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Glob.Idealization

Mond.Idéalisation

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La Revue canadienne de la mondialisation (RCM) est gérée entièrement par des étudiants et étudiantes aux cycles supérieurs à l'Université d'Ottawa, en association avec l'École de développement international et mondialisation. Les œuvres regroupés dans cette revue académique ont été évalués par des pairs. Ces œuvres constituent la propriété intellectuelle des auteurs respectifs. Pour toute autre information ou pour vous mettre en contact avec un(e) des auteurs, veuillez contacter Nathan Reyes : nreye020@uottawa.ca

FORWARD

This second issue of the Canadian Journal of Globalization (CJOG) represents the culmination of the collective efforts made by its members – all graduate students from the University of Ottawa – as well as by the authors of the outstanding collection of articles found within.

The CJOG encourages the dissemination of articles that embrace an open-minded and pluridisciplinary approach to local and global issues, all the while aiming to strike the careful balance between freedom of expression and respect for others. All articles found within this journal have been peer-reviewed by our editorial committee before their selection for publication. Ultimately, our mission has been to render exceptional works of graduate students from across the country as widely accessible as possible, through the diffusion of such knowledge, in printed and electronic formats, free of charge.

Counting articles in both official languages of Canada, this second issue of the CJOG encompasses a variety of topics, including but not limited to global governance, the globalization of education, human rights, the right to health, the role of financial institutions, internally displaced persons and spirituality – all of which, despite their diversity, remain interconnected in this journal by its central theme, globalization.

It is our hope that this insightful collection, the fruit of tireless efforts made by already over-worked graduate students, will succeed in its mission, providing deserved exposure of the works within to all.

Cordially,

Nathan Reyes

Editor-in-Chief

AVANT-PROPOS

Ce deuxième numéro de la Revue canadienne de la mondialisation (RCM) a été rendu possible grâce aux efforts collectifs et soutenus de ses bénévoles – tous et toutes étudiants et étudiantes aux cycles supérieurs à l'université d'Ottawa – et également grâce à la contribution remarquable des auteurs des articles regroupés dans cette revue.

La RCM prône une approche ouverte d'esprit et pluridisciplinaire par rapport aux enjeux locaux et globaux. Ultimement, notre mission est de rendre des œuvres exceptionnels d'étudiants et d'étudiantes canadiens aux cycles supérieurs accessibles à tous et à toutes. Pour ce faire, la RCM est entièrement gratuite, en format imprimé et électronique.

Ce numéro de la RCM regroupe des articles traitant d'une grande diversité de sujets, en anglais ainsi qu'en français. Les articles ont été évalués et sélectionnés par un comité éditorial rigoureux de façon anonyme. Les sujets traités varient de la gouvernance globale à la spiritualité, en passant par l'internationalisation de l'éducation, les droits humains, le droit à la santé, le rôle des institutions financières, et les personnes déplacées internes. Bien que complexes et divers, ces enjeux sont néanmoins tous reliés par le thème central de cette revue : la mondialisation.

Nous espérons que cette compilation – le fruit d'efforts inépuisables d'étudiants et d'étudiantes déjà épuisés – réussira à accomplir sa mission, valorisant ainsi son contenu tout en le rendant accessible à tous.

Cordialement, 

Nathan Reyes

Rédacteur en chef

REMERCIEMENTS | ACKNOWLEDGEMENTS

La réalisation de ce deuxième numéro de la RCM n'aurait pas été possible sans la détermination de ses bénévoles. Vous, qui étudiez à temps plein, qui travailliez comme assistant(e)s d'enseignement et de recherche; vous n'aviez déjà plus de temps libre, pourtant vous avez consacré des longues heures à cette revue. C'est surtout vous que je tiens à remercier, car cette revue est la vôtre.

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Quant aux artistes qui ont créé un véritable œuvre d'art, uniquement pour la page coverture de la RCM, je vous remercie mille fois. Claude-André Pelletier et Karine Léveillé, seule votre générosité éclipse votre talent extraordinaire.

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AUTEURS | AUTHORS

Alexandrine Cardin-Dubé
Dan Herman
Grace Karram Stephenson
James Wellstead
Megan Pickup
Nootan Kumar
Olivier Bégin-Caouette
Phoebe Stephens
Verónica Rubio Vega

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Irakli Gelukashvili
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Rebecca McMillan

COUVERTURE | COVER DESIGN

Claude-André Pelletier
Karine Léveillé

MISE EN PAGE | LAYOUT

Marc-André Bourgon
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Nathan Reyes

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POLITY WITHOUT DEMOS: DEFINING GLOBAL ACCOUNTABILITY IN GLOBAL GOVERNANCE

Dan Herman
Wilfred Laurier University

This article examines how global governance is constructed and held to account for its various constituent parts, and notes that as the geographic scope of cause and effect widens, and as the mechanisms for their governance is increasingly structured along multi-level and networked lines of authority, accountability becomes ever more challenging given the presence of still undefined polity. This forces scholars of global governance not only to question the design, actors and structure of global governance, but also to investigate the deeper meanings of global governance in relation to power, identity and ethics. This paper endeavours to look at both sets of issues, and in the process argues that global governance cannot exist as an accountable mechanism of rule without an overarching commitment to global ethics that has so far escaped its reach.

Dan Herman is a PhD candidate in Global Governance at the Balsillie School of International Affairs at Wilfred Laurier University. His research focuses on the governance of international trade, and the political economy and two-level games that shape it. He holds a Masters (MSc) in Development Studies from the London School of Economics.

Introduction

In Plato's *Republic*, Socrates debates the question of governance and the notions of accountability and oversight in his description of an ideal society.[1] Central to this debate is the theme of *quis custodiet ipsos custodes,* –who will watch the watchers? The question, now over 2000 years old, highlights the most fundamental aspect of governance – accountability – and its relevance at all levels of government. Thereafter, constitutional designers have sought to separate the powers of government to ensure a system of checks and balances akin to a system of "watching the watchers." The return of democratic, participative rule in modern nation states can provide both ex post and ex ante accountability for those governed. Yet as the effects of economic and cultural globalization are increasingly felt by local populations, domestic accountability alone does not suffice. Efforts toward the establishment of mechanisms of global governance have subsequently attempted to reconcile the gaps present between local governance and local experience and the trans-national issues and causes that increasingly impact them. As the geographic scope of cause and effect widens, and as the mechanisms for their governance is increasingly structured along multi-level and networked lines of authority, how can constituents hold the decision makers that shape their environment accountable? And more important, who is defined as the demos in an increasingly global polity?

These questions force scholars of global governance not only to question the design, actors and structure of global governance, but also to

[1] Plato, *The Republic*, with English translation by Desmond Lee, Penguin: New York (1955).

investigate the deeper meanings of global governance in relation to power, identity, and ethics. This paper endeavors to look at both sets of issues, and in the process argues that global governance cannot exist as an accountable mechanism of rule without an overarching commitment to global ethics that has so far escaped its reach. In so doing, accountability that satisfies the demands of a system of global governance is necessarily framed as the product of ethics and internalized cosmopolitanism rather than vice-versa. Notions of accountability are inextricably framed by the questions of to whom is global governance accountable, and to what ends, given the breadth of stakeholders involved. The study and design of global governance must therefore answer both in order to evolve into a constitutive element of how the world and its countless working parts are governed.

The first section of the paper examines how notions of accountability reared at the national or local level inform debates on the accountability of global governance, in particular the consensus that now exists around the prevalence of accountability deficits in existing mechanism of global governance. The second section delves into the causal factors that inform this perceived accountability deficit. It focuses on two primary factors: the perceived legitimacy of the actors within global governance networks, and the breakdown of "equivalence" among polity and demos as global rather than local governance pre-dominates. The third section highlights proposals to better equip global governance with mechanisms to ensure accountability, and the ideational and societal constraints that have so far mitigated their advance. The paper concludes with a discussion of the endurance of "place"

and the constraints it poses to the adoption of global ethics and to the accountability of global governance.

Held to account

In national or local-level democracies, accountability can be measured ex post through the choices made by citizens at the polls, or with more difficulty, ex ante through the proactive framing of party preferences and policy to align with voter desires. The fear of exclusion (loss) or replacement (loss) thus drives forms of democratic political accountability for political hosts that govern defined constituencies within defined territorial boundaries. Accountability in traditional areas of international relations or international organizations relies on a delegated aspect of that accountability.[2] Thus, national governments are held to account for the inter-state relations they enter into, as well as their participation in inter-national forums of cooperation.

Strictly state-based, regional, or supra-national bodies, such as the Association of Southeast Asian Nations (ASEAN) or the European Union (EU), operate in somewhat similar fashion. In both cases, national governments are entrusted with negotiation at a supra-state level. However, should constituents disagree with the results, they may choose to vote differently at the national level, or as was the case recently in Ireland, to call

[2] Grant and Keohane (2005) provide a useful overview of accountability at both the domestic and global levels: Grant, R. and R. Keohane, (2005). "Accountability and Abuses of Power in World Politics" *American Political Science Review* 99 (1): 29-43.

for the government's immediate replacement.[3] In short, a clear constituency exists to hold national governments accountable for their actions, no matter the forum. On another level, however, the decisions made at the supra-national level, while legitimized by the participation of national governments, are not held to account by any direct constituency. There is no recall procedure for citizens of a State to hold supra-national, regional, global or other multilateral-type institutions to account in a direct manner.

Global governance as the ultimate extension of such forms of beyond-national governance exhibits but a weak, and perhaps tangential, relationship between polity and demos. And therein emerges one of the primary paradoxes of global governance. For if global governance is to be accountable, to whom will it be accountable? To repeat the question pondered by philosophers so long ago, *quis custodiet ipsos custodes*? Who will watch global governance, and why?

[3] Following the February 2011 collapse of Ireland's coalition government as a result of outcry over the conditions of an IMF/EU bailout, the Irish electorate (with a turnout of over 70 percent) handed the ruling Fianna Fáil party the worst defeat of a sitting government since the formation of the Irish state in 1921, a result interpreted in many circles as "indicating public anger at the government and the EU." For example, see: Waterfield, B. (2011) "Ireland's new government on a collision course with EU," *The Telegraph*, February 26, 2011.
http://www.telegraph.co.uk/news/worldnews/europe/ireland/8349497/Irelands-new-government-on-a-collision-course-with-EU.html

The sum of its moving parts

Compared to traditional state-based polities, this question of accountability has added importance for the study of global governance as the latter must be understood beyond the confines of strictly inter-state relations. Increasingly, a body of knowledge is coalescing around the conceptualization of global governance as issue-specific, multi-level governance processes, These processes encompass state and non-state actors who operate at various levels of geographic authority, and whose authority is both buttressed by, and shared with, private corporations and non-governmental organizations.[4] Governance is thus neither a question of singular actors, nor of the explicit weakening of the state in a zero-sum game with non-state actors, but rather a question of collaborative processes amongst many akin to Foucault's technologies of government as governmentality.[5] Deciphering to whom each of these actors is accountable, let alone how and why, is no easy task, and thus the commonplace perception that global governance as currently designed suffers from a deficit of both accountability and legitimacy.

This deficit exists for two reasons. The first is derived from the individual measures of accountability perceived of each participant in these new multi-level governance networks. While private actors are almost by

[4] Burke-White, W. 2005. "Complementarity in Practice: The International Criminal Court as Part of a System of Multi-level Global Governance in the Democratic Republic of Congo" *Leiden Journal of International Law* 18: 557-590; Sending O.J. and I.B. Neumann. (2006). "Governance to Governmentality: Analyzing NGOs, States and Power" *International Studies Quarterly*. 50 (3); Rosenau, J.N. (1999). "Toward an Ontology for Global Governance" in *Approaches to Global Governance Theory*, Martin Hewson and Timothy J. Sinclair; editors, SUNY Press: 287-302.

[5] As detailed in Sending and Neumann. (2006): 651-672.

definition viewed with mistrust due to their profit-orientation and shareholder, rather than broader stakeholder, privileging, non-governmental organizations are largely viewed as benevolent actors.[6] However, such normatively-positive perceptions aside, reality may produce a quite different result. As Robert Wade (2009) notes, non-governmental organizations (NGOs) "claim to be motivated to do good for the world and not to judge the cost of effort according to the material benefits accruing to their members."[7] His analysis highlights, however, that the positive perceptions of many, if not most NGOs, are earned without proper investigation into their actual activities, and highlights the potentially negative outcomes that may accrue to local populations as a result of a societal embrace of these lightly-policed actors. Thus, while NGOs "have incentives to deliver newspaper headlines and knock-out blows, which show them to be doing a valuable job and deserving of financial support," their actual impact comes with little objective analysis, as who is to hold them ultimately accountable?[8]

James Ron and Alexander Cooley's work (2002) on the efficacy and accountability of NGOs supports this thesis on the accountability-deficit

[6] The relationship between feelings of trust towards an actor and perceptions of accountability regarding that actor are an important area of investigation for global governance. Subsequently it is instructive to note that annual research on trust indicators towards various actors highlights the primacy of NGOs as trusted agents vis-à-vis private actors or government Source: Edelman. 2010.. *Edelman 2010 Trust Barometer: An annual global opinion leaders survey*. Accessed at: http://www.edelman.com/trust/2010). Incidentally, academics are viewed as the most trusted.

[7] Wade, R.H. (2009). "Accountability Gone Wrong: The World Bank, Non-governmental Organizations and the US Government in a Fight Over China" *New Political Economy* 14 (1): 26.

[8] Ibid Wade (2009): 27.

facing NGOs.[9] As these authors note, "Once established, transnationals [NGOs] are organizations like any other. To survive in a competitive world, they must justify their existence to donors, secure new contracts, and fend off competitors. Under specific institutional conditions, these imperatives will produce dysfunctional results." While non-governmental organizations have been included in mechanisms of global governance as a means of "checking" the power of traditional state or private actors, their own accountability is not above reproach, leaving the mechanisms they "check" little better off with respect to truly objective analysis. Susan Sell and Aseem Prakash (2004) add that both NGOs and private actors are interest groups that seek to shape opinion, create political opportunities and graft preferred goals onto debates.[10/11] From where, and for whom, those goals originate is the key to understanding how accountable an organization, no matter its sector, is for a broader population.

Although systems of democratic rule most often include protection for minority rights, with evidently varying degrees of effectiveness, neither civil society nor the private sector have such standards. Their participation and engagement in the mechanisms of global governance thus do little to provide a more objectively measured accountability, and rather exists solely to promote the interests of their principals, be they shareholders or funders.

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[9] Cooley A. and J. Ron. (2002). "The NGO Scramble: Organizational Insecurity and Political Economy of Transnational Action" *International Security* 27 (1): 39

[10] Sell S. and A. Prakash (2004). "Using Ideas Strategically: The Contest between Business and NGO Networks in Intellectual Property Rights" *International Studies Quarterly* 48 (1): 144.

[11] And as these authors note, given that 55% of American households own equity in American corporations through either market investments or pension savings, are corporations and their profit-orientation as altruistic and benevolent as NGOs (151)?

Global governance, as understood as a networked form of authority leveraging efforts from state and non-state actors, thus suffers from the impact of these perceived constraints on the accountability of the principal actors within it, be they private organizations or altruistically-framed non-government organizations.

The breakdown of equivalence

Global governance, as a broad conceptual framework that describes the processes of power and authority in an age of globalization, might escape such criticism if all experienced the outcomes and effects of such governance equally. Yet as Chesterman notes, globalization and the mechanisms of global governance heretofore established to govern it, have been perceived as "as either brute capitalism or a new and more efficient form of colonialism."[12] Therein lies the second causal factor relating to global governance's accountability deficit: the separation of polity and demos. This is made abundantly clear by what David Held (2004) calls the "breakdown of equivalence" between governing and governed, between decision maker and stakeholder.[13] For in an 'unbundled' world, the actors who shape ideas and make decisions, and the ideas that shape actors and inform decisions, are often far removed from the plurality of recipients that exists as a dispersed constituency of the "global". As such, the experiences of one group within

[12] Chesterman, S. (2008). "Globalization Rules: Accountability, Power and the Prospects for Global Administrative Law" *Global Governance,* 14 (1): 39.
[13] Held D. (2004). "Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective" *Government and Opposition,* 39 (2): 371.

that broad constituency may differ broadly from those of another. The ongoing divergence of real incomes and standards of living between industrialized, newly industrializing and least developed countries, despite the existence of a "World Trade Organization", a "World Bank" and a host of international institutions that purportedly serve to even the playing field, speaks to the multiple realities and hyper-diversity of how global governance is experienced. As Seyla Benhabib (2005) notes, "it is clear that these organizations serve more the interest of donor countries than those whose livelihood and stakes in many parts of the world they affect."[14] What may seem as legitimate and as being held "to account" for some, may be experienced as illegitimate and lacking accountability by others. Therefore, global governance as a legitimate means of decision-making and authority is then far from having honestly defined to whom it is truly accountable. Efforts to correct this deficit, however, are not lacking.

Accountability for whom and by whom?

Numerous proposals exist aimed at creating more concrete means of holding the various global governance mechanisms accountable. For instance, Simon Chesterman's (2008) "accountability on the march" proposes to mitigate the worst effects of globalization by establishing mechanisms of global administrative law consisting of "procedures and normative standards for regulatory decision-making that falls outside domestic legal structures and yet

[14] Benhabib, S. (2005). "Borders, Boundaries, and Citizenship" *PS: Political Science and Politics* 38 (4): 676.

is not properly covered by existing international law".[15] This technocratic approach seeks to constrain non-conformative behaviour, both ex ante and ex post, through a participative, delegated and reflexive approach to decision-making that promises both input and output legitimacy.[16] In similar fashion, Ruth Grant and Robert Keohane (2005) espouse a vision of accountability as a meshed and networked paradigm, grafted onto individual mechanisms of global governance where and how appropriate.[17]

While such models of legal or administrative accountability are indeed welcomed steps forward in a dialogue about how to improve accountability in global governance, they both fail to pass the litmus test of incorruptibility given their continued reliance on specific actors to shape the legal framework within which their behaviour rests. As Chesterman acknowledges, the possibility of capture remains, and the weakness of non-industrialized countries will continue to see their fate decided by the world's rule makers.[18/19] Furthermore, Grant and Keohane admit that power continues to shape the definition and conceptual lens of such accountability. Weak states will continue to be subject to the whims of the powerful.[20] The limited, if at times non-existent, engagement between polity and demos is by

[15] Chesterman, S. (2008): 39.
[16] Ibid: 49.
[17] Grant R. and R. Keohane. (2005): 29-43.
[18] Chesterman, S. (2008): 49.
[19] The World Trade Organization is often identified as operating with the most 'teeth' given the legal charter that constrains member state behaviour and establishes subsequent forums for dispute resolution. Its ability to dictate recourse for plaintiffs, however, is still highly correlated to the balance of power between disputants.
[20] Grant R. and R. Keohane. (2005): 40.

no means significantly reformed. Law can establish accountability if it is the product of dialogue and 'equivalence' between governed and governing (as understood in contemporary notions of trans-national and global). It can, however, also be used to entrench deficits where advantageous for one party.

Tackling and structuring equivalence remains beyond the grasp of both aforementioned projects. In part, the endurance of the equivalence gap can be explained by the lag observed between theoretical concepts of the global and their replication in society. Thus, while contemporary mechanisms of global governance endeavour to construct trans-national polities around issue-specific spaces, they do so with no commonly understood or accepted definition of who or what constitutes the demos associated with each space and thus no firm definition of who should participate in that dialogue. As Held notes, an extension of the democratic ethos that prevails in most national governments to the global level requires that those affected by extra-territorial decisions and the impacts that may accompany it, are given an ability to participate in the discourse related to that issue, thus re-establishing equivalence.[21] The definition of stakeholder, traditionally defined within territorial boundaries, becomes an ambiguous and dynamic term, defined by issue and effect rather than place of origin.

This "global democratic accountability", however, necessitates a structure within which stakeholder participation is anchored. Held's proposed cosmopolitan multilateralism goes beyond Chesterman's functional, albeit vague, vision of administrative law. It envisions a bridging

[21] Held D. (2004): 372.

of global issue networks, regional parliaments and broadly defined "overlapping communities of fate", in order to build a global architecture that reflects and accounts for the dependencies and subsidiarities that are no longer constrained by territorial boundaries .[22]

However, like Chesterman, Held offers little concrete detail as to the functioning and procedural elements of his proposed multilateralism. How will accountability, as determined along the "equivalence" he proposes, be woven into a meshed vision of multi-level networked governance? Building upon pre-existing state and inter-state structures as he proposes does little to mitigate existing power disparities or the vulnerability to capture by special interests. Neither does his admission that the creation of this cosmopolitan multilateralism may require the imposition or coercion through threat of force.[23] Such arguments presuppose a universalistic acceptance and internalization of a common goal or framework for societal evolution. In doing so, cosmopolitanism, and by extension this vision of global governance, are projected as singular normative forces, akin to Meyer et al.'s "contemporary world culture."[24] The latter argue that the forces behind this coalescence are rooted in communities of experts that propagate "the region of the modern world" and inform the decision-making processes that shape how governance is felt at the local level.[25] Yet if global governance is to function with reflexivity and equivalence, or in more common parlance, if it

[22] Ibid: 382.
[23] Ibid: 385.
[24] Meyer, J.W., J. Boli, G. M. Thomas, and F. O. Ramirez (July 1997). "World Society and the Nation State", *American Journal of Sociology,* 103 (1): 168.
[25] Ibid: 164.

is to be both held accountable and shaped by those who experience it, then such singular visions defy the realities of a global society.

