legal and institutional frameworks necessary for the protection of these rights, the obligation to *fulfil* clearly requires substantially more commitment and investment of resources. However, the amount of resources that can be mobilised and allocated by the State to realise human rights depends on many factors such as the level of economic development, tax-base and revenue flow, level of investment and macroeconomic policies.

With the obvious constraints on resources experienced by all States, particularly developing States, there is an increasing recognition that resources other than that of monetary and financial nature can also be considered in the basket of resources that can be used for the realisation of human rights. These resources include technical resources, natural resources, human resources as well as knowledge and management resources (Robertson, 1994). The State can thus expand its capacity to fulfil ESC rights through better mobilisation of these resources.

No matter how resources at the disposition of the State are defined, they are continuously faced with the daunting reality of resource scarcity that affects the level of ESC rights realisation. Any amount of resources that the State has access to, also must be mobilised and allocated based on many conflicting and competing policy priorities and political objectives. When these challenges are observed through the lens of globalisation and how the State's policy space is affected by global integration, it can significantly expound the debate on the enjoyment of human rights in general, and ESC rights in specific.

ESC rights are inherently linked to the market and individualised consumption of goods and services within the market mechanism. For example, the right to work is enjoyed at an individual level through their engagement with the job market, either in the public or private sector within the country or abroad, hence the fulfilment of these rights at the individual level naturally has more bearing of market forces, such as supply and demand and the cyclical factors of the economy. Likewise, perhaps more evidently, the rights to housing, food, water, and clothing, etc. (which make up the aggregate right to an adequate standard of living) are crucially market-based, consumption-driven rights, the enjoyment or deprivation of which can in most cases be directly attributable to the market forces and the individuals' interactions within the market. Right to education and right to health are often much less market-provided, due mainly to their public sector provision in most countries. Nonetheless, even these rights are also highly subjected to the forces of the market, especially in countries where education and health services are increasingly being provided by private sector service-providers. A similar trend is likewise observed in the area of right to social protection and cultural rights.

## **2.2 Globalisation, markets, and ESC rights**

The economic, social and political power and influence of corporations as a result of globalisation (Toebeš & Černič, 2012), and how they shape up the world economy and socio-political order have significant impact on the realisation of human rights, particularly ESC rights (Govindjee & Taiwo, 2012). While the State is the primary duty-bearer under international human rights law, the role of the State in economic globalisation is often seen as minimal or simply as a facilitator, raising questions about the ability of the State to fulfil human rights obligations in these diametrical roles, particularly after relinquishing part of its authority over to the market (Feyter, 2007). Likewise, given the shifting balance of power between States and non-State actors, whether if the State is the most suitable and most appropriate agent to negotiate and protect individual's human rights is also debatable (Evans, 2010). Maintaining the primacy of the

State obligation to protect human rights, Joseph (2011) argues that States must preserve a certain 'policy space' in trade negotiations, and should view the benefits flowing from such arrangements as means that serve the fulfilment of human rights.

O'Connell (2011) identifies two distinct forms of globalisation; globalisation from above and globalisation from below and argues that, in order to construct a more human alternative, the globalisation from above should be rejected, because it is driven by the interests of dominant transnational capital holders. At the core of this argument is the perceived malevolence of the integrated market, which has helped sustain and exacerbate poverty, thereby negatively impacting the quality of life and undermining the human rights of countless (O'Connell, 2011). On the other hand, the globalisation from below, which is also referred to as 'subaltern' or 'counter-hegemonic' or 'alter' globalization (O'Connell, 2011), is identified to be the ideal form with the capacity to change the world for the better.

The negative connotations associated with globalisation are often the common basis of criticism, as these forces are perceived to be responsible for not only the 'disappearance' of the State, but also responsible for the economic exploitation that has created a world of disparity and suffering. The ability of the State to regulate and govern affairs of the economy and society is often seen to be hindered by the pressure of globalisation, limiting the State's ability to regulate the market, social services and also affect the amount of resources that are available for the State to invest in the area of ESC rights (Lang, 2009). Here, the contention is that the forces of globalisation has removed or significantly diminished the authority of the State to run policies at the domestic level. Others have expressed concern on the amount of economic, political, and social powers and influence outside the State, which have the potential to undermine the State's authority as 'the primary unit of political organisation and loyalty' (Govindjee & Taiwo, 2012), and reducing many human rights obligations to mere tradable services.

