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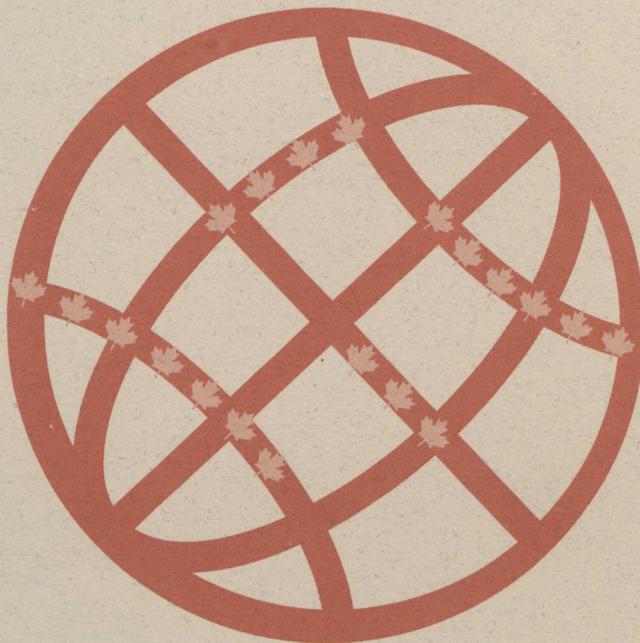


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**RECLAIMING CHOICE IN THE  
CONTEXT OF GLOBALIZATION:  
UNCONVENTIONAL STRATEGIES FOR THE  
PROMOTION OF RIGHTS AND JUSTICE**

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**Reclaiming Choice in the Context of Globalization:  
Unconventional Strategies for the Promotion of Rights and Justice**

A report prepared for the Canadian Centre for Foreign Policy Development

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Canadian peacekeepers and NGOs assisting people in trouble both at home and abroad. Canadians leading the international charge in support of a ban on anti-personnel mines. Canada's pro-active engagement in the Commonwealth and the Francophonie. United Nations' surveys identifying Canada as the "best place in the world" to live. These are the images of a tolerant, compassionate, and especially, of a committed Canada. Lloyd Axworthy put it most starkly when he stated that "Canada has no choice -- in view of its inherent nature, its qualities and its history -- but to make a commitment...."<sup>1</sup> Commitment to the world stage would seem to be Canada's destiny, whether we like it or not. However, despite Axworthy's claim that Canada has no choice (whatever the reason for the constraint), the very idea of commitment implies just such a choice. Commitment requires a political decision to intervene in the international environment in a particular way, and a decision about which issues can, should, and do become the subject of debate. In the Minister's formulation, such intervention -- Canada's commitment -- would take place in aid of a normatively preferable global order, marked by enhanced prospects for justice and security.

Over the past two decades, however, the imagined range of such interventions has become both more focused and less hopeful. The restructuring of the global order, marked by economic globalization and the end of the Cold War, has created its own imperatives. "In this day and age, no government -- especially Canada's -- can ignore the consequences of globalization," as Axworthy has signaled. Indeed, if Canada has no choice but to make a commitment, it is "because it is on this commitment that its very survival will depend."<sup>2</sup>

What then can be the manifestations of commitment in an era defined by economic globalization? Economic restructuring brings with it, in a very real sense, a new perception of the constraints on political action. In responding to a post-World War II political project of economic liberalization, economic globalization has pushed forward that agenda into the terrain of the "inevitable." Particularly since the collapse of the Soviet Union and the Eastern bloc, globalization has taken on the aura of the inescapable. States appear to be increasingly relegated to the role of facilitators,

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<sup>1</sup>Lloyd Axworthy, Minister of Foreign Affairs, "Between globalization and multipolarity: the case for a global, humane Canadian foreign policy." <http://www.dfait-maeci.gc.ca/english/foreign/humane.htm>.

<sup>2</sup>Lloyd Axworthy, Minister of Foreign Affairs, "Between globalization and multipolarity: the case for a global, humane Canadian foreign policy." <http://www.dfait-maeci.gc.ca/english/foreign/humane.htm>.



encouraging the adaptation of their national economies to the new realities of the global economic marketplace, in part through supporting a political environment which favors the globalization of industry. Political speeches focus on the lack of alternatives; since globalization cannot be ignored, its opportunities cannot therefore be missed. "Competitiveness", "efficiency", "liberalization", the "minimalist state" have become the mantra of this new political climate.