Therein the importance of the analysis of the processes of governance, as opposed to simply the actors or ideas of governance, is highlighted as the key procedural step in our understanding of accountability. Anne-Marie Slaughter and David Zaring (2006) comment that "accountability is impossible without an understanding of how networks fit together with more traditional international organizations."[26] This more accurately pinpoints the key challenge of accountability in a networked, unbundled age. Accountability is not about singular forces or constituencies, nor singular conceptions of actors, be they state or non-state. Rather, global governance must be understood as the intersection of ideas, actors, and the plurality of geographies, ideologies, and stakeholders they represent.

Accountability is thus a plural interpretation of experienced reality. There is no single constituency, and there is no single experience. Perhaps acknowledging the aforementioned critique of his "cosmopolitan multilateralism", Held (2004) notes that his vision relies on the establishment of a form of multi-level or cosmopolitan citizenship. This citizenship would in effect create a singular "global". He argues that this cosmopolitan citizenship would defy traditional territorial identities and would allow citizens to participate in all political communities in which they have a critical stake, notably through trans-national referenda.[27] This call for plural

[26] Slaughter, A.-M. and D. Zaring. (2006). "Networking Goes International: An Update" *Annual Review of Law and Social Science,* 2: 212.
[27] Held (2004):386.

citizenship is reminiscent of Immanuel Kant's much earlier call for global citizenship that sought to bridge societal divides "by using the common right to the face of the earth, which belongs to human beings generally."[28]

The normative appeal of such visions is not to be discounted. Calls for global justice, global human rights, and other universalistic and altruistic calls for equality are rooted in a belief of the precedence of morality over materialism, no matter the physical and territorial boundaries involved. And as both Benhabib (2005) and Held (2004) argue, state-based or territorially-defined citizenship belie the realities of the migratory patterns of both issues and peoples. If, as Saskia Sassen (2005) argues, the state is no longer adequately measured by its borders, then neither can citizenship be measured by territorial borders alone.[29] The concept of place can defy traditional notions of polity. One place may represent many polities. And thus the cosmopolitan ideal of global citizenship should inform, if not define, accountability on the basis of a global demos, wherein each is a stakeholder in a variety of global or trans-national processes: a true return to equivalence. However, if our visualization and interpretation of society increasingly projects a networked, meshed, and unbundled notion of territory and citizenship, of governed and governing, why has accountability not kept up?

[28] Kant, I. (1795). Perpetual Peace: A Philosophical Sketch. New York: Garland Pub, 1972: 8.

[29] Sassen, S. (2005). "When National Territory is Home to the Global: Old Borders to Novel Borderings", *New Political Economy,* 10 (4): 523-41.

A global polity, a local demos: where thought and practice diverge.

As Thomas Pogge (2008) notes, the privileging of one group amongst others is an all-too common part of the historical process of globalization.[30] While imperialism and colonization may have receded to the annals of history, the forced subservience of one people to the power of another remains active. What was physically-enforced slavery then, is economically- or culturally-enforced servitude now. Thus, cosmopolitan ideals regarding equality remain but a vision, poorly replicated in reality. Furthermore, while the ambiguity of what constitutes the domestic versus foreign confuses our perception of "who is us", societies continue to identify themselves as defined polities and defined constituencies, despite the evident reality that doing so almost automatically identifies an "other".[31] The endurance of "place" and "people", and of polity and demos, is not incongruent with the views held by Sassen (2005) on the unbundling and de-nationalization of territory and the state. For in both arguments, how the global is experienced and felt at the local level continues to matter.

Emanating upwards from these local constituencies, multilateral institutions, despite their often broad, near universal memberships, host negotiations on the governance of trade, the environment and security that far too often privilege the self-interest of powerful states and powerful local constituencies, rather than a true equivalence amongst all stakeholders. As

[30] Pogge, T. (1990). "General Introduction," from *World Poverty and Human Rights,* Cambridge: Polity Press: 29.

[31] Reich, R. B. (January/February 1990). "Who is US?", *Harvard Business Review*: 53-64 quoted in Kobrin Kobrin, S. (1998). "Back to the Future: Neomedievalism and the Post-Modern Digital World Economy", *Journal of International Affairs,* 51 (2): 368.

noted by Hedley Bull long ago, the presence of an international system does not necessarily confirm the presence of an international society.[32] Thus, the Doha Trade Round remains stalled, in part due to the stubborn unwillingness of rich industrialized countries to eliminate domestic subsidies; the Copenhagen Summit on environmental governance and emissions reductions failed thanks in large part to industrialized and industrializing country reticence to risk economic growth; and the United Nations Security Council projects a willing indifference to the plights of its many stakeholders by a continuous jockeying of self-interest and economic relationships over the plight of the world's least-able populations.

This overview of contemporary mechanisms of global governance certainly reinforces the theme of an accountability deficit therein. However, as noted in the previous section, procedural innovations, be they legal or normative, will do little to change the equivalence of global governance so long as the ethics of those governed do not demand it. Global administrative law as proposed by Chesterman or similarly by Grant and Keohane will not quell the influence of power. Forms of cosmopolitanism, as proposed by Held, Kant or Benhabib, cannot be enforced or created at the 'global' level. Rather, both sets of ideational projects are dependent on the will of the local. Surmounting the barriers to true accountability in the machinations of global governance is thus dependent on the ethics of a still-plural demos. As Thomas Weiss notes in relation to the United Nations, "It is not enough that

[32] Bull, H. (2002). "The European International Order," in *Hedley Bull on International Society*, Alderson and Hurrell; editors, London: McMillan Press: 172.

(it) be made to work; it must be seen to work for all."[33] This undoubtedly applies to global governance as a whole.

Producing a cohesive global ethic – one that facilitates a form of global equivalence and is therefore unconstrained by a diversity of territories, cultures, and peoples – requires a grandiose public compact. This compact, however, need not homogenize values or culture, nor should it rely on altruistic visions of a cosmopolitan polity or global moral consciousness. For while Akira Iriye (2002) is correct in his observation that transnational efforts related to humanitarian and development projects, environmental issues, and human rights are steps toward a form of global community and global moral consciousness,[34] the ongoing persistence of the roots of crisis and inequality highlights the limited intra- and inter-societal depth and internalization of this consciousness. Be it contemporary attempts at reform of global financial institutions such as the International Monetary Fund[35] or historical chapters such as the rise and fall of the New International Economic Order[36], calls for redistributive strategies related to institutional power and the corridors of influence have been unable to overcome the power of entrenched interests and ultimately the power of local constituencies and fears of redistributive losses.

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[33] Weiss, T. (2009). "What Happened to the Idea of World Government?" *International Studies Quarterly,* 53: 267.

[34] Iriye, A. (2002). *Global Community: The role of international organizations in the making of the contemporary world*, Los Angeles, University of California Press.

[35] See, for example, Bryant, R.C. (2008). *Reform of IMF Quota Shares and Voting Shares: A Missed Opportunity,* Washington, D.C. Brookings Institution.

[36] See Hudson, M. (2003). *Global Fracture: The New International Economic Order.* 2nd Edition. New York, Harper and Row.

Moving beyond the peripheral forms of global community presented by Iriye requires addressing the social and economic barriers that stand in the way of widespread belief that a rising tide will indeed raise all boats. Yet reaching a pareto-improving consensus, and therefore the promise that redistribution to some will not cause economic or social losses to others is reliant on the two-level games between domestic and global levels of governance. While states with built-in safety nets and well-funded welfare systems are able to compensate for losses and facilitate re-allocation to new productive sectors, states without them are likely to face strong domestic resistance to any such redistribution and are likely to stand in the way of any form of true distributive equality. Thus, the domestic diversity of such welfare systems, and paucity of such systems in even the richest of states, stand in the way of a global public compact toward truly equivalent global governance. Perceived "equivalence" within global governance, especially in the economic realm, would benefit from the development of a form of global welfare, instituted to shield those negatively affected by global issues in both rich and poor members of the global community. As recent discussions related to a global tax on financial transactions highlight, the imposition of supra-national taxation faces significant opposition from interest groups in developed economies. In its absence, the development of global moral consciousness is thus unlikely to expand beyond ex post efforts and will instead continue to ignore the more challenging effort of reforming the ex ante factors and processes at the heart of a contemporary breakdown of equivalence.

Conclusion

To be viewed as truly legitimate, global governance must be designed to serve and be accountable to all of its stakeholders. In its most explicit form, this means equating a global polity with some form of global demos, wherein equivalence is sought amongst a broad array of issue-specific stakeholders allowing those affected to have a voice. The normative appeal of such a goal aside, innovations in administrative law or cosmopolitan ideals are unlikely to create accountability mechanisms sufficient in strength and constraining ability vis-à-vis the enduring power of vested interests. The endurance of the latter is indicative of the continuing relevance of "place" within global governance, notably the impact of global events and issues on domestic and local constituencies. Therefore, creating accountable mechanisms of global governance can only succeed if buoyed by a fundamental embrace of a global ethic based upon the equality of opportunity, in particular by the domestic constituencies of powerful states. Doing so, however, depends on a willingness of the powerful to accept sacrifices which, as Weiss acknowledges, depends on a "delicate grand bargain."[37]

Determining whether this grand bargain of ethics is utopian or relatively plausible is key to divining the future of global governance. If achievable, then global governance may still evolve into an accountable and legitimate form of governance in the 21st century wherein a plurality of global polities are held accountable by a plurality of global demos. However, if global ethics and the sacrifices required are too much of a divergence from

[37] Weiss (2009): 267.

the patterns of human behaviour that favour identity and proximity, then a rapid retrenchment away from the rhetoric and practice of governance at the global level is a likely next step. And while some authors such as Iriye (2002) highlight peripheral forms of transnational consciousness as progress toward global community and global moral consciousness, the continued presence of fortress-like barriers to economic and social convergence posit a limit to the bounds of global community and global ethics.

The study and practice of global governance is likely to evolve in an uneven pace, punctuated by progress in peripheral, non-economic areas of governance but stagnancy in matters of localized economic importance. The gradual development of global norms on human rights, for example, has yet to translate into a broadly internalized framework for economic justice. This remains the most imposing barrier to true equivalence in global governance and barring an unforeseen shift in the social psychology of a plurality of publics, it will significantly dampen progress toward legitimate and equivalent forms of global governance.

EQUITY NORMS IN GLOBAL ENVIRONMENTAL GOVERNANCE: A HISTORICAL APPROACH

Phoebe Stephens
University of Waterloo

Phoebe Stephens has recently completed a Masters degree in the Environmental Studies Stream of the Global Governance program at the Balsillie School of International Affairs at the University of Waterloo. She would particularly like to thank Dr. Dan Gorman.

Introduction

"So locked are we within our tribal units, so possessive over national rights, so suspicious of any extension of international authority, that we may fail to sense the need for dedicated and committed action over the whole field of planetary necessities" (Ward and Dubos 294). This sentiment was expressed more than thirty years ago and yet continues to apply today. Commitments to the Kyoto Protocol are due to expire at the end of 2012 and prospects for developing a new round of legally binding pledges are bleak. The political deadlock characteristic of the United Nations Climate Change negotiations demonstrates how state leaders are often unable to act beyond their own self-interest despite evidence that such shortsighted decisions are jeopardizing the wellbeing of current and future generations. The inability for state leaders to reach a consensus is often questioned by media and scholars alike. I believe that the impasse that has plagued the climate change negotiations to date is rooted in distinct historical processes. The current manner in which negotiations are carried out is reflective of Cold War politics and the colonial independence movements.

Although globalization has increased transplanetary connections to an unparalleled degree, states continue to operate as distinct units that are increasingly demarcated along North-South lines. Due to equity concerns, it has become the norm to require differing levels of commitments based on each nation's level of development. As the participation of developing nations became increasingly important at the end of the Cold War, demands

for inter-generational equity came to the fore. Southern nations played a minute role in the degradation of planetary resources up until that point and felt as though they did not deserve to hinder their development and the standard of living of their populations due to the failings of the developed world. The social justice dimension of environmental negotiations did not occur in a vacuum and is the result of the comingling of specific historical events and normative structures as will be further elaborated upon in this article.

The recognition that many environmental problems require global solutions gained prominence in the latter half of the twentieth century. Following this realization, equity norms grounded in distributional justice arose in global environmental governance (GEG) to address how natural resources and environmental goods should be allocated amongst developmentally unequal nations and safeguarded for use by future generations. For instance, the Common Heritage of Mankind (CHM) principle addresses issues of distributional justice with regards to the global commons. However, it has achieved limited applicability within international environmental law. The principles that have come to dominate instead are those of common concern and Common but Differentiated Responsibility (CDR).

I seek to identify which factors contribute to the institutionalization of equity norms in GEG by tracing their evolution from the introduction of the CHM in 1967 to common concern in 1988 and finally, to CDR at the turn of the century. This history highlights how the wider social, political and

economic context informed the adoption of certain equity norms and the constant struggle between state sovereignty and GEG. Through this historical analysis it is evident that norms that more closely align with dominant conceptions of sovereignty have prevailed despite our increasingly globalized world. Thus, I argue that despite pronouncements that state sovereignty is receding in the face of planetary wide threats, concerns over sovereign authority still maintain a stronghold in international environmental negotiations and dictate the institutionalization of equity norms in GEG. Paradoxically, the assurance of unbound sovereignty entices states to comply with international environmental regimes but also limits their collective ability to successfully address global environmental issues.

After presenting a brief overview of the role international regimes play in GEG, the discussion opens by examining the historical processes that led to the creation and, ultimately, demise of the CHM principle. The historical events that encouraged a move toward common concern and CDR principles are then examined. By tracing the formation of international environmental regimes throughout the 1970s, '80s and '90s, I exhibit the progression of equity norms and the coinciding discursive shift in GEG. Finally, I rely on the 'social fitness' and 'moral temper' arguments of international norm theory to explain why the principles of common concern and CDR triumphed over the CHM.

International Regimes in Global Governance

The decade of the 1970s was characterized by an increased awareness of global issues as members of international society became interdependent to an unparalleled degree. This nascent configuration of global space gave force to new terms such as 'globalization' and the growing threat of environmental disasters led to the emergence of 'global-scale environmentalism' (McNeill 263). The rapid deterioration of global environmental goods manifest through the depletion of the ozone layer, climate change, and the loss of biodiversity signaled the urgent need for effective Global Environmental Governance (GEG) institutions. Global-scale environmentalism also brought to light the clash between Northern and Southern countries' perspectives on the relationship between development and environmental quality.

Innovative approaches to governance such as the growth of "functionally specific regimes" (Young 2) sprang up during the 1970s and set precedents for how environmental matters are dealt with at the global level today. Functionally specific regimes deal with specific issues such as the ozone layer and require the input of technical experts (Puchala and Hopkins 88). The following excerpt from a 1972 *Washington Post* article is telling regarding the emergent understandings of the intersection between environmental issues and principles of equity and justice during this seminal decade:

The environmental crisis is a signal that we have run out of ecological credit, that it is time to pay the debt to nature or go into bankruptcy. This much is now well known. What is just beginning to become apparent is that

the debt cannot be paid in recycled beer cans or in the penance of walking to work; it will need to be paid in the ancient coins of social justice – within nations and among them. (Commoner B1)

Historical Background of the Common Heritage of Mankind (CHM)

When international players first considered the CHM principle, it represented a radical departure from the solutions to international law that had existed up until that point (Williams, 777). This can be attributed to the unique geopolitical situation of the time. Indeed, there is little doubt that Cold War politics played an influential role in the implementation of the CHM; the militarization of the global commons was a disturbingly plausible scenario. However, two other factors also led to the introduction of CHM into international regimes: the realization that valuable natural resource stocks were close to exhaustion and that the 'first-come first-served' rule would place developing countries at a severe disadvantage (Buck, 29). The CHM is prevalent in the 1979 Moon Treaty and the 1982 Third United Nations Conference on the Law of the Sea (from here on referred to as Law of the Sea).

In order to gauge the implications of the CHM principle in a comprehensive manner, it is necessary to assess what 'common', 'heritage', and 'mankind' mean in this context. CHM is based on the land ownership principle of *res communes humanitatis* (Pardo and Christol 650). In this case, the land in question lies outside of the jurisdictional boundaries of states, which is alternatively referred to as the global commons (Mgbeoji 826). Such an

area is not appropriable by private actors and not subject to sovereignty claims (Joyner 195). 'Heritage' implies future considerations of the resource under question, which addresses concerns of intergenerational equity. Though presumably world leaders would have settled on a more gender-neutral term had the CHM been introduced later in the century, 'mankind' refers to all people on the planet. This goes beyond states and national governments as it includes stateless people or those living in territories that lack full independence (Joyner 195). It is therefore based on the unit of the individual, which is reminiscent of the concept of individual accountability in human rights. As Joyner states, "the interests, needs and aspirations associated with "all mankind" would appear greater than the sum of all States' national interests." (195)

Though there is contestation surrounding the origins of CHM (S. Williams 792) most scholars attribute the introduction of the principle to the international community to Arvid Pardo, the Permanent Representative of Malta to the UN, in 1967. In a seminal speech made to the UN General Assembly, Pardo urged countries to consider the oceans as CHM. For Pardo, the CHM included several defining characteristics: first, common areas should not be legally owned by any state or group of states and the international community would administer the area; second, if natural resources were exploited from the area, the economic benefits would be shared internationally, with favourable distribution to developing countries; third, the area would only be used for peaceful purposes; last, the results of scientific research in the area would be shared with anyone interested in the findings and would be conducted to benefit all peoples (Joyner 192). The

most radical of these elements of course, is the intra-generational equity angle: the idea that developing countries would disproportionately benefit from the exploitation of common-pool resources due to their subordinate position vis-à-vis industrialized countries. The CHM principle gives moral credence to this argument (Buck 29). As the representative of the German Democratic Republic noted, the redistribution provisions, "would help to overcome to a certain extent, the economic, scientific and technological differences between countries, which was one of the most regrettable legacies of colonialism." (qtd. in Okereke 41)

The CHM made important conceptual strides with regard to how global environmental politics are conducted. Indeed, it was the first time developing countries injected a principle of distributional justice within a global environmental governing institution (Okereke 30). However, despite this contribution, most scholars do not consider CHM a success. This is partly due to the fact that the principle has yet to be properly tested. For instance, as mineral extraction from outer space and the commercial scale mining of the seabed are still remote possibilities, it remains unclear whether or not developing countries would receive their fair share of the exploits. More fundamentally however, developed countries have not supported the CHM principle largely on ideological grounds and the United States has failed to ratify both the Law of the Sea and the Moon Treaty due to the socialist undertones of the principle. Indeed, Frakes notes that, "The common heritage principle, which encourages communal ideals, is not a popular concept in a capitalist society." (419)

The United States was able to secure free-market amendments to the Law of the Sea in 1994 with regard to the mining of the seabed, which diluted the distributional aspects of the CHM principle (Okereke 31). As such, the CHM has been relegated to the realm of idealism. Considering the dominant norms in Global Environmental Governance (GEG) today, the CHM principle can be perceived as a quixotic aberration in international law, one that was replaced by the less idealistic and more ideologically compatible principle of common concern.

Common heritage of mankind or "nationkind"?

How did the normative shift from Common Heritage of Mankind (CHM) to common concern occur? The turning point seems to have taken place in the lead-up to the 1992 United Nations Conference on Environment and Development (UNCED or Earth Summit) in Rio de Janeiro. The CHM principle was not stated explicitly in the 1972 United Nations Conference on the Human Environment (UNCHE) in Stockholm. However, Bernstein argues that it was reflected in the "'one world' orientation of planetary responsibility and global stewardship promoted by Stockholm's organizers and the book commissioned to set the tone for the conference" (Bernstein 472). The CHM principle was met with an icy reception by the UN General Assembly a decade and a half later in 1988 when Malta proposed the conservation of the climate as CHM. Instead, the Assembly drafted Resolution 43/53:

> Convinced that climate change affects humanity as a whole and should be confronted within a global framework so as to take into account the vital interests of all mankind, 1. Recognizes that climate change is a common concern of mankind, since climate is an essential condition which sustains life on earth; (UN General Assembly, "Protection of Global Climate")

Northern countries generally opposed the CHM because of its contradictions with free-market principles and, as is detailed below, the Southern countries also came to oppose it due to sovereignty concerns (Bernstein 472). Compared to the Stockholm conference twenty years earlier, the CHM was on its last legs by time of the Rio Earth Summit. Whereas the CHM principle clearly served developing country interests with respect to international or global commons, such as the deep seabed, it did not hold for transboundary externalities such as biodiversity and carbon sequestration.