On the other hand, the alleged undermining of the State's ability to regulate the national economy in favour of private corporations and its destruction of the livelihood of poor and marginalised, are often dismissed by many who view that globalisation has strengthened the State rather than withering them away (Pikalo, 2007). It is often argued that global economy has a much bigger influence on the realisation of economic and social well-being, and there is an observable shift away from the State in the realisation of human rights (Evans, 2010).



Another common criticism is that globalisation gives priority to the interests of the market over the citizens, thereby negatively impacting the lives of people. It is argued that the conditions for the violation of human rights are structurally embedded in the current form of globalisation, hence breaking away from its hegemony and defeating its power are necessary to protect human rights (O’Connell, 2011). While generic globalisation – consisting of the electronic revolution, post-colonialism, transnational social space, and the new cosmopolitan movement – has opened up unprecedented opportunities for human rights, the historically-dominant capitalist form of globalisation undermines the opportunities for advancing human rights universally (Sklair, 2009). Sklair’s main contention is that there is too much attention on capitalist globalisation, while the actual value of globalisation is more significant in the generic globalisation, which is seen positively by the vast majority of the world’s population. In this framework, neo-liberal globalisation is seen as unduly dominated by the capitalist interests, which has created a system of extreme wealth and extreme poverty (O’Connell, 2011), and ‘inconsistent with the protection of human rights not only in theory, but also in practice’ (O’Connell, 2011). This perspective questions the practicality of protecting human rights in a world dominated by globalisation (Feyter, 2007).

The counter argument to these views hold that the problems identified here are not necessarily the characteristics of globalisation or the market economy which fuels it, and that poverty and under-development in many parts of the world have less to do with globalisation, but more about these countries’ failure to globalise (Wolf, 2004). Likewise, the assumption that markets are value-free, thus morally ungrounded, overlooks the reality that these markets “embody the social norms and underlying values of the societies in which they operate” (Wolf, 2004; p. 217). Wolf argues that the market-based globalisation may be morally imperfect, because globalisation is a reflection of “the tastes and desires of people, who are also imperfect” (Wolf, 2004; p. 56). According to him, “the world needs more globalisation, not less” (Wolf, 2004; p. 320). He further contends that:

*“The market economy satisfies the desires of the majority more than the tastes of a refined minority. It rewards the hustler more than the sage. But it is also the basis of freedom and democracy. It encourages valuable moral virtues. It makes people richer and more concerned about environmental damage, pain and injustice. It makes the welfare State possible” (p. 56).*

It has been argued that the debate on globalisation misses the mark if it fails to recognise that the world's poorest billion people live in States that have not globalised, while the top billion are citizens of the developed wealthy world, and the middle four billion are those whose standard of living is improving, as a consequence of globalisation (Collier, 2007). On this account, Paul Collier contends that, among other causes, bad governance, wars, and being landlocked are more relevant explanations for the poverty of the bottom billion, rather than identifying it with the effects of globalisation (Collier, 2007). Thus, a positive outlook on globalisation points to the phenomenon's ability to impel social change, greater democracy, economic redistribution and rule of law, thereby enhancing the protection of human rights (Howard-Hassmann, 2005).

Some critics of globalisation and its impact on the protection of human rights argue that "one cannot be committed to the protection of fundamental human rights and at the same time acquiescent in the dominant model of globalisation" (O'Connell, 2011; p. 507). This approach calls for the current form of globalisation to be challenged and overcome in order to protect and promote human rights. Even if globalisation poses challenges to the State in carrying out some of its human rights obligations, a State cannot retract its human rights obligations on the basis of diminished State authority due to globalisation (Feyter, 2007). Likewise, (Sklair, 2009; p. 89) contends that:

*"The globalization of human rights is the logical and substantive link between genuine democracy and alternative post-capitalist globalization. If we can demonstrate that the achievement of a global system of human rights is not possible under the conditions of capitalist globalization (capitalism can only justify itself in the long run by its alleged superiority in providing better lives for all), then it follows that some other form of globalization will be required if human rights are to be realized for all peoples."*

When the project of human rights promotion is affected by the forces of globalisation, it is pertinent to create new legal rules, structures and standards of behaviour that are in line with these demands (Addicott et al., 2012). The *World 3.0* scenario developed by Professor Pankaj Ghemawat in his 2011 book "World 3.0: Global Prosperity and How to Achieve it" presented below addresses some of these concerns.