Similarly, the end of the Cold War appeared to herald a new era of "human security." Again, to quote Lloyd Axworthy, human security "includes security against economic privation, an acceptable quality of life, and a guarantee of fundamental human rights", and encompasses "the rule of law, good governance, sustainable development and social equity."<sup>3</sup> The concept of human security transcends the traditional statist understanding of national and international security, and is focussed on "the individual, alone or in collectives, as the object of security; the entity to be secured as opposed to the state."<sup>4</sup> In practice, however, substantive change has fallen far short of this ideal. In the first instance, states are simply unwilling to commit the resources necessary to bring this ideal to fruition. More broadly, however, the very forces of globalization which are seen to be inexorable and inevitable are in fact exacerbating the sources of insecurity which the ideal of human security is supposed to address.

Therefore, while Canadian foreign policy continues to be marked by internationalist flourishes, such as the campaign to ban landmines and participation in NATO's "humanitarian intervention" in the Kosovo War and air strikes on Yugoslavia, such intermittent and well-intentioned initiatives generally fail to address the underlying structural forces which underpin so much of the injustice and insecurity in contemporary world affairs.

While it may be useful to trace a sketch of the processes of globalization, what is crucial to understand is that these processes have a profound impact on the definition, or construction, of the possibilities for Canadian intervention, or commitment. Our argument here is that in highlighting the inevitability of restructuring, globalization, at least in its economic manifestations, is painted as a set of processes which are beyond the realm of politics. Globalization does not appear to be about politics. Even though wholesale economic restructuring takes place within a regulatory context defined by economic liberalization (a context which is fundamentally shaped by political choices and political action), the outcome and exigencies of this restructuring are portrayed as being beyond the realm of political intervention. Globalization is ironically an economic reality to which states must react, but the nature of that (political) reaction is not to be understood as a subject of political debate. Few choices are seen to be open to us, and only intermittent commitments can be made.

The challenge, then, is to identify ways and means to recapture a sense of *choice* and *agency*: the

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<sup>3</sup>Lloyd Axworthy, "Canada and Human Security: The Need for Leadership," *International Journal* 53, 2 (Spring 1997), 84.

<sup>4</sup>J. Marshall Beier and Ann Denholm Crosby, "Harnessing Change for Continuity: The Play of Political and Economic Forces Behind the Ottawa Process," *Canadian Foreign Policy* 5, 3 (Spring 1998), 86.



ability and will to do something about global conditions, sometimes on our own but more often in various unconventional coalitions. This must start with thinking afresh -- developing a clearer sense of where assumed structural constraints may not be as confining as habitually thought, or where such "constraints" may in fact offer novel opportunities for influence and change. We illustrate some of the ways in which this could occur by assessing several key issues and opportunities for Canadian activity in support human rights and global justice.

### Issues and Opportunities

The issues discussed here emphasize the importance of and interplay between both official and unofficial initiatives. Attention is also given to some key limitations on Canadian effectiveness. The themes discussed are not new. They are emphasized, however, because they diverge from more conventional state-centred approaches to human rights promotion, and because they are premised on a long-term perspective concerning the issues in question. They direct attention to long-term structural changes in the global system, and, consistent with the Minister's own agenda, to opportunities to influence these changes in normatively desirable directions.<sup>5</sup>

#### 1) Normative and Ideological Issues:

The language of human rights, democratization and "good governance" has become pervasive in world affairs. It is frequently linked, particularly but not only in American foreign policy discourse, to "free markets" and indeed globalization. Canada's eager embrace of this language from the mid-1980s onwards is therefore part of, and serves to reinforce, a powerful discursive trend.

There is much which is potentially desirable in this complex of ideas. But there is also valid concern that the substantive meaning attached to it will be fundamentally limited and limiting in scope. The liberal conception of democracy and human rights promoted is limited to protecting civil and political rights, securing the rule of law, and sustaining multi-party electoral institutions. This limited conception of rights and democracy, labelled "low-intensity democracy" by Barry Gills and Joel Rocamora and "polyarchization" by the late Bill Graf, neglects social and economic rights and therefore underlying structures of socio-economic inequality. It therefore effectively protects the interests of relatively powerful groups in a time of fluidity and change. Of course, reliable protection for civil and political rights and electoral processes can create space in which more expansive conceptions of democratic change can gain ground; yet the capacity to lobby for these more fundamental changes will remain seriously constrained if socio-economic capacity is limited.