By the 1990s tropical deforestation was of major global concern. This was due to the realization about the essential ecosystem services that tropical rainforests perform for the world and the alarming rates of deforestation that were occurring in vital tropical rainforests like the Amazon (Dietz and Henry 13189). The rhetoric momentarily shifted as developed countries pointed to forests' roles as carbon sinks and their unique biodiversity and aesthetic to emphasize their global value, leading to the conceptualization of forests as CHM (Davenport 107). Although this position may appear to contradict the North's traditional stance, it must also be noted that tropical rainforests are abundant in often profitable genetic resources and the North may have had ulterior motives in promoting tropical rainforests forests as CHM. Of course,

the biodiverse countries of the South recognized the monetary value of their resources and feared that adhering to CHM principles for forests would allow developed countries to 'bioprospect' and 'biopirate' at their own free will (Raustiala and Victor 289). Should this have occurred, the South would have been further subordinated to the North with rich countries unjustly profiting from their national resources. Thus, they argued that CHM was only applicable to the principle of global commons so as to retain sovereignty over their territory. The following quote aptly reflects the arguments made by the developing countries during the UNCED forest negotiations, "Forests are not naturally globalized, no matter how much you want to talk about them in the global context. Forests are tangible, local, you know where they are, often who they belong to; they don't move around except in international trade." (qtd. in Davenport, 107)

Ultimately, the CHM had lost its allure even amongst its original proponents, as developing countries feared the loss of their sovereignty over natural resources. To reiterate, evidence of the normative shift was offered through the rejection of Malta's 1988 CHM proposition by the UN General Assembly and then replaced with a language of common concern. This position became further entrenched during the Earth Summit as developing countries joined in, questioning the validity of the CHM. Consequently, the Rio documents are rife with references to the "common concern of mankind", which makes the CHM too controversial to ever really succeed. (Bernstein 472)

The Rise of the Common Concern Principle

The Earth Summit broke important new ground for international environmental regimes as it produced an Action Programme called Agenda 21, the UN Commission on Sustainable Development, a nonbinding set of principles for sustainable forests, and specific conventions on climate change and biodiversity (Najam 429). Amongst other references to common concern that came out of Rio, the climate change convention acknowledges that, "change in the Earth's climate and its adverse effects are a common concern of humankind" (United Nations "United Nations Framework Convention on Climate Change") and the biodiversity convention affirms that "biological diversity is a common concern of humankind" (Convention on Biological Diversity).

Defining this nebulous term and identifying how it differs from Common Heritage of Mankind (CHM) is challenging, though important distinctions can be made. Whereas CHM emphasizes the manipulation of natural resources, common concern is more related to their conservation. Put another way, even though they both focus on the common interest of mankind, common concern deals with the fair distribution of burdens in the *protection* of the global environment while the CHM relates to the sharing of benefits from the *exploitation* of environmental resources (Baslar 287). Essentially, common concern applies to global public goods (Xiang and Meehan 212) and bestows upon the international community the legitimate right to express concern over the ways in which natural resources are managed, despite the fact that state sovereignty still reigns supreme (Mgbeoji

837). Considering the typical Southern stance in Global Environmental Governance (GEG), which emphasizes the rigid dichotomy between environment and development, the inclusion of the common concern principle in the Rio documents is considered noteworthy by some (Hurrell 137). For instance, Hurrell argues that the inclusion of common concern suggests that the South had come to accept the fact that environmental degradation within states was relevant to the international community and that it was legitimate for other states to become involved in the stewardship of these resources (138). Although this account interprets common concern as a relinquishment of state sovereignty, the political impasse that occurred at the Earth Summit (i.e., the critical issues that fundamentally threatened the sovereignty of governments) suggests that considerations over state sovereignty continued to inspire debate and dictate outcomes (Hurrell 138). Thus, other scholars rightly contend that common concern is compatible with state sovereignty. Following the core argument herein, I believe that this is the primary reason for its adoption in both the climate change and biodiversity conventions.

Sand argues that common concern is akin to the concept of public trusteeship normally found in domestic law. He believes that sovereignty is upheld through the principle of common concern and explains that,

> "The trusteeship status of a resource is not at all incompatible with the legitimate exercise of sovereign rights by a host state, just as…a common law trustee has legitimate property rights over the *corpus*, always provided those rights are exercised in accordance with the interest of the beneficiary and with the terms of the trust." (56)

This analogy makes clear that common concern serves to legitimize nation states' positions in environmental governance and bolsters their authoritative power. The 1992 Rio Declaration on Environment and Development solidified the idea that states have the sovereign right to exploit their natural resources according to development policies, while the respect for equity and distributional justice is prevalent through the Declaration's emphasis on common concern.

Common but Differentiated Responsibility (CDR) and Distributional Justice

The first guiding principle of the climate change convention, an outgrowth of the Earth Summit in Rio, states that: "The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance to their common but differentiated responsibilities and respective capabilities." The 1997 Kyoto Protocol, a product of the climate change convention, is considered the first issue-specific environmental treaty where the CDR principle is used overtly, despite having appeared in veiled forms as early as the Stockholm Conference of 1972 (Okereke 32). The CDR principle incorporates the idea that all nations should "cooperate in a spirit of global partnership" (Stone 277) but that not all countries are expected to contribute to a task equally. The differentiation is often determined through resource allocation, with the rich carrying the greater share of the burden than the poor (Stone 277). Thus, the CDR has dual grounding based on the notions of culpability and

capability (Matsui 154). With respect to climate change for example, developing countries are not culpable for the high levels of greenhouse gas emissions in the atmosphere, nor are they necessarily capable of mitigating or adapting effectively to climate change.

The transfer of technological and financial resources as a response to the capability claim is evident through a number of environmental treaties including the 1989 Montreal Protocol. Here, developing countries are given greater temporal leeway in terms of halting the production of chlorofluorocarbons (Okereke 33). However, the Kyoto Protocol most accurately enshrines the CDR principle in going beyond traditional "nonuniform obligations" (Stone 279). This means it not only provides for the transfer of technologies and financial resources from developed to developing countries, but it also exempts developing countries from adopting binding emission targets. Moreover, developing country commitments are predicated on the ability of developed countries to implement their commitments. (Okereke 33)

As with common concern, it is apparent through the CDR that sovereignty and equity issues are often interrelated from a developing country perspective. For instance, the climate change convention's position on sovereignty reaffirms, "the principle of sovereignty of States in international cooperation to address climate change" (1). The convention reflects the Rio Declaration's perspective on sovereignty and development as it refers to nations' "sovereign right to exploit their own resources pursuant to their own environmental and developmental policies" (Preamble).

Following the adoption of the Kyoto Protocol, at the Eighth Conference of the Parties in New Delhi in 2002 it was confirmed that, "each poor country should develop its own "appropriate" strategy to reduce emissions according to its own capacity, rather than being bound by an international consensus" (Tribune News Services "Climate Pact"). Considering the CDR principle as it applies to the climate change regime, it is evident that developing countries are able to maintain their sovereign right to develop because of the moral justification that they are not responsible for the majority of current levels of environmental degradation in the atmosphere. Thus, CDR is an equity norm that champions the notion of distributional justice.

Equity norms and Sovereignty in Global Environmental Governance (GEG)

Global environmental negotiations are often couched in terms of equity norms, which is partly due to the fact that environmental issues tend to highlight spatial and temporal relationships among humankind. The discussion above highlights how the stark inequalities between the developed and developing countries led to the articulation of norms along the North-South divide. The discussion now turns to the causal factors that have led to normative shifts from Common Heritage of Mankind (CHM) to common concern and Common but Differentiated Responsibility (CDR).

Bernstein proposes a 'socio-evolutionary' perspective to explain the development of international norms (465). In this case, norms become institutionalized based on their social fitness (the degree to which they

conform to a given social structure). Institutionalization occurs when a norm is perceived as "embodied in law, institutions or public discourse" (Bernstein 467). In a similar vein, Okereke points to the "moral temper of the international community" (26) as influencing norms' ability to affect state behaviour. Here, moral temper signifies the sense of value that exists in a given society at a particular time. I borrow from the concepts of social fitness and moral temper in order to explain the paradigmatic shift from CHM to common concern and CDR.

First, social fitness helps to explain why norms that emphasize state sovereignty have prevailed over the more universal claims of CHM. In many ways international diplomacy is still very much a product of the multilateral system. The United Nations was set up as a form of international governance not a world government. Moreover, the two-level game nature of international relations dictates that even when leaders reach an agreement at the global level, they must appeal to their domestic constituencies in order to ratify it. Foregoing national sovereignty is not only counter-intuitive to the current structure of international affairs, it is also deeply incongruent with maintaining political legitimacy at a national level. Young contends that many international regimes designed to deal with transboundary externalities, "are properly understood as systems of rights, rules and relationships designed to bring order into the interactions of sovereign authorities rather than as systems of property rights intended to bring order into the interactions of property owners." (7)

Despite arguments that the nature of environmental issues poses a fundamental challenge to sovereignty, reflected through statements such as "prevailing structures of dominance and the patterns of power [are] tempered by the fact of ecological interdependence" (M. Williams 48), in reality norms of state responsibility and rights have proven to be resilient. Overwhelmingly, proposals for global management have been met with staunch opposition as they do not comply with the extant social structures of international governing institutions. (Bernstein 498)

Second, the moral temper argument proposes that equity norms are shaped by the broader climate of the political environment. Taking a bird's eye view of GEG reveals important shifts in geopolitics that altered the way the environmental debate took place in the 1970s in comparison to the 1990s. The end of the Cold War was unequivocally the most significant difference between the Stockholm Conference and the Rio Earth Summit (Najam 435). Whereas Cold War politics underpinned environmental negotiations in the 1970s and 1980s, by the 1992 Earth Summit in Rio multipolarity had injected new energy into the North-South debate. Rather naively, the end of the Cold War was greeted with a sense of euphoria as it was anticipated that global governing bodies such as the United Nations would finally be able to properly address international issues (Young 273). However, the vertical axis characterized by East-West tensions shifted to a horizontal one and international environmental negotiations soon became polarized along the North-South divide (Najam 435). The Cold War created part of the impetus for the CHM principle as countries feared the global commons would be vulnerable to militarization on the part of the

Superpowers. As such, the CHM is very much considered a byproduct of Cold War tensions. Furthermore, the CHM proposal is seen as an offshoot of the New International Economic Order established by the Non-Aligned Movement where the South sought to alter the structural inequalities of the international system through CHM. (Garrison 59)

There are several other factors beyond the Cold War that may have contributed to the initial success of the CHM: (1) decolonization increased the aspirations for distributional justice; (2) the UN was still relatively unscathed by failed missions and there was a sense that it could make great strides in solving global issues; and (3) the Law of the Sea negotiations represented the first opportunity for developing nations to insert their will into institutions of GEG. (Okereke 40).

In the post-Cold War era North-South politics took on greater importance. The South was able to leverage its position in international environmental negotiations because of two realizations: (1) industrialization in the South would lead to more environmental destruction unless the Northern countries provided financial and technical support and (2) developing countries are sources of valued natural resources. This "shift in the global hierarchy" (Mansbach and Ferguson 563) is synonymous with CDR and common concern respectively. Thus, multipolarity created a setting whereby international environmental negotiations were more attuned to developing country interests, which are often based on the maintenance of autonomy through equity-based justifications (Buck 173). Again, in terms of the attractiveness of common concern and CDR principles, Cold War

politics - or lack thereof - are only one part of the story. For instance, Najam identifies the improved scientific understanding and public awareness of global environmental issues as leading to international support for the common concern principle. Meanwhile, Okereke points to the "novelty of wide-scale environmental problems" (41) as a constitutive factor in the persuasiveness of the CDR.

Finally, the established economic order is another important component of the moral temper of the international community. By the 1990s even the developing countries that had originally sought radical North-South redistributive mechanisms came to support, either by will or submission, free market principles in the design of international environmental regimes (Bernstein 498). It is believed that the near-universal consensus of the neoliberal economic order contributed to the normative shift from CHM to CDR. Indeed, the CDR is based on free market ideals and the fact that it has replaced CHM as the prevailing equity norm in GEG substantiates Bernstein's claim that, "Norms of liberal environmentalism predicate environmental protection on the promotion and maintenance of a liberal economic and political order" (498). These norms embodied in the common concern and CDR principles were institutionalized at the Earth Summit and have since formed the normative basis of international environmental negotiations.

Conclusion

Equity norms are important to the study of Global Environmental Governance as there is evidence that they go beyond simply regulating behaviour as they can also define state "identities and interests" (Bernstein 464). The above discussion sheds light on why certain equity norms have prevailed in international environmental regimes. I have demonstrated that taking into account the moral temper of the international community helps to illuminate why certain norms enjoy traction at different points in time. The social fitness theory further explains why norms that uphold sovereignty are institutionalized in GEG.

The prolific fragmentation that is characteristic of GEG and the continual subjugation of environmental issues to trade considerations at a global level reveals the pitfalls of upholding state sovereignty when tackling global environmental crises. It is clear that despite the urgent need to address pressing global environmental issues in a cosmopolitan manner, states are unwilling to relinquish substantial amounts of state sovereignty in order to do so.

What do the equity norms of common concern and Common but Differentiated Responsibility (CDR) mean for the future of the global environment? Bernstein aptly warns against the assumption that, "any cooperation on environmental problems means progress toward a more ecological international order" (465). Indeed, the political deadlock characteristic of recent climate change negotiations suggests that norms that uphold state sovereignty may be to the detriment of the common good;

achieving a "cooperative maxima" (Stone 301) is deeply undermined by state sovereignty.

This underscores the fundamental paradox of global governance, as actors at the state level are charged with solving problems at the global, international, and regional scales (Thakur 234). Despite the merits of norms emphasizing universal welfare and principles of distributional justice, the weakness of the Common Heritage of Mankind principle was exposed as it threatened developing countries' sovereignty over their natural resources. Thus, principles that are more congruent with the current multilateral system have been institutionalized in GEG. Ultimately, state sovereignty as an overriding principle has trumped universal welfare in the search for a workable formula to address GEG.

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CLASSEMENTS INTERNATIONAUX COMME MÉCANISME DE GOUVERNANCE DE LA MONDIALISATION UNIVERSITAIRE

Olivier Bégin-Caouette
Université d'Ottawa

Cet article examine comment les classements universitaires internationaux constituent un mécanisme de gouvernance privée de la mondialisation des universités. En préconisant certains objectifs et certaines pratiques, ce mécanisme a fait entrer les universités dans une nouvelle phase de leur mondialisation, caractérisée par le réengagement de l'État, une compétition pour le statut, l'uniformisation des pratiques ainsi que la valorisation de la recherche et des relations académiques fondées sur l'excellence.

Olivier Bégin-Caouette s'intéresse au pluralisme en éducation et aux effets de la mondialisation sur les systèmes éducatifs. Il détient une maîtrise de l'École supérieure d'Affaires publiques et internationales de l'Université d'Ottawa et un baccalauréat du Département de psychologie de l'Université de Montréal. Il a travaillé auprès de l'UNESCO, de Cégep international et de l'Assemblée nationale du Québec et a rédigé un mémoire sur le processus d'internationalisation des cégeps. Il remercie son superviseur, Gilles Breton Ph.D., pour tout son soutien.

Introduction

Dès les années 1980 et 1990, mues par la libéralisation du commerce, les accords régionaux et les nouvelles technologies, les universités sont entrées dans un processus de mondialisation. Selon Scholte, la mondialisation est caractérisée par la transplanétarité (la planète forme un espace unifié) et la supraterritorialité (les liens d'interdépendance transcendent les frontières)[1]. Ainsi, dans cette ère mondialisée où 2,7 millions d'étudiants choisissent d'étudier dans un pays autre que le leur[2], des universités établissent des campus à l'étranger et des diplômes conjoints ainsi que créent des réseaux internationaux. L'ensemble de ces activités éducatives représente une industrie importante qui motive une concurrence entre les établissements. Cette concurrence mondiale, marquée par l'autonomie et la diversité des établissements, ne jouit cependant pas d'un instrument de mesure international. En effet, bien qu'il existe des palmarès universitaires nationaux, aucun comparatif international n'évaluait, avant 2003, la « qualité » des universités.

En 2003, le gouvernement chinois mandate la Shanghai Jiao Tong University (SJTU) pour répertorier et classer les 500 meilleures universités du monde. Le SJTU évalue, entre autres, les critères suivants : le nombre de diplômés et de professeurs détenteurs d'un prix Nobel, le nombre d'articles publiés dans les revues *Science* et *Nature*, le nombre de citations dans le *Science*

[1]Jan Aart Scholte. *Globalization: a critical introduction*, 2e édition, Londres, Palgrave, 2005, p.60-61

[2]Stéphan Vincent-Lancrin. « L'enseignement supérieur transnational : un nouvel enjeu stratégique? », *Critique internationale,* vol. 39, no2, 2008, p. 69.

Citation Index et le *Social Science Citation Index* ainsi que la performance académique de l'établissement[3]. En 2004, apparaît également le *Times Higher Education Supplement* (THES) qui se base sur divers indicateurs comme l'appréciation des universités par les employeurs, le ratio étudiants-professeurs, le nombre de chercheurs cités et le niveau d'internationalisation[4]. Bien que ces classements diffèrent, ils accordent les premiers rangs aux mêmes universités, ce qui en fait des instruments relativement fiables.

Compte tenu de ces observations, nous posons deux hypothèses : (1) les classements internationaux constituent un socle de valeurs, de normes et de pratiques qui régule la mondialisation des universités et (2) l'émergence des classements internationaux oriente les universités vers une nouvelle phase de leur mondialisation.

Méthodologie

La méthodologie de cet article s'appuie sur le concept d'« échelles spatiales » développé par Sassen[5]. Ainsi, nous mesurons l'influence des classements sur les communautés universitaires (échelon local), les politiques des États (échelon national), les accords internationaux (échelon international) et sur la compétition que se livrent les universités (échelon mondial). Ces échelles conduisent à une stratification des données recueillies dans les

[3]Nian Cai Liu et Ying Cheng. « Academic Ranking of World Universities – Methodology and Problems », *Higher Education in Europe,* vol. 30, n°2, 2005, p. 9.

[4]Amanda H. Goodball, « Should Top Universities Be Led by Top Researchers and Are They? », *Emerald Journal of Documentation,* vol. 62, n° 3, 2006, p. 392..

[5] Saskia Sassen, *La globalisation. Une sociologie*, Gallimard, Paris, 2009, p.21.

documentations scientifiques et gouvernementales afin de mieux comprendre comment chaque acteur interagit avec les classements internationaux. En outre, l'observation de phénomènes infranationaux, comme les changements dans les comportements des étudiants, des professeurs, des administrateurs et des politiques, permet d'inférer l'influence des classements internationaux sur la mondialisation universitaire.

Mécanisme de gouvernance

La première hypothèse stipule que les classements mondiaux constituent un socle de valeurs, de pratiques et de normes qui régulent la mondialisation universitaire. Tel que présenté dans le Tableau 1, nous croyons que cette gouvernance privée se manifeste par quatre fonctions sur quatre échelons spatiaux et pour quatre catégories d'acteurs.

Tableau 1. Les fonctions des classements internationaux et leur échelon d'influence

Fonctions	**Acteurs**	**Échelon spatial**
Vérification - Qualité	Étudiants, professeurs	Locale et mondiale
Contrôle – Imputabilité	Professeurs, universités, gouvernements	Locale et nationale
Promotion - Prestige	Universités, gouvernements	Internationale et mondiale

Organisation – Modèle	Étudiants, professeurs, universités, gouvernements	Mondiale

Vérification – Qualité

Considérant la croissance de la mobilité étudiante, l'apprentissage en ligne et la diversité des établissements d'enseignement, il importe que s'établisse un système d'assurance-qualité applicable à toutes les universités du monde. Or, d'ici à ce qu'un tel mécanisme soit élaboré par les acteurs étatiques, des classements privés jouent ce rôle et ce, tant pour les acteurs locaux qu'internationaux[6]. En effet, les étudiants des cycles supérieurs et les étudiants internationaux du premier cycle sont influencés par les classements internationaux parce qu'ils souhaitent accéder à des professeurs de renom et à un diplôme prestigieux[7]. De la même manière, certains professeurs utilisent les classements pour trouver l'université qui offre les équipements et les réseaux d'excellence les plus performants[8]. Les universités les mieux classées,

[6] Simon Marginson. « Global university rankings », Présentations à la 32e Conférence annuelle de l'Association for the Study of Higher Education, 7-10 novembre, Louisville, Kentucky, 2007.