### **3. Transforming globalisation and regulation: enter World 3.0**

The above analysis of globalisation literature suggests that despite the

enormous benefits to the world population in terms of better technology, connectivity and high level of prosperity, the current model of globalisation may not be the only, or even the best, model that there is for explaining how globalisation works. According to Ghemawat (2011), despite the current obsession about the level of globalisation which has resulted in a 'flat world' as depicted by Thomas Friedman, in actuality we are not as globalised as we think we are: the author argues the current level of globalisation is far below what is expected and desired and often the current level of globalisation is reported with a high level of exaggeration. For him, the current level of globalisation is incomplete and can best be described as *semi-globalisation* (The author divides the various eras of humanity into the worlds. World 0.0: when the humanity was still living as hunter/gatherers. World 1.0: the world with earlier civilisations and middle age. World 2.0 post-industrial revolution globalized world. World 3.0: the ideal world of complete integration). In order to advance the current *World 2.0* to *World 3.0*, market integration and market regulation should be treated as two dimensions of choice that need to be coordinated, and the individuals embracing *World 3.0* give accent to a form of *rooted* cosmopolitanism (Ghemawat, 2011). This perspective on globalisation puts emphasis on increasing the current level of market integration, but with corresponding limited, and targeted market regulation, which guarantees a path to greater prosperity.

The approach embraced in *World 3.0* is both attractive and realistic because it not only recognises and focuses on cross-border integration, but also takes into account divergence of geographic and other forms of distinctiveness across the States. This necessitates an increased attention to be paid to both borders and distances, but also at the same time, benefit from a higher level of integration across these borders. The core model of globalisation emanating from this approach is more realistic about human nature. According to Ghemawat (2011; p. 18):

*“World 3.0 strives for more realism about what drives us, but without sacrificing morality. It recognizes self-interest is important, but also provides a basis, rooted in distance, for bringing awareness of, sympathy for, and altruism toward others into the picture, in order to consider how we might make some progress along those dimensions. By contrast, World 0.0 and 1.0 embody an ‘us versus them’ approach that ignores foreign welfare entirely.”*

In addition to grounding globalisation in a realist and moral basis, the *World 3.0* model proposes consideration for market failures and minimising such

eventualities through better cross-border market integration and regulatory initiatives. The rooted cosmopolitan approach envisions the individuals to be more aware of the world around them, through better acquaintances, multiple contact and engagement over time, and a sense of altruism (Ghemawat, 2011).

### 3.1 Possibility of more integration and regulation of ESC rights in World 3.0

If the notion of globalisation is understood to reflect a more practical and viable system as depicted in *World 3.0* scenario, exploring how such a system could interact with and impact the human rights obligations of the State can be an intellectually fulfilling task. While it is reasonable to assume that openness to trade, finance and investment stimulates economic growth, thereby, increasing the aggregate wealth and welfare of the society, it is questionable whether such a scenario may offer any promise of better human rights protection, particularly ESC rights, through better empowerment of the individuals, more resources and policy space for the governments.

While the philosophical and legal foundational roots of human rights remain firmly grounded in the history of its development, many changes that are brought about by globalisation prompt us to construct new concepts and paradigms of human rights that better reflect the world reality and dynamics. For example, Evans (2010) raises the question whether it would be better (and possible) to develop a new form of transnational law with the international citizen as its subject, which could better protect and promote human rights, on the face of the new challenges faced by globalisation. The creation of a new legal structure that can work in the real world- new rules and legal standards of behaviour recognised and practiced amongst civilised States in the context of the community of nations.

In *World 3.0*, an important conceptual transformation that is likely to happen is the extension of the human rights obligations to include non-State actors. The State as the primary human rights duty-bearer will remain in this scenario. However, the role of other actors in the realisation of rights will be better incorporated into the human rights regime. This change would also be accompanied by further enhancement of the State's regulatory authority and capacity, allowing individual States to be better able to regulate and implement policies targeted towards the realisation of ESC rights. Thus, the contention of the State about taking a minimalist view of its human rights obligations in the face of neo-liberal globalisation (O'Connell, 2011) can be addressed by seeking activist, interventionist approaches by the States (Dunoff, 1999). Such an approach is likely to create not only more policy space for States, but also the

opportunity for wider democratic participation in policy decisions.