Canadians committed to global social justice need to press for a conception of rights which transcends this "limitationist" one.<sup>6</sup> More specifically, they need to reassert the link between civil

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<sup>5</sup>See Robert W. Cox, 'An Alternative Approach to Multilateralism in the Twenty-First Century,' Global Governance 3 (1997), 104.

<sup>6</sup> On the "limitationist" effects of dominant ideas in the Canadian context, see Mark Neufeld, 'Hegemony and Foreign Policy Analysis: the case of Canada as a Middle Power,' Studies in Political



and political and social and economic rights, and the need for action in support of both. This is a familiar idea, but one which has been disarmed by the apparent consensus on a more limited conception of rights and democracy, and the imperatives of fiscal restraint and economic liberalization. In this new era, giving effect to this linkage will require a new depth of governance at the transnational level, in part through re-configured multilateral institutions.

## 2) The Opportunities of New Multilateral Forums:

The Canadian government has been a consistent supporter of the human rights machinery of the UN, and the creation of regional instruments through the Organization for Security and Cooperation in Europe, the OAS, the Commonwealth, and the like. It should, and will, continue to do so. Yet these institutional structures, though the focus of much innovative diplomatic activity, are poorly integrated with the core institutions of international political economy and security. A very delicate but important challenge, then, is to incorporate stronger human rights provisions into the emerging network of multilateral institutions for the world economy in particular. These would include NAFTA, APEC and the WTO, among others.

There is much wariness of and resistance to such a proposal, from within Canada as well as various parts of the South.<sup>7</sup> One well founded concern is that such provisions will be used by American and other powerful Northern interests, both public and private, as a new instrument for Northern protectionism. A less-well founded concern is that they will erode the advantage provided by a cheap and poorly organized labour force to late developers in the South (there is no reason why Southern countries should not be able to maintain a labour cost advantage while respecting and promoting the rights of their workers). Nevertheless, given the transnationalization of economic activity and the mobility of capital, countries will find that increasingly, effective action on human rights will require enhanced regulation and enforcement measures at the transnational level. Otherwise, at least some states will compete by offering a more permissive environment for foreign investors, and governments will be reluctant to risk disadvantaging themselves and their corporate citizens by openly criticizing the human rights practices of regimes they are courting.

In order to minimize the risks and maximize the benefits of this process, emerging regional and global economic institutions will have to become more open and transparent, and citizens' groups will have to deepen their own transnational links to hold governments accountable in these institutional contexts. If these things occur, however, such organizations as the WTO, APEC, NAFTA, often criticized by human rights activists, trade unionists and the like, have the potential to strengthen the hand of such activists and trade unionists in more repressive contexts. This points towards the importance of networks of non-state actors.

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Economy 48 (1995).

<sup>7</sup> For a discussion of these issues, see Gerald J. Schmitz and Corinne McDonald, 'Human Rights, Global Markets: Some Issues and Challenges for Canadian Foreign policy,' Library of Parliament, Background Paper 416E (April 1996), 13-22.



### 3) The role of non-state actors:

Nongovernmental Organizations (NGOs) have long played conspicuous and important roles on human rights issues. There have been a number of celebrated instances where the activities of NGO networks have led to the reconfiguration of state interests, literally changing the course of history. The struggle against apartheid is one such instance; the campaign for a ban on landmines may emerge as another, though its long-term structural significance remains uncertain.

The question remains however: can these networks begin to organize on a more systematic and consistent basis? Can they organize around more arcane issues of regulation and institution-building, versus isolated and compelling moral causes? Can they organize, for example, to successfully press for the incorporation of stronger protections for labour and human rights in NAFTA, or for the incorporation of human rights provisions in APEC? While there has been much speculation about the prospects for an emerging "global civil society", even sympathetic analysts have stressed how difficult this work has proved in, for example, the NAFTA context.<sup>8</sup>

Still, this is the direction in which organizing must go if the incorporation of stronger human rights provisions into transnational economic institutions is to progress. This is a long-term project even in relatively hospitable contexts, yet a variety of beginnings have been made. The Canadian government, for its part, has demonstrated sensitivity to the need for effective transnational NGO organization in the traditional human rights realm. For example, it co-sponsored an international conference of NGOs to review progress in implementing the Vienna Declaration and Program of Action [VPDA], and a forum for pan -Commonwealth NGOs, both during 1998. It is a relatively small step to accepting the logic that the same sort of transnational process should be organized around international economic institutions.