[7] Ellen Hazelkorn. "Rankings and the Battle for World-Class Excellence : Institutional Strategies and Policy Choices", *Higher Education Management and Policy*, vol. 21, no 1, 2009, p.63.

Roger King. *Governing Universities Globally*, Gheltenham, Edward Elgar Publishing,, 2009, p. 54-108.

Philip G. Altbach. « The costs and benefits of world-class universities », *Academe*, vol.90, no 1, 2004, [http://www.aaup.org/AAUP/pubsres/academe/2004/JF/Feat/altb.htm].

[8] Ellen Hazelkorn, *Loc. cit.*, p.63.

comme Harvard, peuvent d'ailleurs accueillir jusqu'à 30% de professeurs étrangers[9].

Contrôle – Imputabilité

Altbach[10] ajoute que des acteurs locaux, telles les administrations universitaires, emploient les classements universitaires pour instaurer de nouvelles mesures de gouvernance. Une étude de King[11] révèle d'ailleurs que les administrateurs universitaires américains utilisent leurs résultats aux classements afin d'identifier leurs faiblesses, de formuler leurs plans stratégiques et de rendre leur gestion plus transparente. Finalement, les acteurs nationaux, nommément les gouvernements, s'intéressent aux classements afin de comparer leurs universités à celles du monde et de favoriser la reddition de compte[12]. Considérant les investissements massifs que doivent fournir les gouvernements pour rehausser la qualité des universités, Sörlin[13] prédit que le financement « permanent » devrait faire place à un financement concurrentiel basé sur des projets de recherche et accordé en fonction du rang au classement. Déjà, le gouvernement taïwanais

[9] Jamil Salmi. *Le défi d'établir des universités de rang mondial*, Washington, Banque mondiale, 2009, p. 24.

[10] P.G. Altbach, *Loc. cit.*

[11] R. King, *Op. cit.,* p. 168.

[12] Philippe Aghion, « L'excellence universitaire : leçons des expériences internationales », *Rapport d'étape de la mission Aghion à Mme Valérie Précresse, ministre de l'Enseignement supérieur et de la recherche*, Conseil d'analyse économique,2010, p.4.

[13]Sverker Sörlin. « Funding Diversity : Performance-based Funding Regimes as Drivers of Differentiation in Higher Education Systems », *Higher Education Policy*, vol. 20, nº4, 2007, p. 430.

réserve 25% des fonds universitaires aux établissements les plus performants[14]. Finalement, selon Aghion[15], les classements peuvent indiquer aux gouvernements les mesures de gouvernance qui favorisent l'émergence d'universités de classe mondiale, soit une légitimité exécutive (président élu), administrative (un conseil d'administration intégrant des membres externes) et académique (une assemblée des professeurs).

Promotion – Prestige

L'influence d'une université découle principalement de son prestige, c'est-à-dire de la reconnaissance que lui accorde le monde extérieur[16]. Or, même si plusieurs universités se disent de « classe mondiale », seules les cinquante premières universités au SJTU ou au THES le sont[17]. Ces universités, qui étaient pour la plupart des établissements reconnus avant l'avènement des classements, deviennent des standards de qualité que leurs homologues veulent atteindre. Pour atteindre ces standards, plusieurs engagent des dépenses titanesques et sont soutenues par des gouvernements comme la Chine, et ceux de l'Union européenne qui financement leurs meilleures universités et s'inscrivent dans des réseaux d'excellence

[14] Ka Ho Mok et Ying Chan. "International Benchmarking with Best Universities: Policy and Practice in Mainland China and Taiwan", *Higher education policy*, vol. 21, nº 1, p. 473.
[15] P. Aghion, *Op. cit.*, p. 38.
[16] J. Salmi, *Op. cit.*, p. 44.
[17] Jeroen Huisman, "World-Class Universities", *Higher Education Policy,* vol.21, nº1, 2008, p. 2.

universitaires[18]. En fait, les gouvernements sont intéressés à développer des universités de classe mondiale puisque ces dernières favorisent l'entrée dans l'économie du savoir, augmentent le nombre d'étudiants aux cycles supérieurs et conduisent des recherches de pointe[19]. En outre, Olds[20] affirme que les classements peuvent servir de pilier à la « diplomatie du savoir » d'un État. En effet, les États qui accueillent sur leur territoire des universités de classe mondiale recrutent plus d'étudiants, participent à des réseaux d'excellence, deviennent les lieux de découvertes d'envergure et, ce faisant, externalisent leurs valeurs et font la promotion de leur agenda politique. Ainsi, l'Union européenne, dans la Déclaration de Bologne, a formulé l'objectif de dominer les classements d'ici 2010. La Chine, quant à elle, a signifié qu'elle surclasserait l'Europe et l'Amérique d'ici quelques années[21] et la Thaïlande a décidé d'investir 9 milliards de dollars afin d'atteindre les plus hauts rangs du THES[22]. De leur côté, les gouvernements américain et britannique pourraient constituer un *Atlantic Trust* à l'intérieur duquel ils coordonneraient leurs efforts et leur financement afin que leurs universités

[18] Peter D. Eckel. « Mission diversity and the Tension between Prestige and Effectiveness : An Overview of US Higher Education », *Higher Education Policy*, vol. 21, nº2, 2008, p. 175-192.

[19] R. King, *Op. cit.,* p. 203.

[20]Kris Olds. « Associations, Network, Alliances, etc : Making Sense of the Emerging Global Higher Education Landscape », *Conférence donnée à l'Association internationale des universités, Mexique,* 2009.

[21]Kathryn Mohrman. « The Emerging Global Model with Chinese Characteristics », *Higher Education Policy*, vol.21, nº1, 2008, p. 29-49.

[22] LAO, Rattana. « Hiking the rankings : the quest to establish world-class universities », *The Nation*, 15 février 2010, réf. du 10 janvier 2011, [www.nationmultimedia.com/2010/02/15/opinion_30122579.php].

conservent leur avance dans les classements[23]. Finalement, notons que de graves crises politiques ont éclaté en Australie et en Malaisie lorsque les universités de ces pays ont perdu des points dans les classements internationaux[24]. Dans ce contexte, il est possible d'affirmer que le prestige et l'influence qui découlent d'une place au classement favorisent la compétition parmi les acteurs locaux et nationaux.

Organisation – Modèle

Le monde universitaire est devenu complexe et multiscalaire : des universités publiques, privées et mixtes s'autoproclament de « classe mondiale », signent des partenariats avec des établissements étrangers, établissent des diplômes conjoints, construisent des campus à l'étranger et offrent des services virtuels à des étudiants de partout sur la planète. Or, cette complexité et ces nuances ne peuvent pas être correctement représentées par les analyses binaires (accepté/refusé) que constituent les accréditations gouvernementales[25]. Par contre, les classements internationaux ont cette ultime fonction d'ordonner, de classer et de simplifier ces manifestations de la mondialisation universitaire et c'est probablement ce qui en fait un instrument de gouvernance efficace. À la manière des agences de notation, les classements préconisent certaines normes et valeurs, évaluent des

[23] UK/US Study Group. « Higher education and collaboration in global context : building a global civil society », *A private report to Prime Minister Gordon Brown*, 2009, p.1, réf. du 10 janvier 2011, www.aau.edu/WorkArea/showcontent.aspx?id=9222.
[24] J. Salmi, *Op. Cit.*, p. 44.
[25]Gilles Breton et Michel Lambert. *Globalisation et universités*, Éditions UNESCO et les Presses de l'Université Laval, Paris, 2003, p.31.

institutions et clarifient les voies d'actions pour les acteurs. Bref, comme le souligne King[26], les classements constituent des « régulateurs du savoir » qui ordonnent une myriade de données disparates et simplifient le « marché mondial » de l'éducation.

En somme, alors que fleurit la mondialisation universitaire et que la gouvernance supra-étatique se fait attendre, les classements constituent un cadre réglementaire privé et quasi-institutionnel utilisé par les acteurs locaux, nationaux et internationaux. Nous concluons qu'en exerçant dans le milieu universitaire les fonctions de vérifier, contrôler, promouvoir et ordonner, les classements forment un socle de normes (excellence, innovation, diffusion, internationalisation) et de pratiques (autonomie, financement accru et recherches) qui influencent les choix des étudiants, des professeurs, des administrateurs et des gouvernements.

Transformation dans la mondialisation

La deuxième hypothèse de cet article stipule que les classements universitaires internationaux ont fait entrer les universités dans une nouvelle phase de la mondialisation dont les cinq transformations sont schématisées dans le Tableau 2.

[26] R. King, *Op. Cit.*, p. 150.

Tableau 2. Cinq transformations dans la mondialisation des universités

Transformations	**Mondialisation pré-classements (diversifiée)**	**Mondialisation post-classements (régulée)**
Rôle de l'État *Échelle nationale*	État régulateur	État développeur
Valeurs *Échelle mondiale*	Profit	Prestige
Organisations *Échelle locale et mondiale*	Diversification	Convergence
Objectifs *Échelle locale et nationale*	Professionnalisation	Recherche
Relations académiques *Échelle mondiale*	Rentabilité	Excellence

De la libéralisation au réengagement de l'État

La première transformation concerne le rôle de l'État dans le financement et la régulation du monde universitaire. Suivant la remise en cause des services publics amorcée dans les années 1980, la décennie 1990 est celle du libre-échange, de l'expansion économique des États-Unis, de la prolifération des firmes multinationales et de l'interdépendance entre les

États. Dans ce contexte, l'enseignement postsecondaire constitue un marché inexploité de plus de trente milliards de dollars que bien des acteurs convoitent[27]. En 1994, lors de la fondation de l'Organisation mondiale du commerce (OMC), les États signent l'*Accord général sur le commerce des services* (AGCS), qui permet le commerce de services éducatifs et la constitution de fournisseurs privés en éducation. Les conséquences sont importantes : entre 1990 et 2000, l'Australie fait de l'enseignement supérieur l'un de ses principaux secteurs d'exportation et 1 600 universités privées sont créées aux États-Unis. Cette privatisation rend l'effort financier de l'État plus négligeable. En fait, entre 1995 et 1999, les dépenses publiques des pays de l'OCDE en éducation augmentent de 19%, alors que celles du secteur privé augmentent de 70%[28]. Suivant une rationalité orientée vers le marché, l'État assume le rôle de régulateur en mettant en place des mécanismes d'assurance-qualité et délègue le financement, sinon la provision, des services éducatifs à des intérêts privés avec ou sans but lucratif[29].

Par opposition, le début du 21e siècle est marqué par une rationalité de l'État orientée vers le développement[30]. En fait, considérant que le coût de fonctionnement d'une université de classe mondiale est de plus d'un milliard de dollars américains et que chaque rang supplémentaire dans le classement

[27]Jane Knight. « Accords commerciaux (AGCS) : implications pour l'enseignement supérieur », dans Gilles Breton et Michel Lambert, *Globalisation et universités*, Éditions UNESCO et les Presses de l'Université Laval, Paris, p. 89.

[28]Pierre Buhler. « Universités et mondialisation », *Commentaire*, n°106, 2004, p. 349.

[29] K. Olds, *Op. Cit.*

[30] *Ibid.*

requiert un investissement d'en moyenne 2,2 millions de dollars[31], l'État qui désire voir apparaître des universités de classe mondiale sur son territoire se doit d'agir à la manière d'un partenaire financier. Les observations de l'OCDE[32] confirment d'ailleurs que l'apparition des classements génère des investissements publics plus importants dans de nombreux pays. Nommément, la Commission européenne a recommandé à ses membres d'investir des sommes plus importantes dans un nombre plus restreint d'universités afin de faire émerger des universités plus performantes. L'Allemagne a donc alloué 500 millions d'euros à ses dix meilleures universités, la France a créé des « pôles de compétitivité » qu'elle finance à hauteur de 2 milliards d'euros et l'Espagne a accordé 53 millions d'euros en subventions supplémentaires aux meilleurs projets de recherche[33]. Du côté asiatique, mentionnons que la Chine a accordé 234 millions de dollars à ses meilleures universités, et la Corée du Sud, 1,8 milliard. Nous en déduisons donc que les classements internationaux ont incité plusieurs États à s'engager dans une « course aux subventions » afin de bénéficier des retombées associées au fait d'avoir une université de classe mondiale sur son territoire.

De la quête du profit à la quête du prestige

Alors que les 16e et 17e siècles ont été marqués par un capitalisme cognitif où primait l'accumulation de type marchand et que les 18e, 19e et 20e

[31]P. Aghion, *Op. Cit.*, p. 16.

[32] Organisation de coopération et de développement économique . *Higher Education to 2030 – Volume 2 : Globalisation,* Paris, Éditions OCDE, 2009, p. 128.

[33] R. Lao, *Loc. Cit.*

siècles ont été influencés par un capitalisme industriel caractérisé par l'accumulation du capital physique et la consommation de masse, la fin du 20e siècle et le début du 21e sont l'apanage d'un « capitalisme cognitif » qui, selon Boutang, est « fondé sur l'accumulation du capital immatériel [actifs intangibles tels que les connaissances, la culture et la qualité de la population], la diffusion du savoir et le rôle moteur de l'économie de la connaissance[34] ». Considérant la prédominance des technologies de l'information, la demande pour une main d'œuvre qualifiée et une croissance économique qui repose sur la connaissance et l'innovation, il est aisé de comprendre comment les universités sont devenues des acteurs majeurs de ce nouveau capitalisme qui misent sur leurs avantages comparatifs pour accumuler le capital immatériel et générer des profits dignes de grandes corporations[35]. Les universités américaines, par exemple, se basent sur leur réputation et créent des programmes professionnels de haut calibre pour attirer davantage d'étudiants[36]. Prenant exemple sur les *Technology Transfer Offices* des États-Unis, de nombreuses universités canadiennes créent des bureaux de liaison entreprise-universités qui ont pour mission de commercialiser les découvertes des chercheurs avec l'aide d'entreprises[37]. Les universités britanniques, quant à elles, exportent des programmes clés en main et emploient des recruteurs

[34]Yann M. Boutang, *Le capitalisme cognitive*, Paris, Éditions Amsterdam, 2007, p. 85

[35]Lukas Graf. « Applying the varieties of capitalism approach to higher education : comparing the internationalisation of German and British universities », *European Journal of Education*, vol.44, no4, 2009, p. 575.

[36] P.G. Altbach, *Loc. Cit.*

[37] AUTM. **"**The Better World Report Part One", *The Art of Collaboration: The Relationships That Bring Academic Innovations to the Marketplace*, Deerfield, Illinois, Association of university technology managers, 2008, 127 p.

professionnels afin d'attirer de nouvelles clientèles[38]. Les universités malaisiennes, de leur côté, s'orientent vers l'exportation des découvertes de leurs universités[39] et, finalement, l'Université Monterrey du Mexique génère de grands profits en offrant une formation en ligne à 70 000 étudiants provenant de toute l'Amérique latine[40]. Cette première phase du capitalisme cognitif est donc clairement caractérisée par la compétition mondiale dans l'économie du savoir, l'innovation et la quête du profit.

Au début du 21e siècle, la compétition mondiale dans l'économie du savoir et l'innovation sont toujours de mise mais, selon Altbach[41], la création des classements internationaux fait passer la lutte pour le profit à une lutte pour le talent intellectuel et le prestige académique. Ainsi, même si les universités les plus fortunées arrivent souvent aux premiers rangs des classements[42], l'aspect financier n'est nullement pris en compte dans les indicateurs des classements. En fait, un rapport de l'OCDE[43] souligne que la compétition mondiale a fait exploser les coûts de fonctionnement des universités et a relégué au second rang les préoccupations liées à l'efficacité. Les universités offrent, par exemple, des bourses aux meilleurs étudiants, fournissent des laboratoires de pointe aux chercheurs et préfèrent que ces derniers publient dans le premier tiers des revues scientifiques plutôt que de

38 L. Graf, *Loc. Cit.*, p. 575.

39Siew Yean Tham. « Trade in Higher Education Services in Malaysia : Key Policy Challenges », *Higher Education Policy*, vol.23,no1, 2010, p. 99-122.

40 P.G. Altbach, *Loc. Cit.*

41 *Ibid.*

42P. Aghion, *Op. Cit.*, p. 9.

43 Organisation de coopération et de développement économique, *Op. Cit.*, p. 121.

réaliser des projets qui auraient pu intéresser les entreprises[44]. Il est surprenant de constater que, même aux États-Unis où la culture entrepreneuriale est bien implantée, la recherche fondamentale représente 69% des activités de recherche contre 24% pour la recherche appliquée et 7% pour le développement de produits[45]. Avec les classements, la recherche n'est donc plus seulement une activité lucrative, mais une activité de laquelle découle un prestige certain. Bref, les classements internationaux ajoutent une unité de mesure autre que monétaire à l'accumulation du capital immatériel qui caractérise le capitalisme cognitif.

De la diversification à l'uniformisation des pratiques

Dans un article sur la diversité universitaire, Vught explique que le niveau de diversité d'un système dépend de l'uniformité de l'environnement et de l'influence des valeurs et des normes[46]. Ainsi, alors que les années 1990 sont marquées par la libéralisation et l'autonomie institutionnelle, les établissements universitaires se diversifient afin de se démarquer, de performer, d'attirer de nouvelles cohortes d'étudiants, d'innover et de rencontrer les besoins du marché. Les universités de tradition idéaliste allemande (valorisant le savoir), fonctionnaliste anglaise (répondant aux besoins du marché) et publique française (agissant selon la volonté de l'État) coexistent donc dans un marché mondialisé et désordonné où la différence

44 K.H. Mok, Y. Chan, *Loc. Cit.*, p. 484.

45 R. Lao, *Loc. Cit.*, p. 3.

46Frans Van Vught. « Mission diversity and Reputation in Higher Education », *Higher Education Policy*, vol.21, nº1, 2008, p. 151-174.

horizontale, soit la différence entre des établissements du même rang, permet de répondre aux besoins spécifiques des étudiants.

Vught[47] remarque toutefois que l'apparition des classements mondiaux a résulté en une uniformisation des pratiques. Hassenteufel[48] appelle ce phénomène « convergence transnationale » et le définit comme un processus dynamique par lequel plusieurs pays et organisations adoptent les mêmes objectifs et instruments. Plus précisément, Hassenteufel parle de « convergence cognitive » puisque les classements ont, de prime abord, une influence sur le cadre de référence des acteurs qui, par la suite, instaurent les mêmes changements. Ainsi, l'OCDE constate que la différence horizontale (due à la diversité des établissements) a fait place à une différence verticale où des établissements similaires se distinguent en fonction du rang au classement[49].

Une lecture de la documentation permet d'identifier cinq niveaux de convergence: archétypique, programmatique, organisationnelle, cybernétique et linguistique. Au niveau archétypique, Deem, Mok et Lucas[50] constatent que le monde universitaire du 21e siècle voit l'apparition d'un « Modèle mondial » émergent dont les caractéristiques sont : une emphase sur la recherche, un financement diversifié, un recrutement international et la

[47] *Ibid.*, p. 163.

[48]Patrick Hassenteufel. *Sociologie politique : L'action publique*, Paris , Armand Collin, 2008, p. 255.

[49]Organisation de coopération et de développement économique, *Op. Cit.*, 121.

[50]Rosemary Deem, Ka Ho Mok et Lisa Lucas. "Transforming Higher Education in Whose Image? Exploring the Concept of the World-Class University in Europe and Asia", *Higher Education Policy*, vol.21, no1, 2008, p. 92.

participation à des réseaux d'excellence internationaux. Désormais intégré au cadre de référence de nombreux administrateurs, ce modèle émergent tend à se répandre sur tous les continents. Au niveau de la convergence programmatique, nous observons que les États européens signataires de la Déclaration de la Sorbonne ont instauré le LMD (Licence, Master, Doctorat) afin d'uniformiser leurs pratiques, de favoriser la mobilité et de se rapprocher du modèle américain[51]. D'un autre côté, la convergence organisationnelle amène des établissements qui n'étaient pas des universités (comme les grandes écoles françaises), et donc exclus des classements, à se définir progressivement comme des universités. De même, la convergence cybernétique amène les universités à changer leur gouvernance en suivant les pratiques exemplaires des universités de classe mondiale : un premier cycle diversifié, des cycles supérieurs regroupés dans des écoles supérieures et comptant 30% du total de la population étudiante[52]. Finalement, Buhler constate une convergence linguistique[53]. En effet, puisque la langue des publications est l'anglais et que 19 des 20 premières universités du SJTU sont anglophones, il existe désormais des programmes et des universités anglaises dans des pays comme l'Azerbaïdjan, la Bulgarie, le Japon et même la France. En somme, bien qu'il y ait toujours des universités virtuelles, des grandes écoles et des campus étrangers, il semble que les classements aient provoqué un cadre de référence qui uniformise les pratiques, les programmes, les organisations, la gouvernance et la langue d'enseignement des universités.