It is often argued that the market-based globalisation has increased the authority and influence of non-State actors and transnational corporations and other business enterprises way beyond the capacity of the State, allowing these entities to positively or negatively influence human welfare and the enjoyment of human rights (Ssenyonjo, 2009). Practices of these entities in diverse areas as employment practices, environmental policies, as well as their interactions with the host governments can directly and indirectly affect the overall enjoyment of human rights of individuals. Hence, the changing paradigm of *World 3.0* necessitates the involvement of non-government actors, such as transnational corporations in the future planning of human rights programmes (Evans, 2010). This new paradigm is already visible in the form of increased incorporation of human rights concepts into the governing ethos of corporations in the form of corporate social responsibility (CSR). Likewise, the institutional mechanisms such as the UN Global Compact and the United Nations Guiding Principles on Business and Human Rights (UNGP) point to the movement towards better recognition that human rights responsibilities can and should transcend beyond the State to incorporate non-State actors (United Nations, 2011). The *Ten Commandments of Globalisation*, suggested by Martin Wolf, emphasise the potency of the market to create and sustain human ingenuity and prosperity allowing them to seek their goals and desire in life, and outlines actions that are required from the States, individuals, the market and international community in order to build a global society built on these values of globalisation (Wolf, 2004). What remains now is to see how these global norms could help transform the human rights landscape.

#### **4. Realising ESC rights in World 3.0: market, State, and international co-operation**

The emphasis on shared values and social norms in both market and State interventions remains crucial in our understanding of human rights realization (Coyle, 2010). The experience of the last few centuries leaves no doubt that the 'market is the most powerful institution for raising living standards ever invented: indeed, there are no rivals. But markets need States, just as States need markets' (Wolf, 2004; p. xvii). Likewise, markets 'need an effective State to operate well, and a healthy State would in turn depend on a thriving market sector of the economy' (Coyle, 2010). Economic globalisation does not alter the State's human rights obligations and cannot fail to discharge these obligations on the basis of arguments from State's incapacity due to globalisation forces (Feyter, 2007). It is imperative that the ability of the State to safeguard the

population against violation of their rights by third parties can depend on the human rights focus of their policy stance.

The *World 3.0* form of globalisation significantly changes the dynamics of the role of the State in fulfilling ESC rights. What would be situation of the protection and promotion of human rights in general, and ESC rights in specific, if the current form of globalisation is transformed through better integration and regulatory mechanism? What forms of transformations are possible for individuals to protect their ESC rights? How would *World 3.0* globalisation affect the State's ability to protect, respect and fulfil ESC rights, and maintain its policy autonomy, while at the same time increase international co-operation? These questions are addressed next.

#### 4.1 Redefining the role of the State and the market in ESC rights

The essential features of *World 3.0* will theoretically allow governments to exercise policy autonomy at domestic level through enhanced and better integrated regulatory exercise. This addresses the many criticisms of the current form of globalisation, which is seen as a force that challenges the authority and sovereignty of the State to implement the human rights polices effectively. Despite the apparent incredulity, it is far more likely that the current problems associated with globalisation are not merely the failure of globalisation, but have their roots in the way it is governed (World Commission on the Social Dimension of Globalization, 2004). This is clearly identifiable from the institutional weakness in many parts of the world that have exacerbated the effects of weaknesses in key global rules.

The magnitude of wealth brought in through as a result of increased trade and investment allows for State-sponsored welfare and ESC rights programmes (Dunoff, 1999). Better market integration helps remove protective tariffs, subsidies, and other restrictions to trade which often are the causes of poor quality of life for many. For example, it is identified that the problem of hunger has a lot to do with price and distribution within and across countries than on the adequacy of production (Food and Agricultural Organization, 2009). Moreover, the movement of human capital across States, particularly from less developed to developed States, is seen as a challenge to human rights advancement in the less developed countries (Govindjee & Taiwo, 2012).

States which are better integrated into the world are likely to be better governed and less corrupt, and it is argued that trade liberalisation and other

forms of opening up significantly reduce corruption in a State (Joseph, 2011). If this approach is properly employed in the service of human rights in *World 3.0* the State can play even a more significant role, in better collaboration with non-State actors and international community, in the realisation of human rights in general and ESC rights, in particular.