### 4) The Role of Transnational Corporations and Corporate Codes of Conduct:

The transnationalization of the economy and the internationalization of the state have been accompanied by, and facilitated, the growing influence of TNCs. Stopford and Strange have argued that this trend demands the reconceptualization of international political economy as a triangular process involving state-state, corporation-corporation, and state-corporation interaction.<sup>9</sup> This is an important advance on conventional approaches to international relations; yet in neglecting the role of other non-state actors, it does not go far enough. It does, however, lead to the controversial question of whether TNCs can become more effective instruments for the advancement of human rights.

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<sup>8</sup>Teresa Healy and Laura MacDonald, "Engendering Counter-Hegemony: The Regionalization of Social Forces in North America," Paper presented to the Annual Meeting of the International Studies Association, Toronto, 18-22 March 1997.

<sup>9</sup>John Stopford and Susan Strange, Rival States, Rival Firms, Competition for world market share (Cambridge: Cambridge University Press, 1991).



There are "minimalists" who argue that simply by investing in relatively repressive contexts, thereby exposing these societies to different (in particular Western) ideas and influences, corporations advance the cause of political openness and human rights.<sup>10</sup> While this may be theoretically possible, the evidence for this view is not strong, and indeed there are cases in which experience points in the opposite direction.<sup>11</sup> Thus, a more active approach is required, in which corporations agree to specific human rights commitments and are held accountable for their performance.

One form these commitments might take is corporate codes of conduct. This is an old idea which may be on the threshold of new relevance. In the past, such codes often served, in effect, as a means of deflecting pressure for stronger punitive measures against human rights violators. This was true in the case South Africa, for example, where the American, European and Canadian Codes were increasingly discredited. More generally, they have suffered from a lack of effective enforcement mechanisms, inadequate guidelines for the implementation of standards, and complex chains of subcontracting which have allowed firms to evade their reach.<sup>12</sup> Moreover governments -- Canada's included -- have been very reluctant to enforce their provisions or to expose violators to public embarrassment.

These weaknesses are formidable, but not insurmountable. Once again, the transnationalization of such codes through processes of corporate peer pressure, governmental encouragement, and non-governmental advocacy could significantly enhance their scope. Creating clear and effective enforcement measures may be even more challenging, but committed networks of human rights NGOs would aid considerably in this process too. One key advantage of codes of conduct is that some corporations are themselves proposing them. In Canada, for example, Canadian Occidental Petroleum led a corporate effort to draft an "International Code of Ethics for Canadian Business" in response to concern over human rights abuses in Nigeria, and private sector complicity therein.<sup>13</sup> It apparently attracted considerable international interest, though it has subsequently been overshadowed by dramatic political events in that country. Codes of this type are a very small beginning, and much work remains to be done on enforcement in particular. Moreover, the danger remains that such codes will be used to justify unwarranted delays in adopting punitive sanctions where they are more appropriate. Nevertheless, given the large and growing political influence of such corporations, efforts to encourage or indeed compel their participation in protecting and

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<sup>10</sup>See Schmitz and McDonald, 2-6.

<sup>11</sup> For example, South African corporations and TNCs active there argued that unfettered capitalist development would ultimately force the easing of South Africa's repressive racial policies. Yet throughout the post-war decades of rapid economic growth, virtually no progress was made towards the dismantling of apartheid, and repression mounted. Corporations only became agents of change when sanctions pressure accumulated and South Africa became an increasingly unprofitable market.

<sup>12</sup>Schmitz and McDonald, 7.

<sup>13</sup>Available from Canadian Occidental; dated September 1997.



promoting human rights deserve renewed consideration.

### Conclusion

To some, the directions proposed above may seem naively idealistic. However, each seeks to identify key contemporary trends, and to locate opportunities within them for progressive action in support of long-term change -- in this case to support human rights. In each case, the active agents would ideally include the Canadian and other governments, but are by no means limited to them. In some cases, government may be reluctant or even resistant, yet progress can still be made through the efforts of non-governmental actors animated by important shared principles. Together, they hold some promise of narrowing the gap between human rights aspiration and fulfilment, and regaining a sense of political capacity and choice in the face of globalization.



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