[51]Emmanuel Davidenkoff et Sylvain Kahn. *Les universités sont-elles plus solubles dans la mondialisation*, Paris, Hachette Littératures, 2006, p. 92.
[52]P. Aghion, *Op. Cit.*, p. 38.
[53]P. Buhler, *Loc. Cit.*, p. 345.

De la formation à la recherche

Avec la massification de l'enseignement universitaire et l'entrée dans l'économie du savoir, les universités deviennent des pôles majeurs de la croissance économique. Ce sont elles, par exemple, qui forment les professionnels dont l'État a besoin pour fonctionner. Puisque la demande de main d'œuvre qualifiée croît rapidement, des universités exclusivement préoccupées par la formation voient le jour, comme l'Université Phoenix, spécialisée dans la formation continue, et l'Université Strayer, fondée par le *Washington Post* et offrant des spécialisations en communication[54]. De la même manière, les campus établis à l'étranger et les universités virtuelles sont populaires en raison des diplômes qu'elles offrent et non pas pour les recherches qu'elles produisent. Finalement, de nombreux classements nationaux, comme le USNWR (États-Unis) ou le Maclean's (Canada), n'accordent aucune importance à la recherche dans leurs indicateurs[55]. Ainsi, ces initiatives laissent croire qu'avant l'émergence de classements internationaux, la priorité de nombreux établissements étaient la formation massive de professionnels.

Toutefois, considérant que la recherche est devenue l'élément primordial des classements internationaux, les universités voient maintenant leur influence mesurée en fonction du nombre de publications de leurs chercheurs, même si ces publications n'aboutissent à aucun brevet ou

[54]P. Altbach, *Op. Cit.*

[55]Alex Usher et Massimo Savino. "A global survey of international rankings and leagues tables" dans Malcom Tight et collab., *The Routledge international handbook of higher education*, New York, Routledge, 2009, p. 260.

invention[56]. Les universités qui performent le mieux dans les classements sont d'ailleurs celles dont la proportion d'étudiants aux cycles supérieurs dépasse les 50% et celles qui parviennent à attirer des chercheurs de renommée mondiale[57]. Comprenant l'importance de cette activité, les États ont même mis en place des systèmes de financement axés sur la publication d'articles. Par exemple, le Royaume-Uni a décidé de financer spécifiquement les activités de recherche de quelques-unes de ses meilleures universités afin de leur permettre d'augmenter le nombre d'articles qu'elles publient. Par conséquent, les classements internationaux ont amené plusieurs acteurs locaux et nationaux à se préoccuper davantage de la recherche que de la formation des étudiants aux premiers cycles[58].

De la rentabilité à l'excellence

La dernière transformation observée concerne les relations académiques, nommément la mobilité académique et les fusions institutionnelles. Tout d'abord, alors que les premiers programmes de mobilité visaient, avant tout, la compréhension entre les peuples[59], l'ère de la mondialisation a fait de la mobilité étudiante une véritable industrie. Une

[56]BUELA-CASAL, Gualberto et collab. "Comparative study of academic rankings of universities", *Scientometrics,* vol.71, nº3, 2007, p. 349.
[57]P. Aghion, *Op. Cit.*, 38.
[58]Jane Knight. « Internationalization: Unintended Consequences », *International Higher Education,* vol.54, nº1, 2009, p. 9.
[59]S. Vincent-Lancrin, *Loc. Cit.*, p. 78.

étude réalisée pour le Gouvernement du Canada[60] révèle que les étudiants étrangers ont dépensé, en un an, plus de 6,5 milliards de dollars au Canada, contribuant à créer 83 000 emplois et rapportant 291 millions de dollars au trésor public. Dans ce contexte, le Japon désire augmenter du triple le nombre d'étudiants étrangers fréquentant ses universités, et l'on note que les étudiants étrangers comptent pour plus de 50% de la population étudiante de plusieurs universités australiennes[61]. Avec l'apparition des classements internationaux cependant, l'importance de la mobilité se voit renforcée pour les universités, alors que s'ajoute au recrutement intensif d'étudiants de premier cycle un recrutement d'excellence aux cycles supérieurs. En effet, une des stratégies pour atteindre un rang plus enviable dans les classements est d'ouvrir des bureaux internationaux, de recruter des étudiants des cycles supérieurs et d'offrir des bourses aux meilleurs étudiants[62]. Ainsi, le recrutement d'étudiants prometteurs est une priorité pour les grandes universités qui, comme Harvard et Columbia, comptent entre 19 % et 23% d'étudiants étrangers[63].

Un processus similaire est observé au niveau des fusions universitaires, un phénomène finement étudié par Harman et Harman[64]. Ces auteurs ont constaté que, pendant la décennie 1990, les fusions universitaires

[60] Roslyn Kunin & Associates. « Impact économique du secteur de l'éducation internationale pour le Canada », *Rapport final présenté aux Affaires étrangères et Commerce international Canada*, Vancouver : RKA, 2009, p. III.
[61]E. Hazelkorn, *Loc. Cit.*, p. 66.
[62]E. Hazelkorn, *Loc. Cit.*, p. 71.
[63]J. Salmi, *Op. Cit.*, p. 25.
[64]Grant Harman et Kay Harman. « Strategic Mergers of Strong Institutions to Enhance Competitive Advantage », *Higher Education Policy,* vol.21, n°1, 2008, p. 99-121.

suivaient une stratégie d'acquisition selon laquelle les universités fortunées et prestigieuses (comme l'Institut de technologie Canergie) augmentaient leur clientèle et diversifiaient leurs programmes en fusionnant avec une université en difficulté (comme l'Institut de recherche industrielle Mellon). Toutefois, au tournant du 21e siècle, la plupart des fusions se font entre des établissements riches et réputés, comme la fusion entre l'Université Victoria de Manchester et l'Université des sciences et technologies de Manchester. Harman et Harman considèrent que ce type de fusion entre universités de renom crée des établissements plus populeux, plus riches et produisant davantage de recherches, ce qui facilite l'accès à un rang plus important dans les classements. Le Vice-chancelier de l'Université Canberra[65] affirme d'ailleurs qu'en fusionnant, les universités de Melbourne et Monah pourraient atteindre le rang de l'Université de Tokyo, soit le 20e rang au SJTU. Ainsi, au-delà de l'augmentation de la clientèle et des profits, ces fusions et la nouvelle mobilité étudiante ont pour objectif explicite de rehausser la réputation de l'université en lui accordant un rang supérieur dans les classements internationaux.

En résumé, depuis plusieurs années, le processus de mondialisation a amené les universités à interagir à l'intérieur d'interconnexions d'échelles locales, nationales, internationales et mondiales. Or, cette mondialisation s'est transformée suite à l'émergence des classements internationaux. En effet, puisque l'État passe du rôle de régulateur au rôle de développeur; puisque la stratégie de gouvernance est passée de la quête du profit à la quête du

[65]Peter W.A West. "A Faustian Bargain? Institutional Responses to National and International Rankings", *Higher Education Management and Policy*, vol.21,no1, 2009, p.9-18.

prestige; puisque la diversité a fait place à la convergence; puisque la recherche a supplanté l'enseignement et puisque les collaborations académiques se fondent principalement sur l'excellence, nous estimons que notre seconde hypothèse est confirmée, à savoir que les classements internationaux ont fait entrer les universités dans une nouvelle phase de la mondialisation.

Conclusion

Cet article visait à vérifier deux hypothèses : les classements internationaux constituent un mécanisme de gouvernance de la mondialisation des universités et, en tant que tel, ils ont transformé la mondialisation des universités. Tout d'abord, nos observations de phénomènes infranationaux montrent que les classements servent aux acteurs locaux, nationaux et internationaux à vérifier, contrôler, promouvoir et choisir leurs universités. En outre, les classements induisent des transformations multiscalaires dans la mondialisation des universités. En effet, la mondialisation universitaire du 21e siècle est marquée par la quête du savoir, du prestige, de l'excellence et de la réputation, parfois aux dépens du profit, de la diversité et de la formation.

Notons en terminant que, bien que cet article brosse un portrait détaillé de la mondialisation des universités et propose deux modèles conceptuels, il faut souligner l'absence d'une théorie générale qui serait en mesure de synthétiser l'ensemble des éléments disparates de cet article. En outre, bien que nous ayons concentré nos observations sur le rôle qu'ont joué les classements internationaux, il importe de souligner qu'aucun des

changements mentionnés ci-dessus n'est uni-causal. En effet, la régionalisation de l'éducation en Europe, le réengagement de l'État et la mobilité académique sont des phénomènes dont les influences sont multiples et complexes. Cet article offre néanmoins une vision précise des changements à venir dans un monde universitaire chamboulé par les classements internationaux.

INTERNATIONALIZATION AT CANADA'S UNIVERSITIES: DEVELOPING ACTIVE GLOBAL CITIZENS

Grace Karram Stephenson
University of Toronto

"In this new global environment, one of the basic and fundamental functions of a university should then be the fostering of a global consciousness among students, to make them understand the relation of interdependence between peoples and societies, to develop in students an understanding of their own and other cultures and respect for pluralism. All these aspects are the foundations of solidarity and peaceful coexistence among nations and of true global citizenship."[1]

Grace Karram is a PhD student in the Higher Education program at OISE, University of Toronto. Her research and professional work have taken her to Ghana, USA, and the Fiji Islands, designing and implementing internationalized university programs. The current project was done with the assistance of Woodsworth College staff and students.

[1] Gacel-Avila, Jocelyne. "The Internationalisation of Higher Education: A Paradigm for Global Citizenry." *Journal of Studies in International Education* 9.2 (2005): 123.

Introduction

Globalization, the "the widening, deepening and speeding up of world-wide interconnectedness in all aspects of contemporary social life," has not been absent in the realm of higher education.[2] Rather, higher education institutions across the globe are both leaders and followers of these interdependent processes. In response to globalization, the majority of higher education institutions around the world have engaged in the process of *internationalization*, defined by Knight as adding "an international, intercultural or global dimension into the purpose, functions or delivery of post-secondary education."[3] The motivations and strategies to internationalize a university may differ, but the impacts of globalization are unavoidable and are recurrently influencing higher education.

Internationalization and Canadian Universities. Within Canada, internationalization is happening across the nation at all universities.[4] However, the lack of a centralized, federal higher education system has meant that institutions are internationalizing independently and in a variety of ways. Some universities begin with internationalized mission statements, while others focus on curriculum development. Still others take a student-focused approach to internationalization providing international study

[2] Held, David, and Anthony G. McGrew. *The Global Transformations Reader: an Introduction to the Globalization Debate.* Malden, MA: Polity, 2000: 2.

[3] Knight, Jane. "Internationalization Remodeled: Definition, Approaches, and Rationales." *Journal of Studies in International Education* 8.1 (2004): 11.

[4] Jones, Glen, Alan Adrian Shubert and Roopa Desai Trilokekar. *Canada's Universities Go Global.* Toronto: J. Lorimer & Co., 2009.

opportunities for Canadian students and increasing recruitment of foreign students.[5]

Despite the diversity of internationalization strategies, a common feature across Canada is the motive that drives university administrators to internationalize their institutes. In the 2006 survey on internationalization activities administered by the Association of Universities and Colleges in Canada (AUCC) to their member schools, 94% of respondents stated that the purpose of their international initiatives was to prepare "internationally knowledgeable students."[6] When responding to a more specific question about the purpose of offering students study abroad opportunities, the stated motive was similar: "to develop global citizens."[7] Although internationalization is happening in areas of research and faculty exchange, the primary motivation among Canada's universities is the personal development of students.

While university administrator's may agree on the importance of developing globally aware students, little research has been done to investigate whether the current internationalization trends at Canada's universities are indeed leading toward that end. Increasing energy and resources are being used to develop a specific sort of internationalized student and it is essential that this process be analysed. The present paper examines the forms of internationalization that are happening at Canada's

[5] Association of Universities and Colleges of Canada (AUCC). *Survey on Internationalization.* (2010): 4.
[6] Ibid., 3.
[7] Ibid., 5.

universities and questions to what extent these have the potential to develop internationally knowledgeable students or global citizens. Heater's *world citizenship spectrum* will be used to position the various internationalization strategies found at Canada's universities.[8]

In the second section of this paper, the concepts of international knowledge and global citizenship are explored and contrasted. The third section presents the example of study abroad, the findings of the recent *Study Abroad Opinion Survey* and uses Heater's spectrum to highlight the contradictions currently present in that internationalization initiative. The fourth section of the paper examines other general trends of internationalization at Canada's institutions.

The following discussion is not meant to be an exhaustive list of all the internationalization activities occurring in Canada. Since internationalization strategies and practices are evolving and transforming rapidly, such a list would quickly be out of date. Rather, overarching trends and relevant individual cases will be examined with the end goal of situating these within the broader picture of global citizenship development.

[8] Heater, Derek Benjamin. *What Is Citizenship?* Malden, Mass: Polity, 1999: 117.

Definition of Terms: Citizenship, Cosmopolitanism and Global Citizenship

"The basic, singular concept of citizenship has burst its bounds."[9]

The main motivation for internationalization outlined by university administrators across Canada is to develop "internationally knowledgeable students."[10] According to this phrase, any internationalization initiative which increases students' knowledge of the world accomplishes the goal of adding knowledge to the students. However, when the motivations of administrators are examined more deeply, the term "global citizenship" is also present and cited as a main goal of study abroad experiences and is a key feature of internationalization strategies.[11] This term is is much contested in the globalization literature, and requires further discussion.[12] Furthermore, the idea of global citizenship can often be perplexing in light of current Western understandings of citizenship. In order to address this complexity, the next section engages in a brief discussion of citizenship and the evolution of global citizenship.

Citizenship Defined. The concept of "citizenship," and more specifically the Western notion of "liberal citizenship," has been active for more than two centuries. The current form of liberal citizenship is primarily

[9] Ibid., 117.
[10] AUCC. *Survey on Internationalization*, 4.
[11] Ibid., 4.
[12] Dower, Nigel. *Global Citizenship: A Critical Reader*. Williams J. Edinburgh: Edinburgh University Press, 2002: iv.

defined by the rights of the citizen and the responsibilities of the nation-state and is the form of citizenship currently understood in North America.[13]

Since this Western form of citizenship is defined and understood by the rights of the individual and the responsibilities of the nation-state, the concept of "global citizen" may seem impossible. Presently, no legal, global authority exists to ensure that all global citizens are protected and ensured their rights. One could appeal to the United Nations and Declaration of Human Rights as the responsible body, but little legal infrastructure exists to offer protection to those who would be considered global citizens.

The concept of global citizenship, then, cannot be claimed as the global replica of Western nation-state citizenship. As Hanson explains, "although the idea of global citizenship creates unique challenges and paradoxes vis-a-vis citizen rights and obligation, it is useful as a normative concept."[14] If we expand our historic view of citizenship to consider its origins in ancient Greece, we allow for this normative construction of the term.

There are two main features of how the Greeks understood citizenship, stretching it beyond the nation-state. The first concept of republican citizenship offers a broader definition than the current liberal idea

[13] Hanson, Lori. "Global Citizenship, Global Health, and the Internationalization of Curriculum: A Study of Transformative Potential." *Journal of Studies in International Education* 14.1 (2010): 70; Heater, *What Is Citizenship?* 274.
Marshall, Thomas.H. "Citizenship and Social Class," Ed. Shafir, Gershon. *The Citizenship Debates: a Reader*. Minneapolis: University of Minnesota, 1998: 21.
[14] Hanson, "Global Citizenship," 72.

in its focus on obligations and responsibilities of the citizen.[15] Although some modern nation-states still mandate service terms for their citizens, the primary focus is on citizen rights. But in the Greek context the citizen had responsibilities and action or service played a key role. The second feature is the idea of "cosmopolitanism" which relates directly to this discussion of global citizenship. The Greek idea of a "cosmopolitan" or "citizen of the cosmos" referred to a person who was "conscious of being part of the whole universe, the whole of life, the whole of nature, of which all human beings, let alone just the community of the person's political state, were but tiny portions."[16] It is this understanding of the greater inter-connectedness of all human beings that is echoing through the present day literature on global citizenship.

Among the scholars who define global citizenship, there is a strong sense of agency and activism. While Dower says hesitantly that the only certain thing about global citizens is their sense of being part of a wider sphere than the nation-state or regional politic, others consider global citizenship to be an individual's commitment to work toward greater global equity and to counter oppression.[17] Toh says that global citizens have a "commitment to societal justice for marginalized groups, grassroots empowerment, nonviolent and authentic democracy, environmental care, and

[15] Heater, *What Is Citizenship?* 135.

[16] Ibid., 137.

[17] Backhouse, Francis. "Invite the World into Your Classroom". *University Affairs* (2005): 23. Gacel-Avila, "The Internationalisation of Higher Education," 121;Hanson, "Global Citizenship," 70.

North-South relations based on principles of equity, respect and sharing."[18] Defining global citizenship in this way does not stem from a rights-based paradigm and Hanson refers to it as the Social Transformation Model.[19] According to this model, global citizens are those who actively engage in the promotion of a better world.

World Citizenship Spectrum. It cannot be said that all those who identify as global citizens are engaged in the Social Transformation Model. Rather, Heater offers a spectrum of what he refers to as World Citizenship, ranging from an internal awareness of one's connection with humanity to an active participation in supra-national politics. His spectrum is useful and will be adapted in the following discussion of internationalization activities at Canada's universities.

Global Citizenship and Canadian Universities. When the responsibilities of citizens are calculated, higher education is often involved in the equation. Many scholars have written about the role of the university in cultivating citizens and the university has long been seen in some circles as the natural venue for citizenship development.[20] In light of this, it is not surprising that the university is also being considered as a venue for the development of global citizens. Much of the agenda to engage with students on global equity

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[18] Toh, Swee-Hin. "Partnerships as Solidarity: Crossing North–South Boundaries." *Alberta Journal of* Educational Research 42.2 (1996): 179. As quoted by Hanson, 185.

[19] Hanson, "Global Citizenship," 75.

[20] Gutmann, Amy. *Democratic Education.* Princeton, NJ: Princeton University Press, 1987: 23. Newman, John Henry, and Frank M. Turner. *The Idea of a University*. New Haven: Yale UP, 1996: 103;Clark, Burton R.. *The Higher Education System: Academic Organization in a Cross-national Perspective.* Berkeley: University of California Press, 1983: 7.

issues comes from within universities. At the University of Saskatchewan, 64% of faculty chose the Social Transformation Model when asked what they felt was the best method for internationalizing the curriculum. Not all universities however, have adopted the Social Transformation Model as readily as the University of Saskatchewan. In order to better understand the extent to which universities have engaged in the political or Social Transformation Model of global citizenship, Table 1.1 has been developed below.

Vague ⟷ **Precise**			
Identity	**Morality**	**Law**	**Politics**
Feeling of membership of humankind	**Responsibility for the planet and its inhabitants**	**Recognition of natural, international and possible world law**	**Belief/participation in trans/supra-national forms of political activity and institutions**
Knowledgeable Students	*Passionate Students*	*Constructive Students*	*Active Students (Global Citizens)*

Table 1.1 (Adaptation of Heater's Spectrum)

By applying a higher education layer to Heater's spectrum, a useful tool is provided to assess the extent to which students are or can be considered global citizens. In the following sections the spectrum will be used to determine where the internationalization activities of Canada's universities fall in their development of global citizens.

Study Abroad Programs

While universities across Canada are pursuing internationalization in diverse ways, some trends can be seen in the way that international perspectives are integrated into the processes and functions of the university. Perhaps the most obvious forms of internationalization are seen as students pursue short-term study overseas.

Study Abroad. All Canadian universities offer students opportunities to study abroad, whether through a partnership with a foreign institution or a university-run program that takes students overseas. In the 2006 AUCC survey on university internationalization, 93% of Canadian university administrators indicated high or medium interest in providing students with international experiences. The AUCC survey uses the term "global citizenship" in direct discussion about study abroad programs as a strategy for internationalization. The majority of AUCC respondents cited "develop global citizens" as the number one reason for promoting international study opportunities. The use of the term by the AUCC, and the selection of that choice by university administrators, does not mean that both parties subscribe to Heater's normative definition. Since the AUCC has introduced such a value-laden term as "global citizenship" it is important to ask what type of study abroad programs are instrumental in developing global citizens.

Study Abroad Opinion Survey. In 2010, a survey was conducted by the author of this paper for a research methods course. The survey was administered at a large research university in Canada and asked questions concerning students' intentions to study abroad and their expected

outcomes. Over six hundred students completed the on-line survey and their responses have implications for internationalization strategies at Canada's universities. The results of the survey suggest that there is a contradiction between the goal of developing global citizens and the study abroad experience, specifically with regard to the destinations, student motivations and the barriers that exist.