#### **4.2 Realising rights through individual empowerment**

Globalisation needs to have a strong social dimension which respects human rights and individual dignity. For this to be a reality, it is suggested that globalisation should have a strong focus on people, their rights and autonomy; is based on shared solidarity, with special emphasis on addressing inequality and poverty (World Commission on the Social Dimension of Globalization, 2004). Individuals' capacity and capabilities to pursue market-based fulfilment of basic needs and essential requirements of life would be better facilitated in this market mechanism. Individuals can thus be more likely to enjoy ESC rights better without direct intervention of the government. Likewise, the further integration of the world economy allows the realisation of these rights to be more practical, due to access to resources, technologies, and international co-operation.

Taking the three main areas of focus of more market integration, better State regulation and rooted cosmopolitanism in *World 3.0*, individuals are more likely to be able to exercise their agency in the market, with the government and across borders. Better market integration, given that the rules of interaction are fair, would create more economic opportunities for all States. This can allow individuals and societies to open further avenues for human creativity, ingenuity, time and energy to improve their socio-economic situation. Better regulatory authority of the government is expected to create the much-needed checks on market-based exploitation of the vulnerable and create a more comprehensive system of social security and empowerment. The cosmopolitan outlook of *World 3.0*, which is still rooted in the individual societal values, is more likely provide opportunities to create room for better exchange of ideas and cultural values across borders, thereby creating a more conducive environment for the protection of economic, social and cultural rights.

#### **4.3 Expanding opportunities for ESC rights through international co-operation**

International co-operation and assistance are key principles of today's global dynamics (Coomans, 2011; Jian & Haozhe, 2021). Following from the work

of the ESCR Committee, Carmona (2009) identify that there is a duty for developing States to 'actively seek' international assistance and co-operation targeted specifically for the realisation of rights, under the rubric of Article 2(1) of ICESCR. However, the current international co-operation arrangements lack a proper focus on human rights, particularly ESC rights, which could be addressed in the *World 3.0* scenario.

It has been argued that 'everyone has an ethical as well as a legal obligation to protect the human rights of all other people' (Skogly, 2003; p. 274). Thus, extraterritorial obligations, particularly in the nature of international assistance and co-operation are central to the international human rights regime. Hence, while the construction of an alternative internationalism or cosmopolitan solidarity are offered as remedies to the adverse consequences of the current form of globalisation (O'Connell, 2011), the eventual solution in *World 3.0* could be in the form of a better coordinated and structured approach to international assistance and co-operation for the realisation of ESC rights.

Globalisation creates opportunities for people not only to influence their own government but also other governments for better protection of human rights, through social, political and economic interactions (Livingstone, 1999). Hence, *World 3.0* is characterised by more integrated markets and increased involvement of private-sector enterprises and multinational corporations in the provision of basic goods and services within the market mechanism. Therefore, international assistance and co-operation in the *World 3.0* scenario could be better established and with a greater focus on the socio-economic empowerment of the individuals, particularly in the developing world. The recognition of a stronger extraterritorial human rights obligation is argued to be supported by both legal and moral arguments, and such entrenchment will significantly change the overall realisation of ESC rights in developing countries.

## 5. Conclusions

Despite the positive aspects of social and economic interactions globalisation facilitates, the positive impact on human rights that these interactions facilitate have not been sufficiently studied and appreciated. The model of globalisation envisioned in *World 3.0* provides a fresh set of ideas to approach the question of how globalisation and human rights, particularly ESC rights, can interact for mutually beneficial outcomes. And no matter how strong the intellectual arguments against globalisation forces are, the current world's economic and political realities and environmental trends point towards a future of more globalisation to overcome and address emerging global human rights



challenges.

While the process of globalisation has produced enormous avenues and opportunities for wealth creation on the back of market-led economic growth driven only by profit, there is no denying that unfettered markets continue to pose unacceptable risks, and therefore a significant level of State intervention and regulation of markets is necessary to maximise the synergy of the market for the benefit of human rights. Such an approach creates a win-win situation for human rights and globalisation. This article's approach to address the potential benefits in *World 3.0* form of globalisation – which is characterised by better market integration, State regulation and rooted cosmopolitanism – provided the opportunity to look into the process of globalisation beyond the simple rhetorical notions of globalisation's untamed impact on lives.

There is a need to transform the quality and scope of State engagement in the realisation of human rights and enhance not only its role as the administrator and provider but also as the facilitator and catalyst of human rights realisation, which combine the synergy from domestic and global actors connected through the forces of globalisation and integration. This could be particularly more realistic and achievable in *World 3.0*, characterised by more integration and effective regulation.

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