3. Human Rights Reinforcement and Globalisation: Reflections about Global Governance

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1 Introduction
This chapter seeks to map out some of the important changes which have occurred globally over the last two decades and to analyse how and where these processes impact on human rights reinforcement. However, the chapter also seeks to identify shortcomings and negative human rights change. At the general level, the chapter is motivated by an interest in the processes by which human rights are realised as rights which are actually enjoyed by people. The objective of the chapter is therefore to capture some of the structural and institutional changes which are taking place globally and to reflect on how these changes may contribute to human rights reinforcement and setbacks.

Human rights reinforcement takes place through the international monitoring of human rights compliance, international adjudication of human rights, constitutional processes, and domestic adjudication. This is the legal track of human rights reinforcement and implementation. However, the chapter focuses on an alternative and broader track of human rights implementation: consolidation through non-legal means, i.e. the institutionalisation of human rights through political and administrative decision-making, for instance, with respect to resource allocation or through the broader processes of dialogue and value change in society and between social actors in different societies.¹

Post-Cold War processes of globalisation are not only marked by political developments that serve to strengthen human rights. During this period, human rights enforcement has been threatened partly by conservative forces from within the constellation of powers that have contributed to the spread of the international rule of law and human rights, but also by the existence of criminal states and in-


ternal terrorism,\footnote{Habermas, 2004, p. 13.} as well as by economic globalisation in weak states. These issues are discussed further below.

The chapter asks three specific questions:

1. In what way does human rights reinforcement relate to processes of globalisation? Is it possible to delineate a conceptual framework that can be used to describe such processes?
2. How do local and international forces interact to create processes of human rights reinforcement?
3. In what areas and under what conditions are globalisation processes bringing about adverse changes to human rights?

The chapter proceeds with an outline of the current processes of globalisation and their conceptualisation in section 2. Human rights reinforcement and their undermining from above is addressed in section 3, and from below in section 4. Section 5 concludes the chapter.

\section*{2 Globalisation from Above and Below}

Scholte defines globalisation as

\begin{quote}
The processes whereby many social relations become relatively delinked from territorial geography, so that human lives are increasingly played out in the world as a single place.\footnote{Jan Aart Scholte, 2001. ‘The Globalization of World Politics.’ In Baylis, John and Steve Smith (eds.). \textit{The Globalization of World Politics: An Introduction to International Relations}. Oxford, 2nd edn., pp. 14-15.}
\end{quote}

This definition stresses the growing interdependence across continents, but also the relative unevenness of the process of globalisation. It is expressed with a certain vagueness, with changing territorial geography and social interdependence being the main features. Nothing is said about political or institutional interaction, although these features may be implicit in the concept of social relations.

An interesting question is how old the process of globalisation is. Some would argue that processes of globalisation were already taking place from about 500 BC, reflecting the argument of Fernand Braudel, the historian, that there have always been “world economies”. Others would link globalisation to post-Cold War developments, while arguing that there are also certainly continuities with the Cold War period, including as far as human rights are concerned.\footnote{Clark, Ian, 2001. ‘Globalization and the Post-Cold War Order.’ In Baylis, John and Steve Smith (eds.). \textit{The Globalization of World Politics: An Introduction to International Relations}, pp. 634-647.}

John Donnelly, however, argues that processes of globalisation are fundamentally new: “whatever parallels or antecedents, the pace of change is accelerating,