Destination: Europe. The Study Abroad Opinions Survey revealed that despite the range of over 100 destinations, spanning six continents, to which students may travel, less than ten percent of students are interested in traveling to a location outside of Europe. Although Europe has many positive experiences to offer students, less opportunity exists to encounter the global inequality that is more overtly seen in developing non-Western nations. If, as Heater and others suggest, global citizenship involves countering global inequality, a semester spent in Europe may not be successful in producing global citizens. It is also questionable how deeply students will engage with the ideals of global citizenship since Europe shares a common Western heritage with North America. Although students will certainly gain the ability to navigate through a new country, a feeling of oneness with the "other" or a passion to increase global equity seems a far cry from the current experiences of students.

Motivation: Fun. When the survey respondents were asked what influenced them to study abroad in certain locations, the main answer, with over 70% of student selecting very or most important, was a desire to learn about the culture. This bodes well for those who consider study abroad as a

promoter of international knowledge, but falls short the goal of active citizenship. There is also some concern that the second most popular motivation selected by over 60% of student respondents, was "sounded fun." The "fun" factor was more important to students than language learning or academic experience and was second only to an interest in the culture. Little of Heater's precise understanding of global citizenship is currently seen in the factors that motivate students to study abroad.

Barriers: Cost. Of the students who completed the survey, 45% indicated that they did not plan to study abroad during their undergraduate program. These students were asked to indicate why they did not plan to study abroad and over 90% of students stated that the cost of studying abroad was the main factor prohibiting them from participating. This response is not surprising and is confirmed in the American literature on study abroad.[21] However, it does raise certain concerns in light of the global citizenship agenda of study abroad programs. If the main reason students are not studying abroad is cost, it may be necessary to explore the underlying inequality within the international opportunities available on campus. If the end goal of study abroad is to create global citizens, it appears contradictory that the opportunity is only attainable for students with financial resources. Although more research is needed to explore the direct link between study abroad and students' means, it is clear that the prohibitive cost of study abroad may be preventing the development of global citizens.

[21] Carlson Jerry, S. (Ed). Study Abroad: The Experience of American Undergraduates. New York: Greenwood Press, 1990: 23; Gore, Joan. E. Dominant Beliefs and Alternative Voices: Discourse, Belief, and Gender in American, Study Abroad. New York: Routledge, 2005: 7.

Further Trends in the Internationalization of Universities

International Students and Faculty. Two processes within universities that are evolving as a result of internationalization are the recruitment of international students and the hiring of international faculty. In the student recruitment arena, recruiting international students is continually advertized as a feature of the internationalized university on many institutional websites.[22] This strategy, however, while advertised as contributing to a diverse campus is primarily driven by economic motives. International students bring in significant tuition profits and even provincial governments are incorporating international student recruitment in regional economic development plans.[23] At best, this strategy of internationalization aims at producing a vague international identity amongst Canada's university students, but has little impact on developing active global citizens.

In terms of faculty recruitment, presently 40% of Canadian faculty identify as immigrants.[24] The increased hiring of international faculty has the

[22] "Vision, Mission and Goals - University of Alberta International - University of Alberta." UofA Web Project - University of Alberta. Web. 08 Jan. 2011; "International Tools, UBC." Untitled Document. Web. 08 Jan. 2011;"Council: Internationalization Mission Statement (June, 2000)." University of Saskatchewan. Web. 08 Jan. 2011.

[23] Lennon, Mary. *Canadian approaches toward university internationalization: Actors, activities and rationales.* (M.A., Simon Fraser University, Canada) (2007): 14.

McGuinty, Daulton. (2010) *Speech from the Throne: Open Ontario Plan.* Web. 10 April 2010.

Savage, Christine. "Provincial Internationalization Efforts: Programs, Policies and Plans in Manitoba and Alberta." Ed Jones, Glen Alan, Adrian Shubert, and Roopa Desai Trilokekar. *Canada's Universities Go Global.* Toronto: J. Lorimer & Co., 2009: 119.

[24] Richardson, Julia, Ken McBey, and Steve McKenna. "Internationalizing Canada's Universities: Where do International Faculty Fit In?" Ed Jones, Shubert, and Trilokekar. *Canada's Universities,* 2009: 55.

potential to increase international ranking and provide valuable cross-border research networks. This strategy however, comes with no requirements placed on the faculty. Individual faculty may increase students' awareness of international issues, but few processes exist to ensure that this occurs.

Both the recruitment of international students and the hiring of international faculty provide no guarantees that universities will develop global citizens or that students will be more internationally knowledgeable. There is potential that a trickle-down effect will occur as students and faculty interact and share knowledge, resulting in new international perspectives and appreciation from students. Using Heater's spectrum, however, it is clear that the trickle-down effect that results from a change in recruitment and hiring processes is linked to a form of citizenship that at best offers students a vague sense of world identity and does not move into the realm of global citizenship.

Curriculum and Program Development. On the 2006 AUCC internationalization survey, more than half the institutions identified that they offered multiple programs with an international scope. These programs, such as the International MBA offered at University of Toronto's Rotman School of Business, allow students to understand their subject of study and develop work skills that will benefit them in an international working environment.[25] However, there is no evaluation in the AUCC survey of the extent to which these programs develop students' support of global equity.

[25] *Rotman School of Management*. Web. 30 Mar 2010.

Opportunities for Global Citizenship. From the above examples it is clear that Heater's ideal of active, global citizenship is not a guaranteed outcome of university internationalization. Strategic initiatives are needed to intentionally build a global citizenry and the University of Saskatchewan provides a helpful example of how this is possible. In Hanson's analysis of the development of the global health courses at the University of Saskatchewan (UOS), critical pedagogy is shown to not only lead students to explore new international knowledge in class, but to provide a lens through which to understand the global complexities of the subject.[26] A strategic choice was made by UOS faculty, through a vote, to add global dimensions to their curriculum using critical pedagogy within a Social Transformation Model. Through a re-designed curriculum, students in the global health courses learned to network their local situation with those around the world, learning from and about the health strategies of other nations' local communities.[27] According to Hanson's report, the results were effective in developing students with a precise understanding of their political role. Though the actually political activities of these students have not been measured, the method was effective in moving students along Heater's spectrum, embracing their interdependence with other communities and working toward the ideal of global citizenship.

[26] Hanson, "Global Citizenship," 72.
[27] Ibid., 72.

Conclusion

A wealth of internationalization activities are happening at Canada's universities. It is likely that some students are becoming more internationally knowledgeable as a result, but it is questionable whether active global citizenship is being attained, or even if it is accessible to all but an elite group of those in post-secondary. Across universities, the recruitment and hiring procedures as well as international study opportunities are not infused with the ideals of global citizenship and are no guarantee that students will see themselves as globally inter-dependent, joining in global, social and political movements. Moreover, few structures currently exist to measure success in these areas or monitor internationalization outcomes at a federal level across Canada. [28]

Despite the evident gap between global citizenship goals and outcomes, intentional curriculum reforms such as the one initiated by the University of Saskatchewan, offer a venue by which faculty can intentionally implement a transformative social agenda into their coursework. In the specific realm of study abroad and international opportunities for students, there is a lot of room for strategic curriculum that allows students to critically engage with their travel destination, beyond just a fun experience. Moving forward, in an increasingly globalized world, further research is needed to explore how alternative destinations might change students' learning, how students themselves perceive their role as global citizens and how the ideal of

[28] Jones, Shubert, and Trilokekar, "Introduction," *Canada's Universities.*

global citizenship can be realized in all sectors of society beyond the privileges of the university.

UNIVERSAL HUMAN RIGHTS: MORAL THEORIES, ENFORCEMENT AND THE CHALLENGES OF GLOBALIZATION

James Wellstead
University of Ottawa

Defined broadly here as an uneven increasing physical and virtual transmission of tangible and intangible elements across physical, social and political barriers through emerging and established networks, I engage the concept of globalization on the claim it represents an unparalleled challenge to the sovereignty of nation-states within the enforcement of human rights. While debate continues to thrive around the exact nature of globalization, moral theories of universal human rights, and political theories of the protection of those rights, this paper attempts to draw connections between these three conversations with the aim of strengthening responses for universal rights in a global era. The analysis concludes that both approaches must reconcile the contemporary realities of globalization in order to gain relevance in universal human rights enforcement.

James Wellstead is a recent graduate of the School for International Development and Global Studies' MA program. Currently, he lives in Vancouver, BC and works as a reporter and research consultant focused on issues of sustainability, governance and political economy in the mining and resource extraction sectors.

Introduction

The enforcement of universal human rights is being redefined in the current age of globalization. While conversations on how to derive, define and enforce 'universal' human rights continue in various settings, the social, political, economic and environmental dynamics of globalization are progressing the enforcement of human rights norms along a different track than, and often in competition with, the sovereign nation-state model actively pursued over the past 60 years.

Though globalization has often been described as being "too big, encompass[ing] too many contradictory trends...and its effects are multiple, contradictory, and ambiguous,"[1] the process and its concomitant challenges are easier to grasp if given some underlying structure. Political scientist Jan Aart Schlote has succinctly characterized the process by its intense and increasing flows of, *inter alia*, people, money, and information moving across, within and between individuals, communities, nation-states, regions and the globe.[2] While it has been said for some time that globalization represents a 'crisis of legitimacy' for the state from non-state actors[3], it must be acknowledged that some of the most important evolutions of globalization are still produced through national level policy and power which regulate

[1] Bob, Clifford. "Globalization and the Social Construction of Human Rights Campaigns." *Globalization and Human Rights.* Ed. Alison Brysk. Los Angeles: University of California Press, 2002.

[2] Scholte, Jan Aart. *Globalization: A Critical Introduction Second Edition.* New York: Pallgrave-MacMillan, 2005.

[3] Held, David. "Democracy and the New International Order." *Cosmopolitan Democracy: An Agenda for a New World Order.* Ed. Daniele Archibugi and David Held. Cambridge, U.K.: Polity Press, 1995b.

international flows within their borders.[4] Building on this conceit, the impacts of globalization are best portrayed, it is argued here, as the increasing and uneven physical and virtual transmission of tangible and intangible elements across physical, social and political barriers through emerging and established *networks*.[5] Within a network, both agents acting to restrict entry and those present within a network, both have a large influence upon the operation and consequence of network flows.

This development presents a particular challenge for the most widespread analytical conception of universal human rights. Under the United Nations conventions established since the end of World War II, *all* humans regardless of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"[6] have been granted numerous rights and freedoms.[7] As it is also seen today to be the "duty of states, regardless of their political, economic and cultural systems, to

[4] Sassen, Saskia. *Globalization and Its Discontents: Essays on the New Mobility of People and Money*. New York: The New Press,1999.

[5] Castells, M. *The Rise of the Network Society*. Second Edition. Malden, MA: Blackwell Publishing, 2000

[6] Article 2 of the 1948 Universal Declaration of Human Rights (http://www.un.org/Overview/rights.html).

[7] International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights (1966), International Convention on the Elimination of All Forms of Racial Discrimination (1965), Convention on the Elimination of All Forms Discrimination Against Women (1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Convention on the Rights of the Child (1989), Convention on the protection of all rights of Migrant workers and their families (1990).

promote and protect all human rights and fundamental freedoms,"[8] an analysis on the enforcement of universal human rights will require an examination of nation-states' capacity to "promote and protect" within a network system in which governments are only one of the dominant actors.

Underwriting current human rights enforcement models are moral theories deriving the legitimacy of rights as well as various political theories which are used to justify the enforcement models of these various rights. As such, looking at both the moral theories and respective political theories which enforce human rights better places us to respond to a process exposing people to common forces manifested and experienced in a multiplicity of manners. From this vantage, it becomes possible to reorient the mechanisms of enforcement to ensure a more robust protection of the rights deemed 'universal.'

As such, the intent of this essay is to clarify how the challenges posed by globalization impact the enforcement of universal rights. In this, I contrast two dominant trends in globalization—the shifting role of nation-state and the creation of multiple experiences—to prevailing notions of universal human rights enforcement and I provide an analysis of why these trends matter. The next section begins the analysis by identifying two dominant moral theories of universal human rights - communitarian and

[8] Vienna Declaration and Programme of Action, UN Doc. A/CONF.157/23 (1993) at paragraph 5. This Declaration emanated from the 1993 World Conference on Human Rights.

cosmopolitan - and their respective vehicles of rights enforcement.[9] Section III then briefly highlights three dominant characteristics of globalization – increased flows of people, money and information – and analyses how these trends challenge theories of universal rights enforcement. Section IV comments on how globalization's networks of power are translating, and possibly transforming, conceptions and practices of universal human rights with reference to the altered perceptions of the state and the multiplicity of experiences of globalization. Section V then briefly concludes with some relevant considerations for moving forward in the effort to enforce universal rights in the face of transnational network norms.

Morality and Universal Human Rights

While the economist Milton Friedman contested that the best theories "will be found to have assumptions that are widely inaccurate descriptions of reality, and, in general, the more significant the theory, the more unrealistic the assumptions,"[10] we must reconcile the realities of a global era with the theories attempting to enforce universal rights. Starting at the base of human rights, contemporary iterations of theories of morality must be adapted and

[9] While a number of other theories on transcendental rights exist, it is argued here that the systems of enforcement draw heavily upon either supra-national or nation-based (either cultural or civic-based citizenship) governing mechanisms. It is for this reasons that I have selected these two schools of thought for analysis.

[10] Mearasheimer, John. *The Tragedy of Great Power Politics*. New York: Norton, 2003, p.30.

applied with reference to the risks of the world today if they are to act as foundations for these rights.[11]

The method of identifying which rights deserve the weighty title of a 'universal right' is contestable. One of the greatest contentions is how current 'universal' morals are derived. The case of Liu Xiaobo and the so-called 'Asian values' provide a lucid example. Liu was arrested in 2008 and recently sentenced to 11 years in prison for spreading rumours and defaming the government, in attempt to subvert the state and overthrow the socialist system.[12] The sentence refers to Liu's role in crafting Charter 08, a petition signed by a few thousand Chinese citizens calling for an end to one-party rule in China and its replacement with a government based on human rights and democracy.[13] As this case illustrates, the claim of universal validity for rights like "freedom of expression" – one of 19 requests in Charter 08 – only holds value depending on which moral theory one adheres to. In the case of China, the state appears to believe that the right to political stability is more important than the right to individual expression. In order to understand which competing rights, such as those of the Liu example, are 'universal', we turn to two predominant approaches which attempt to provide a foundation for universal morals informing universal human rights and which empower a sovereign power with the authority to enforce these rights.

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[11] See the 2004 conversation between Harry Kreisler and Seyla Benhabib on how political theory can further our understanding of globalization and its impact on the struggle for human rights at: http://www.youtube.com/watch?v=nfQqPdcAG60

[12] Official media statement provided by Chinese State which can be found at http://lawprofessors.typepad.com/files/liu_xiaobo_verdict-en-ch.pdf

[13] See New York Review of Books article "China Charter 08" for a reproduction of the Charter. http://www.nybooks.com/articles/22210

Communitarian Approach

We begin with the communitarian school of morality, a theory most commonly identified with American moral and political philosopher Michael Walzer. Walzer and his contemporaries place the moral basis of a right within a specific cultural and historical ontological context.[14] This form of analysis essentially sees building a rational moral foundation of universally valid ethics as unattainable. Such an attempt to find a moral foundation applicable in deriving universal human rights is vulnerable, communitarians argue, to an external 'ontological critique.'[15] Philosopher Jack Donnelly suggests that claims such as "God gives us rights" are viewed by communitarians as being susceptible to external ontological questions like "What God?" to which there is no decisive response. The same is true, it is argued, for basing foundations upon rationality. As such, these ontological foundational arguments operate within (social, political, moral, religious etc.) communities and are reliant upon these contexts in order to sustain and understand the specific notion of a right. The only way to define and assert these 'thick' human rights is through illustrating the internal tensions and contractions of cultural notions of rights with social criticism launched from within the specific cultural system.[16] To derive a universally valid and inter-cultural right might be achieved through an empirical analysis of varying cultural systems

[14] Walzer, Michael. *Thick and Thin: Moral Arguments at Home and Abroad.* Notre Dame, IN: University of Notre Dame Press, 1994.
[15] Donnelly, Jack. *Universal Human Rights: In Theory and in Practice.* Ithaca, New York: Cornell University Press, 2003, p. 18.
[16] Walzer 46-47.

of belief in order to discover where these different 'thick' ontological systems produce a 'thin' moral agreement.[17]

To develop this 'thin' universal morality, we must derive it *from* our 'thick' culturally and historically contextual visions of morality.[18] This conception of a 'thin' universal morality would then be illustrated by words like 'justice', 'freedom' and 'truth', which all cultures can internalize and comprehend. These forms are not substantively minor or shallow, but instead are 'close to the bone', whereas seeking agreement on 'thickness' would come with qualification, compromise, complexity, and disagreement.[19] However, this minimalism is not foundational and "it is not the case that different groups of people discover that they are all committed to the same set of ultimate values."[20] To pursue an approach of anything more than this thin conception would be elusive. Thus, in making reference to the Prague rallies of 1989 for justice and truth, Walzer says that in acknowledging the 'thin' universal morality, we can "march for a while together", but in order to reify justice and truth, we must then "return to our own parades" – our 'thick' morality – to substantively ground these rights.[21]

From this theory, any attempt to create global governance and legal structures to enforce these rights should be used only to aid the complex realities of the cultures contained within a state structured system. It is within the nation-state system that we must continue to assert our 'thick' values as

[17] Ibid.
[18] Ibid. 4.
[19] Ibid. 6.
[20] Ibid. 18.
[21] Ibid. 11.

the most effective forms of rights. Any attempt to abstract a large-scale global government would not render rights relatable to those of specific cultural rights and weaken efforts to enforce 'thick' morals. It remains, it is argued, that there are no overarching principles sufficiently widely endorsed to form the basis for a strong legal authority that would limit the claims of the sovereign state.[22]

Cosmopolitan Approach

Our second school of thought is identified today most closely with the work of Jürgen Habermas and Karl-Otto Apel. These theorists are convinced that universal human rights can be grounded in a universal, and not culturally specific, morality. The basic approach to discerning these universal rights is through a "strict transcendental reflection on the procedural presuppositions of argumentation", which, it is argued, is "the only possible way of avoiding metaphysics and thus culture-dependence."[23] In other words, by setting out ground rules for debate and then engaging in inter-cultural 'endless dialogues', we are capable of arriving at

[22] Open Learn. "Rights and Justice in International Relations". 2008. Web. 22 Nov. 2008 at <http://labspace.open.ac.uk/mod/resource/view.php?id=286657>

[23] Apel, Karl-Otto. "Globalization and the Need for Universal Ethics." *European Journal of Social Theory* 3.2(2000): 137-55. p. 141.

transcendentally grounded universal morals[24] not equated with concrete ways of life.[25]

While communitarians criticize universally grounded morality as operating on the false assumption that a 'thinly' rationally-derived right could effectively return into the 'thick' culturally specific ethical system, Apel sees the cosmopolitan approach as obviating this criticism. Instead, inter-cultural dialogues are able to elucidate universal moral rights *from* these 'maximal' or 'thick' systems first and *then* apply them into 'minimalist' universal conceptions of rights that have relevance to all cultures from which they are derived.[26] In other words, the cosmopolitan rights are universally valid because they are collectively identified *by* all cultures, rather than being de-contextualized and then *imposed on* all cultures, as suggested by communitarians.

It is from these transcendentally, inter-culturally derived morals that we can transfer into cosmopolitan legal systems of universal human rights. Cosmopolitans, like David Held and Richard Falk, see the well-being of humanity requiring law to be operative on a regional or global scale that corresponds to the scope of operations.[27] Thus, as we can draw upon specific moral foundations derived irrespective of cultural and historical

[24] This is achieved via the adherence to the principles of discourse ethics and aided by the 'hermeneutic circle', which allows diverse participants to create a globally coherent understanding (Apel 2000).

[25] Ibid. 149.

[26] Ibid. 149.

[27] Falk, Richard."The World Order Between Inter-state Law and the Law of Humanity: The role of Civil Society Institutions." *Cosmopolitan Democracy: An Agenda for a New World Order.* Ed. Daniele Archibugi and David Held. Cambridge, UK: Polity Press, 1995. p.167.

particularities, we are empowered to take these principles to a greater source of sovereign authority to ensure them for all humans. Held suggests that:

> legal principles are adopted which delimit the form and scope of individual and collective action within the organizations and associations of state, economy and civil society. Certain standards are specified for the treatment of all, which no political regime or association can legitimately violate.[28]

So, after deriving these universally valid moral foundations through a rational comparison of the discursive tests of different ontological systems – rationalizing through the consequences of each discourse – we should apply and uphold these rights within a culturally impartial system of justice. Moving toward justice systems at the level of the United Nations allows all people to enjoy citizenship from the local to the global, providing a fuller protective sphere under these universal rights.[29]

With these moral conceptions of universal rights in tow, we now bring the realities of globalization back into the debate. Analyzing the abilities of these theories to engage the trends produced in an increasingly integrated global order will provide an understanding of the challenges associated with applying moral rights through their respective enforcement mechanisms in order to protect these rights within a contemporary realm.

[28] Held, David. *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance.* Stanford, CA: Stanford University Press, 1995a. p. 271.
[29] Ibid. 272.

Globalization's Challenge to Universal Human Rights

Despite the overemphasis of globalization as an economic project, globalization is a much richer experience than mere economic integration. With a history that dates back to the pre-World War era, by the mid-1990s the term globalization became a popular term among business and policy leaders as a means of expanding international commerce with particular emphasis on financial mobility.[30] While a detailed discussion of the content and originality of globalization is too large to engage at length here, a concise definition is required in order to give traction and relevance to the processes' impacts upon the enforcement of human rights. Building from the notion of 'a process of stretched social relations, intensification of flows, increasing interpenetration and the creation of global infrastructure',[31] globalization has direct implications for the rule of law role within sovereign nation-states. While companies, investors, migrants and news outlets experience an increased ability to inform the economic, social and occasionally political processes occurring globally, the rise of power and its use across nation-states does not arise sporadically or haphazardly. Instead, its use can be better understood through the metaphor of a network.[32] Specifically, the network provides nodal centres with numerous connection points which, while still in control through policy choices, are often still able to access these global flows through a multiplicity of connections.

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[30] Dalby, Simon. "Anthropocene Geopolitics: Globalization, Empire, Environment and Critique" *Geography Compass*, 1.1(2007): 103-118.

[31] Cochrane, Allan and Kathy Pain. "A globalizing society?" *A Globalizing World? Culture, Economics, Politics.* Ed. David Held. New York: Routledge, 2004. p. 15-17.

[32] Castells, 2000.

Manual Castells, in the first of his renowned three volume work *The Rise of the Network Society*, is a leading proponent of a networked global order. Specifically, he describes the current era as 'informational, global and networked.' Picking up on this networked characteristic, he claims that "as an historical trend, dominant functions and processes...are increasingly organized around networks."[33] Further, Castells asserts that dominant functions of global order are organized in networks "pertaining to a space of flows that links them up around the world, while fragmenting subordinate functions, and people, in the multiple space of places, made of locales increasingly segregated and disconnected from each other."[34] That is to say that while the impacts of global networks are transforming dominant social, economic and political processes, these changes are occurring in fragmented ways and affect our labour, economies, identities and information and communication structures in a similar form.

Castells furthers this proposition of fragmentation by arguing that these global flows also create a variety of temporal and material experiences. Specifically, he notes that "timeless time appears to be the result of the negation of time...in the networks of the spaces of flows", while "clock time, measured and valued differentially for each process according to its position within in the network continues to characterize subordinate functions and specific locales."[35] That is to say, that while global networks offer, to some extent, the contraction of space and time through increasingly seamless

[33] Ibid. 500
[34] Ibid. 507
[35] Ibid. 507

transmission, those who are not within or part of specific networks do not experience the same result.

From this change, two relevant shifts have challenged the position of the state in its ability to assert its relevance in reference to human rights protection. The first is the redistribution of power beyond the state and into the mediation of the function of various components of the global network. We have seen a proliferation of global or international governance organizations which create a *cosmopolitan democracy*[36] 'above' the state and regulate and control international events (i.e. environmental damage, health or financial crises) that stretch beyond national boundaries.[37] The other shift is to 'below' the state where private corporations, individuals and civil society organizations are gaining influence in dictating economic decision-making, information dissemination and migration flows across territorial borders.[38] But issues are arising from this transition as current conceptions of international human rights law place the nation-state as the primary agent responsible for the enforcement and endowment of the rights of its citizens.[39]

At the same time, the multiplicity of experiences arising out of shifting modes of interaction (in person and virtually) have made identifying

[36] Archibugi, Daniele. "From the United Nations to Cosmopolitan Democracy" *Cosmopolitan Democracy: an Agenda for a New World Order.* Ed. Daniele Archibugi and David Held. Cambridge, UK: Polity Press, 1995.
[37] Held, 1995b.
[38] Appadurai, Arjun. *Modernity at Large.* Minneapolis, MN: University of Minnesota Press, 1996.
[39] McCorquodale, Robert and Richard Fairbrother. "Globalization and Human Rights." *Human Rights Quarterly* 21.3(1999): 735-766.

consistencies much more complex. Arjun Appadurai notes that the rhizomic nature of much of contemporary society – a new sense of rootlessness, distance, and space – is essential to individual experiences and cultural processes.[40] In addition, attempts to reach a common understanding through dialogue and discourse are shaped by the networks of flows and mediating space occurring within globalization.

People Flows[41]

With a variety of push and pull forces encouraging individuals to become more mobile, the boundaries of states are increasingly transited. The dynamics of growing populations, increased intensity of cultivation and growing anthropogenic impacts upon environments have made certain livelihoods less tenable, leading to greater migration. Shifting economic opportunities arising from trade agreements or new endeavours have also offered skilled and unskilled labourers wages far from home. Beyond the incentives, the means for transport provide the ability to travel further and faster, carrying greater numbers at lower costs to passengers. With such motivations and capacities for mobility, concepts of citizenship and belonging are increasingly challenged.

In numerous cases in Western and non-Western nations, claims of rights based on universal personhood for migrants or non-documented

[40] Appadurai, Arjun 36.

[41] While the division of flows here is to draw out relevant trends within globalization, there is no ease separation between these three flows. People, economic and information flows are intimately tied to one another in reality.

immigrants have been obstructed by a lack of status as a 'citizen.'[42] Examples are plentiful: Mexican labourers in the USA; ethnic Karen people from Burma into Thailand; and Filipino caretakers in multiple countries are a few of the many cases where various groups lack effective support of a variety of rights. In the case of Mexican migrants, difficulties arise from contrasting conceptions of rights, citizenship and belonging that operate within the liberal 'contractarian' model of countries like the USA and the liberal 'universalist' model of international human rights expected to be applied from the UN level. The universalist conceptions of rights holders apply to citizens of the human race – all humans – and are not state- or contract-centered, but rely upon states for the enforcement of these rights.[43] As a result, constructed ideas of belonging and citizenship (often based on notions of ethnicity) have excluded migrant or newly arrived labourers from many civil or political rights otherwise granted under a state-based contract understanding of rights. The responsibility to provide universal human rights are perceived to be the prerogative of states toward their *own* citizens, not to 'non-citizens.' While there have been some shifts in the international human rights discourse away from individual rights tied to a particular nation-state and citizenship toward contractarian notions of rights based on international law, these trends are often overestimated and are restricted to some areas within Europe or the USA.[44] As a result, many international migrants are left

[42] Maher, Kristen Hill."Who Has a Right to Rights?: Citizenship's Exclusions in an Age of Migration" *Globalization and Human Rights* Ed. Alison Brysk. Los Angeles: University of California Press, 2002.
[43] Maher 28.
[44] Ibid. 25.

in an "ambiguous and vulnerable position" where it is not clear which state is accountable for protecting their rights.[45]

However, not all migrants face the same ambiguity or danger. Contrastingly, the "jet-aged nomads" – the economists, accountants, lawyers and CEOs of the world – have experienced unprecedented international 'hospitality.' They are increasingly persuaded and incentivized into travelling across borders to put their lucrative skills to work[46] and are often provided greater rights protection and influence than host-country citizens receive. Their connections, national citizenship and cultural prestige act as a pass into nearly any environment without concern that their lack of national citizenship could deny them pertinent rights. As such, the ease with which these 'nomads' pass through national borders does not necessarily carry a comparable risk of abuse as travel does for the greater number people migrating in search of low-paying labour.

What is interesting from this disparity is that while the two groups experience two different realities, they are very much part of the same system of mobility and are placed in the same extra-territory limbo of rights protection. While the differential treatment of class, ethnicity or nationality are by no means a new phenomenon, it appears that it is just as likely that the enforcement of universal human rights, like civil or political rights in the cases above, are unlikely to occur without greater coordination between states.

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[45] Ibid. 37.

[46] Barnet, RJ and Cavanagh, J. *Global Dreams: Imperial Corporations and the New Global Order*. New York, NY.: Touchstone Publishing, 1994. p.168.

Economic Flows

Another predominant feature of globalization has been the entrenchment and expansion of commoditization in capitalist production.[47] As a result of increased commoditization, flows of trade in goods and services have proliferated with concomitant financial interactions across territorial borders. Though financial flows have played an arguably smaller role of current day globalization than in the pre-war era,[48] and occur more intensely amongst wealthy countries and not between rich and poor countries, the human rights implications of these financial networks are important. Transnational networks of capital, and the evolving economic imperatives emerging from these connections, work to transform the powers of workers, corporations, states and global financial institutions in decision-making and rights assertion.

Revolutions in technology, along with a near ubiquitous policy of domestic financial liberalization, have given individual investors and multinational firms an increased ability to fund and invest in transnational enterprises, markets and financial institutions. The capacity to transfer trillions of dollars of capital in search of high yielding returns in mere moments carries very real implications for the rights of all individuals involved and implicated, often unwittingly, in these investments. One of the more renowned examples of the impacts of 'footloose' capital mobility is the 1997 Asian financial crises. The crisis was initially instigated by nervous

[47] Scholte 161.

[48] Schularick, Moritz. "A Tale of Two Globalizations: Capital Flows from Rich to Poor in Two Eras of Global Finance." *International Journal of Finance and Economics*, 11(2006): 339-54.

investors who pulled out billions of dollars of investments over fears of non-performing financial loans stemming from, principally Thailand's, over-leveraged real estate and construction (amongst others) sectors. The resulting rapid exit of international investors forced national governments to pour billions of their national reserves into maintaining their failing currencies or to float or devalue currencies making numerous essential imports unaffordable for millions of Southeast Asian nationals. While the existence of poor investment choices made on part of international investors or local entrepreneurs are certainly of relevance, the story raises a number of the challenges for human rights protection in an era of internationally integrated capital, specifically challenges of national governments in managing heavily globally-integrated national economies which often support fundamental rights to access minimal sources of welfare which many of these states intend to uphold.

More recently, the 2008 global financial crisis emanating from over-leveraged and over-invested capital within the American housing markets, has again brought the global implications of financial markets to attention. As a result, millions of peoples' livelihoods are threatened by the actions of investors living thousands of kilometres away from where the impacts are felt most. While the challenges to livelihoods in and of themselves are not rights violations, governments are challenged to find ways to provide the sufficient conditions in which these groups are able to support themselves.

Following such financial flows or crises, the influence of domestic policy from networks of international investors, as well as international

financial institutions like the International Monetary Fund (IMF) or the G-20,[49] has become abundantly clear. These swings in vast sums of money greatly restricted national macroeconomic policies, particularly monetary policy, from providing a risk-averse environment for international investors.[50] When these crises do strike, lenders of last resort, typically international or national financial institutions, impose conditions – like the IMF's structural adjustment programs [SAPs] – on the loans they give which are aimed at buoying national capital accounts and providing economic stability.[51] In the case of SAPs, these conditions have greatly reduced the states' ability to provide funding for education, housing and health programs for the millions of people who depend on these services. Such policies have left the UN Special Rapporteur on the Realization of Economic, Social and Cultural Rights with the belief that:

> [SAPs] continue to have a significant impact upon the overall realization of economic, social and cultural rights, both in terms of the ability of people to exercise them, and of the capability of governments to fulfill and implement them....[52]

[49] The Group of 20 most economically powerful nations (G-20) has begun to play a role in shaping fiscal and monetary policy carrying enormous implications for global economic policy decision-making.

[50] Singh, Kavaljit. *Questioning Globalization.* New York, NY.: Palgrave-Macmillan, 2005. p. 116

[51] This is an issue in countries which maintain a pegged-currency. However, in cases where currencies float freely, countries are just as susceptible to swings in currency levels and maintaining the favour of international currency traders is important for maintaining economic stability.

[52] McCorquodale and Fairbrother 746.

This shifting role for the state in ensuring the enforcement of rights relates to the shifting balance in the writing of the 'meta-rules': the 'rules that determine the rules' governing globalization.[53] The redefining of the intellectual property, international trade and finance laws that enable the free transaction of goods, services and capital are important in determining the manner in which these economic flows occur. The rules are designed in order to facilitate capital exchange and protection and have shifted the responsibility of ensuring the achievement of these rights on to private individuals and away from public entities like nation-states. However, the result of the re-writing of these meta-rules – often led by small groups of technocrats and business leaders in meetings of the G8, G20 or at the World Economic Forum – has, arguably, frequently been to the detriment of many basic universal rights.

Another aspect of this financial liberalization has been the somewhat contradictory effects these flows have caused. At times, this free flow of goods and finance have supported and emboldened many dictatorial regimes or underwritten terrorist organizations with appalling consequences for universal human rights enforcement. However, this interconnected web of financial transactions has also provided a mechanism through which investors and states can sever financial support to these repressive regimes. McCorquodale and Fairbrother provide the example of transnational corporations aligning with individual consumers to enact trade sanctions

[53] Shue, Henry. "Global Accountability: Transnational duties toward economic rights" *The Globalization of Human Rights.* Ed. Jean-Marc Coicaud, Michale W. Doyle and Anne-Marie Gardner. Hong Kong: United Nations University Press, 2003. p. 169.

against Apartheid South Africa in the 1980s thereby facilitating the protection of human rights.[54] Thus, while increased mobility and interconnectedness of financial and capital markets can exact deep impacts upon economic, social and political human rights, they can also be used to coerce and prod pariah states into enforcing universal human rights. As a result, these economic flows can lead to potentially disastrous consequences for millions of people's economic, social and cultural rights, but may also be useful in undermining many abuses that remained the prerogative of individual states during a less economically inter-connected era. The impact ultimately rests, in great part, with the decisions of those in control of these flows of finance.

Information Flows

The innovations in information and communication technology achieved in the past thirty years have greatly affected the way people engage universal human rights. Corporate and independent news agencies, NGOs, interpersonal communications and others amongst sources are now able to cover from all over the world. The result is to have enlightened and inculcated people with a seemingly limitless supply of information from around the world via the internet, cell phones, newspapers, televisions etc. These new and intensified media sources enable people to derive opinions and moral positions, on a multitude of issues, from both these distant contexts and their own local context.

[54] McCorquodale and Fairbrother 757.

A predominant agent in the dissemination of reports, analyses and images on issues such as human rights abuses have been civil society institutions. These sometimes insignificant, sometimes powerful groups operate with the interest of the welfare of the individual human being in pursuit of the 'law of humanity' and not 'inter-state law.'[55] Richard Falk argues that because these actors are not elected to act on the behalf of a nation-state, civil society is empowered to provide an autonomous voice toward the institutions and states which deprive individuals of their universal human rights, occupying the position no state can.[56] Thus, these information streams allow organizations like Amnesty International or Human Rights Watch to provide timely information reducing the ability of governments to hide their activities from public scrutiny.[57] This information rich environment makes it increasingly difficult for abuses to take place when exposed to the collective interpretation of those with access to these media sources.

However, information is far from equally distributed, nor equally interpreted by a neutral audience. As for news agencies, the dominant power of CNN is lauded in its ability to inform the world and insight action in the face of human rights abuses.[58] However, in 1997 with a staff of *only* 50 overseas journalists in 23 foreign bureaus, the extent to which these abuses are researched and understood is often questionable, especially to be

[55] Falk, Richard. 163-4.
[56] Ibid. 165.
[57] McCorquodale and Fairbrother 759.
[58] Sandholtz, Wayne. "Humanitarian Intervention: Global Enforcement of Human Rights?" *Globalization and Human Rights.* Ed. Alison Brysk. Los Angeles: University of California Press.

receiving the praise of being the 'sixteenth member of the Security Council.'[59] Particularly troublesome is the manner in which local groups strategically use the power of global media. While virulent manifestations of this practice are worrisome, human rights groups also take strategic actions to raise oppressed groups' international visibility by fitting a group's grievances into a limited number of internationally recognized human rights abuses.[60] Clifford Bob notes that this is often times necessary to bridge the initial misfit between local and international understandings of human rights violations, like female genital mutilation, and which depend more on a groups own resources and knowledge than on globalization itself.[61] Thus, while information proliferates and is disseminated, the ontological variety of this information can often be limited to a number of dominant forms. Individuals, in seeking for a common mode of communication – be it a national language like English or a technical one like rationalism – often conform to a prevailing standard to the detriment of alternative ones.

Reconciling Trends and Discourse

It is difficult to argue that moral conceptions of universal rights have ever informed the enforcement of human rights. Since the mid-1940s, the shift away from national sovereignty in favour of the rights of the individual have been sluggish at best and has only reappeared more vigorously since the

[59] McCorquodale and Fairbrother 759.
[60] Bob 134.
[61] Ibid. 138.

breakup of the Soviet Union in the early 1990s.[62] Yet, the increasingly intense flows of people, money and information have been a great impetus in the turn toward the importance of the individual in the discourse of universal human rights. While some authors contend that universal human rights, as promoted and understood today, derive from the Western cultural priority of rights for the individual (Rajagopal 2004), others have insisted that the shift toward individualized human rights have instead been due to the predominance of the nation-state and the market economy.[63] As technological innovation and the entrenchment and expansion of the market economy, Thomas Franck argues these shifts in human rights are not about the legitimacy of the claim for universal human rights, but instead about:

> changes occurring, at different rates, everywhere: universal education, industrialization, urbanization, the rise of a middle class, advances in transportation and communications, and the spread of new information technology. These changes were driven by scientific developments capable of affecting equally any society. It is these trends, and not some historical or social determinant, that -- almost as a byproduct -- generated the move to global human rights.[64]

[62] Noted as first occurring with the International Tribunal at Nuremberg and Tokyo, the continued trend in international human rights law has been toward giving primacy to 'fundamental' individual human rights over rigid assertions of the sovereignty of the nation-state (Held 1995a: 101-7).

[63] Franck, Thomas M. "Are Human Rights Universal?" *Foreign Affairs* 80.1(2001): 191-204. Donnelly (2003).

[64] Franck 200.

Beyond the more technocratic causes of rights proliferation noted by Franck, Donnelly also notes that it is only natural that universal human rights should be expanding to protect the rest of the world who are now at risk of being abused by modern market economy and technological forces.[65] Arguably, as is evident in the description above, we have seen the extent to which the market economy, and the parallel people and information flows, has affected diverse parts of the world. However, as the multiplicity of experiences within this modern market economy display, it is unlikely that such a system will provide equal enforcement of rights protection.

These varied trends provide a number of specific challenges to a universal morality approach to constructing universal human rights. In terms of the communitarian approach, the primary challenge for grounding a culturally specific morality is the complication of increased interaction between individuals from alternative cultural systems across national borders. The result is that there is no easy definition of what constitutes membership within a culture and thus granting the right to launch a social criticism in order to adapt and define that culture's notions of rights is challenging. Currently, undocumented residents in many countries are often restricted civil rights such as the freedom to assemble or the right to education while 'jet-aged nomads' often shape and greatly influence the economic or social policies of which ever country he or she passes through. Furthermore, information technology has also allowed individuals to remain connected and integrated virtually with their previous culture while living miles away in

[65] Donnelly 60.

another culture. The result is that who belongs to a particular culture becomes harder and harder to define.

As for the enforcement mechanisms of universal rights outlined by the communitarian approach, there are a number of issues. While not having any direct link to the process of globalization, issue must be taken with any process that takes a national territory for granted when defining a culture. The result of such a process can be to erase many of the colonial or arbitrary forces that defined and structured state systems over time around otherwise diverse and separate cultural groups. Attempts to come to conclusions on moral standards which all can agree upon is incredibly difficult in countries like Nigeria, Malaysia or India all of which have diverse religious and cultural groups within boundaries defined by external forces.

Beyond this, the difficulty in asserting national legal mechanisms abroad to protect mobile citizens is greatly hampered by real politik and the strength of the particular states in question. In some cases the state seems strong enough to continue to promote its cultural conception of rights over and above competing claims of universal rights as was evident in the Liu's Charter 08 example. However, it is difficult to understand how it is possible to launch a social criticism within a cultural system that contorts the criticism process upon which communitarians base the legitimacy of culturally specific rights.

As for the cosmopolitan moral grounding of universal rights, globalization also presents difficulties. Despite an increasing number of people with access to more information, the majority of information flows

emanate from a few dominant sources. As such, it is often the case that dominant discourses are extended not because they possess objective truths or are more desirable, but because of their relative power. This is particularly true under what David Singh Grewal calls the power of 'socialization' characteristic of globalization and not sovereign political power.[66] As information based in dominant ontological systems increases in quantity and decreases in variation of qualitative expression (dominance of rationalism),[67] the opportunity for different ontological systems of rights to undergo a 'discursive test' diminishes, and the legitimacy for claims of universal morals able to avoid metaphysics and cultural dependence becomes more suspect. As such, meaningful inclusion and provision of varied ontological systems must occur within the process of crafting universal rights in order for transcendental reflection to occur.

Furthermore, the enforcement mechanism for universal rights in a cosmopolitan structure is also challenged. The principle forums for chief decision-making dialogues in crafting meta-rules for governance issues, such as security and the economy, continue to occur amongst prevailing powers like the G20, the World Economic Forum and UN Security Council veto-members which are chaired by the most dominant and powerful nation-states. As such, we must question the extent to which these institutions are actively engaging all cultures in an open dialogue, which would elucidate actionable universal rights.

[66] Grewal.
[67] Scholte 275.

In terms of both communitarian and cosmopolitan approaches, the increasing trend which prioritizes the individual, and not the state, as a provider of required services also challenges the ability of the state to enforce some universal rights. The fickle flows of finance or the impact of economic crises demonstrate the challenge of universal rights enforcement by the state (and for individuals) when focused upon controlling an economic environment and not rights enforcement.

Networks and Norms

Building on the difficulty to ground human rights in a singular moral theory, there has been support to search for what John Rawls refers to as an 'overlapping consensus' on a political conception of justice.[68] The hope is to move the concept of rights out of the realm of morals and into political theory which allows conceptions of rights to flourish in a '"post-modern' world adverse to unassailable foundations." While moral theorists do not generally support such an approach,[69] this political foundation has arguably begun to dominate the de facto foundation and enforcement of universal human rights through globalization's established and emerging networks.

During this time, a diverse number of actors outside of nation-states and international agencies have been actively promoting these various

[68] Donnelly 40.

[69] Apel notes that the novel challenges of globalization – like the inevitable ecological crisis – do not represent the interests of virtual discourse partners, such as members of the next generations of third world poor, and thus weaken attempts for an overlapping consensus (Apel 2000: 142).

articulations of universal rights. While these actors (such as civil society organizations, private firms, and regional governments) are not necessarily the sovereign legal force charged with the enforcement of these rights, they have, it is argued here, begun to take on the role of defining the application of rights in areas where a sovereign enforcer of rights has failed to adequately adapt. In many cases, de facto networks of actors operating within a defined space will determine the norms (be they technical standards, a language or, even universal human rights) which are asserted in practice. These norms are exerted more through the power of socialization, and not sovereignty.[70] While some authors are sanguine about the opportunity for norms to be defined through network power,[71] such an approach presents numerous opportunities in which power, and not rationality or culture, would define the norms guiding our actions.[72] Nevertheless, the reality of norms being enforced via the power of socialization operating through a network, as opposed to sovereign rule, provides a distinct challenge for both cosmopolitan[73] and communitarian moral theories of rights. As it does *not*

[70] Grewal.

[71] Ladeur, Karl-Heinz. *Public Governance in the Age of Globalization*. Ashgate Publishing, 2006.

[72] Flyvbejerg, Bent. Habermas and Foucault: Thinkers for Civil Society? *British Journal of Sociology* 49.2(1998): 210-233. Flyvbejerg's is more nuanced that the terminology I have supposed. He is more sanguine about the opportunity for open political conflict, presumably non-violent, which a network approach would provide over that of a universally grounded consensus-based approach (i.e. Habermas), is more conducive to providing a democratically stable and robust society. For two other instantiations on the role of power in defining norms see Viellechner, Lars. "The Network of Networks: Karl-Heinz Ladeur's Theory of Law and Globalization". *German Law Journal* 10.4(2009): 515-536 and Hardt, Michael and Antonio Negri. *Empire*. Cambridge, MA: Harvard University Press, 2001.

[73] These challenges also arguably apply to other transcendental theories of universal rights (e.g. religious), which were not discussed in this paper.

appear that many of these flows of people, finance or information will soon recede, both approaches must begin to find ways to incorporate these trends in order to stake a claim for relevance, but more importantly, to ensure the protection of rights that they value.

Conclusions

It is clear there are a number of challenges for universal rights arising within the age of globalization. Flows of people, finance and information across emerging and established networks have led to the increased vulnerability of many individuals, yet do also provide a great opportunity for increased human rights enforcement. At the same time, the challenges presented by globalization also complicate the processes of grounding rights in moral philosophies and protecting them in legal structures.

How universal rights are to be conceived and protected in the 21st century must reflect the continued challenges of the altered role of the nation-state and the continued multiplicity of experiences inherent to globalization. While debates on moral theories for universal rights, like the one between Walzer and Apel, will undoubtedly (and must!) continue, they would do well to find new ways to strengthen the sovereign power of nation-states if these entities are to remain the primary site of enforcement. It is in that vein that legal scholar Lars Viellechner posited that:

> ...either transnational conflicts will be resolved by comparable mechanisms in national private law preserving the integrity of the

> national legal order. Or national constitutional law will evolve in reaction to the emergence of transnational networks.[74]

In the latter, Viellechner finds growing potential in Anne-Marie Slaughter's concept of developing "global government networks" which allow for an evolution of normative precepts – in the same manner as those evolving in private networks – to create robust constitutional foundations for universal rights. Slaughter, who believes that any notion of a previously existing unitary state is misleading, contests that disaggregated states,

> a disaggregated collection of disparate institutions that have their own powers, mandates, incentives, motivations, and, crucially, abilities to interact directly with a variety of institutions--which sometimes are their homologues--in other states and international organizations based on their own power, legitimacy, and authority, without recourse to any higher authority...[75]

is much more effective as a concept of understanding how states act in reality. As such, states are highly capable of coordinating amongst themselves in relation to sector or issue specific challenges in order to enforce a common set of rules across global networks.[76] Viellechner believes that such an approach would be met with "even less resistance when the issue is not to strike down democratically enacted laws of the national legislator but the self-given rules of transnational networks."[77] Such an

[74] Viellechner 533.
[75] Slaughter, Anne Marie. *A New World Order*. Princeton, NJ: Princeton University Press, 2004. p.12-13.
[76] Ibid.
[77] Viellechner 535.

approach seems to offers cosmopolitan theories more room for growth than communitarian, but more importantly offers another chance for sovereign power and political choice to rule in the face of technological or reactive human rights norms. Nonetheless, it is worthwhile to begin investigating methods for progressing universal rights within across the dynamic and evolving global networks. If not, these theories run the risk of drawing creative energy away from more productive endeavours that search for new ways to protect the universal rights of people from challenges predating or arising in globalization.

CHALLENGING THE WTO AND TRIPS: DEMOCRATIC GLOBALIZERS AND THE HUMAN RIGHT TO HEALTH

Megan Pickup
University of Ottawa

Megan Pickup recently completed her first year at the University of Ottawa in the Master's in Globalization and International Development program. She completed her undergraduate degree in Global Studies at Trent University in 2008. Her research interests include global governance, international political economy, and civil society. She would like to express her gratitude to Professor Spronk for her ongoing support of her work.

Introduction

In 2001, the World Trade Organization's (WTO) Declaration on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Public Health, otherwise known as the "Doha Declaration", affirmed the right of governments to take measures – such as producing or importing generic drugs - to protect public health in cases of national health emergencies[1]. By giving primacy to public health over Intellectual Property Rights (IPRs), the Doha Declaration appears to be a reversal of the prevailing logic of TRIPS at its inception to instead privilege corporate rights[2]. How can we explain this departure?

In this case, "democratic globalizers"[3], an ambiguously defined group who nevertheless generally agree that social values and norms should not be subordinated to the dictates of the market, took advantage of the weakened legitimacy of the WTO and the globalization project it furthers in order to promote an alternative model. The Treatment Action Campaign (TAC) from South Africa was one such actor. Formed in 1998, the TAC states its mission as: "a unified quality health care system which provides equal access to HIV

[1] It was later ratified in 2003 ('T Hoen, Ellen. 2003. "TRIPS, Pharmaceutical Patents and Access to Essential Medicines: Seattle, Doha, and Beyond." *Commission on Intellectual Property Rights, Innovation and Public Health*. Accessed 27 Oct. 2010: <http://www.who.int/intellectualproperty/topics/ip/**tHoen**.pdf>; McMichael, Phillip. 2008. *Development and social change: A global perspective*. 4th ed. California: Pine Forge Press.

[2] 'T Hoen, 1.

[3] Smith, Jackie. 2003. *Social Movements for Global Democracy*. Baltimore: John Hopkins University Press.

prevention and treatment services for all people"[4]. With more than 16,000 members, 267 branches, and 72 full-time staff, the TAC has campaigned for equitable access to affordable treatment for people living with HIV/AIDS[5]. Using such means as litigation, lobbying, and advocacy, the TAC has challenged any obstacles they see as limiting treatment, thus playing a pivotal role in gaining access to affordable antiretroviral (ARV) treatment[6]. Activists or social movements identifiable as democratic globalizers, such as the TAC, have had success reforming global institutions when they have leveraged social concerns in such a way that both specific policies and the institutions promoting them have been put at risk of further losing legitimacy.

This paper first situates the demands of the TAC within the context of the TRIPs provision specifically and globalization more generally. Globalization is explored here as a relatively recent, deliberate, and highly political attempt to implement "market-rule" through the restructuring of the nation-state[7]. This project is developed and facilitated by "global managers" – from global institutions like the WTO to national institutions[8]. As these institutions are central to globalization, the paper explores the role of the WTO in influencing domestic policy-making, an institution which critical scholars like Nitsan Chorev (2005) and Ilan Kapoor (2004) have upheld as an exemplar of the democratic deficit in global governance. Specifically, the

[4] TAC. Date unknown. "About the Treatment Action Campaign." *Learn About TAC*. Accessed: 9 Dec. 2010 <http://www.tac.org.za/community/about>.
[5] Ibid.
[6] Ibid.
[7] This attempt can also be referred to as a neoliberal globalization project (McMichael, 154).
[8] Ibid.

WTO, through the provision on TRIPS which protects IPRs, has eroded the power of nation-states to privilege citizens' democratic rights over corporate rights when the two come into conflict[9]. However, because of these democratic deficiencies, institutions like the WTO as well as the policies they promote become increasingly vulnerable to civil society pressure.

Next, a framework for assessing the strength of democratic globalizers will be outlined. While activists are certainly useful in drawing attention to the worst excesses of neoliberalism, in order to transition from disillusionment to change they must also generate sufficient political power to replace dominant policies with other imagined structures[10]. It will be argued that this political power depends on both the "issue" and "actor characteristics" of the mobilizing actors, as well as the tactics they employ[11]. In particular, the TAC, who mobilized for treatment for those living with HIV/AIDS, had the advantage of an ideal issue characteristic given that there was a clear, causal link between the deliberate actions and inactions of identifiable actors (the WTO, corporations, and the South African government) in causing harm to vulnerable people – the absence of affordable medicines. In addition, TAC represented a dense network that did not shy away from engaging with atypical allies[12].

[9] Ibid.

[10] Evans, Peter. 2004. "Is an Alternative Globalization Possible?" *Politics & Society* 36 (2): 271-305.

[11] Keck, Margaret, and Kathryn Sikkink. 1998. *Activists beyond borders: Advocacy networks in international politics*. Ithaca: Cornell University Press.

[12] Smith, 110.

To conclude, I will briefly ground these theoretical presumptions within the specific case of the TAC. While the particular circumstances of this case are not necessarily replicable elsewhere, among other global actors the TAC nevertheless represents the successful articulation of an alternative model of globalization which privileges social goals through democratic spaces: the democratic globalization project.

"Deliberative Democracy" and the WTO

The globalization project relies on institutions like the WTO to further facilitate and legitimate the dispersion of its underlying neoliberal logic. For Nitsan Chorev, analyses of globalization focused primarily on aspects of deepening economic integration neglect the extent to which the creation of new political institutions has facilitated this integration[13]. Thus the Uruguay Round negotiations that led to the development of the WTO, which replaced the General Agreement on Tariffs and Trade (GATT) in 1995– and also the creation of the Dispute Settlement Mechanism (DSM) and the Trade Related and Intellectual Property Rights (TRIPS) Agreement – are not merely an outcome of the globalization project, but rather shape and intensify its scope[14].

The shift from the GATT to the WTO has been called, at least by the WTO, as a step toward democratizing global institutions. Using the idea of

[13] Chorev, Nitsan. (2005). "The Institutional Project of Neo-Liberal Globalism: The Case of the WTO." *Theory and Society* 34 (3): 317-355.
[14] Chorev, 321.

"sovereign equality", the WTO presents itself as a democratic institution given that one member receives one vote and decisions are made on the basis of consensus[15]. Indeed, the creation of the DSM in particular has equalized the relative influence of members given that inter-state relations are no longer settled through diplomatic relations, where asymmetrical power relations decided the outcome, but rather through judicial proceedings where independent third parties adjudicate[16]. However, this apparent equalization simultaneously strengthens and weakens the relative influence of members as they are equally, but nevertheless subjected to, the now inscribed neoliberal logic of the WTO[17]. As Chorev writes, this suggests a "paradox that, at the same time the judicialization of inter-state relations introduced a potential for equality to the international process, the institutionalization of the WTO turned this potential into an equalized ability to impose trade neo-liberalizing rules on others and an equalized difficulty to defend protectionist measures at home"[18].

It is the latter aspect of this paradox that scholars like Ilan Kapoor invoke when more vehemently problematizing the democratic potential of such institutions. Ilan Kapoor uses Jurgen Habermas' concept of "deliberative democracy" – as a rules-based deliberative process that underscores ideas of justice and legitimacy – to evaluate the performance of

[15] Kapoor, Ilan. 2004. "Deliberative Democracy and the WTO". *Review of International Political Economy* 11 (3): 522-541.
[16] Chorev, 329.
[17] Chorev, 336.
[18] 340.

the WTO[19]. Kapoor argues that the WTO lacks the meaningful procedures and rational decision-making necessary to legitimize its democratic decision-making powers[20]. Appropriate procedures would be inclusive, coercion-free, open, and symmetrical - yet the negotiations in the Uruguay Round, for example, often took place during "green room" meetings that excluded members from the Global South[21]. In this case, the extreme asymmetries of members' power were then further exacerbated by the dynamic of Northern states, particularly the US, representing business interests (which also speaks to how representative states themselves are of national interests)[22]; the TRIPS agreement, for example, was championed by the US on behalf of groups like the Intellectual Property Committee (IPC) which represented IPR-intensive industries - mostly pharmaceutical companies[23]. Further, issues with procedural legitimacy are evident in the use of the DSM as although all members can theoretically bring forward cases, its use involves significant resources that many states lack (as a case in point, twenty of twenty-nine TRIPS-related DSM cases have been initiated by the US)[24]. The formation of the WTO is also evidence of the institution's lack of rational decision-making; the knowledge claims of states pushing the globalization project were naturalized, meaning other states with incomplete information

[19] 523.

[20] Ibid.

[21] Kapoor, 527.

[22] Ibid.

[23] Wade, Robert. (2003). "What Strategies are Viable for Developing Countries Today? The World Trade Organization and the Shrinking of 'Development Space.'" *Review of International Political Economy* 10 (4): 621-644.

[24] Archibugi, Daniele, and Andrea Filippetti. 2010. "The Globalization of Intellectual Property Rights: "Four Learned Lessons and Four Theses." *Global Policy,* 1 (1): 137-149.

regarding the potential impacts of TRIPS – given the inherent power dynamics[25] - were in a position to negotiate, but not outright reject the proposal.

The TRIPS provision, enforced by the powers of the DSM, is one result of this lack of deliberative democracy. TRIPS is a law governing the protection of IPRs, or the "'…rights given to persons over the creations of their minds"', for a specified period of time[26]. It arguably represents the most important attempt to establish global IPR harmonization, protection and enforcement as the WTO accounts for approximately 90% of world trade[27]. Global corporations, backed by countries like the US, argue that patents are necessary given the Research and Development (R&D) costs for creating products are quite high (particularly for pharmaceuticals); thus, in order to recover costs, and, most importantly, encourage R&D for other medicines, including diseases most prevalent in the Global South, patents are required[28]. However, these supposed benefits have not been realized as companies avoid

[25] As Kapoor (2004) explains: "The claim that free trade, liberalized markets and technology is beneficial to all WTO members may be convincing, but given that the prevailing power relationships are tipped precisely in favour of those who stand to (and do) benefit most from this claim, the conviction appears to be little more than what Habermas calls 'ideology' (i.e. the suppression of generalizable social interests through systematically distorted communication" (533).

[26] McMichael, 175.

[27] Archibugi and Filippetti, 137; Kapoor , 522.

[28] Cullet, Philippe. 2003. "Patents and Medicines: The Relationship between TRIPS and the Human Right to Health. *International Affairs,* 79 (1): 139-160.

researching issues which will not generate a significant return – the poor are not considered an ideal consumer base[29].

At the same time, patented drugs reduce access to medicines by raising their costs. With patent protection, the Global North becomes a net producer, and the South a net consumer[30]. Prior to TRIPS, many countries had weak IPR protection on drugs that allowed them to run a generic drug industry which kept costs to a minimum[31]; in Brazil for example, the production of generic medicines had reduced prices by approximately 80%, resulting in savings of US $250 million per year on both drugs and hospital care[32]. With TRIPS implementation, pharmaceutical companies, who have essentially secured price monopolies over their products, stand to benefit considerably; the World Bank estimates that US companies alone will gain an additional US $19 billion in royalties[33]. In contrast, most people in the Global South face the increased costs intended to generate these returns. As patenting increases costs, drugs become less affordable and less accessible, meaning there is a direct link between patents and the availability of medicines, or essentially the realization of the right to health[34]. Combined with the enforcement powers of the DSM, the WTO thus assumes

[29] For example, the WHO notes that only 11 of 1,223 chemicals developed between 1975 and 1996 were for tropical diseases, while only 10% of global health research has targeted diseases like malaria, Tuberculosis, and HIV/AIDS – although they account for 90% of global health problems (Cullet, 142; McMichael, 174).
[30] Wade, 624.
[31] Archibugi and Filippetti, 142.
[32] McMichael, 174.
[33] Wade, 624.
[34] Cullet, 151.

unprecedented reach in ensuring that states conform[35] to TRIPS, and limits their ability to protect the right to health through such alternatives as the production of generic drugs for HIV-related illnesses. As Philip McMichael (2008) explains, describing this process as instituting "free trade" would be a misnomer given that "in its confidential bureaucratic guise, such global governance, framed by the discourse of neo-classical economic theory, subordinates the sovereignty of the nation-state, the historic site of the social contract and democracy"[36].

While arguments like Kapoor's are useful in explaining the democratic deficiencies of the WTO, they fail to acknowledge how these deficiencies may undermine the legitimacy of the institution and the neoliberal globalization project that it promotes. In her explanation of the WTO's paradox - where states are equally, but nevertheless constrained, by the institutionalized neoliberal logic –Chorev unearths a fundamental weakness. As she notes, countries[37] have used the DSM to challenge US

[35] When countries of the South agreed to the TRIPS provision, they were allowed transition periods in order to account for their special circumstances before full adoption in 2006 (this was later extended) (Kapstein, Ethan, and Josh Busby. 2010. "Making Markets for Market Goods: The Political Economy of Antiretrovirals." *Global Policy* 1 (1): 75-90). However, as Kapoor notes, these provisions suggest the position of the Global South is temporary and not a result of structural differences (535). In practice, they were also of little use as countries were repeatedly pressured to adopt before the deadline, or implement tougher, so-called "TRIPS-plus" bilateral trade and investment agreements – that, for example, extend patent life, tighten patent protection, or limit compulsory licensing (Wade, 625; 'T Hoen, 43).

[36] 168.

[37] While the most complaints were put forward by Northern countries (the European Union and Canada), there were also cases brought forward from Brazil, Japan, Korea, India, and Mexico (Chorev, 349).

protectionist policies, and the results have unequivocally supported the removal of these barriers[38]. In response, the US has not consistently complied when it required Congressional approval to do so, as the government sought to balance conflicting domestic interests - neoliberal versus protectionist[39]. Of utmost significance, the formalities of the legal system of the DSM – including third party adjudication, making information available to all parties, and its adherence to formal rules (as opposed to diplomatic negotiations) - mean that this inconsistency is rendered starkly visible[40]. Non-compliance signals to other global actors that there is something wrong with the system; therefore, "transparent attempts of the United States to protect itself from the negative consequences of neo-liberal globalism can be used not only to de-legitimate US leadership but also to de-legitimate the WTO and the claims in favor of globalization of neo-liberal policies"[41]. The WTO and the globalization project that it promotes thus become more vulnerable to pressure by civil society and governmental action.

Democratic Globalizers and Ingredients for Success

Various elements of social movement theory are useful in analyzing the successes of democratic globalizers like the TAC in achieving the Doha Declaration. In particular, the case of the TAC mobilizing for affordable

[38] 341.
[39] Chorev, 341.
[40] Chorev, 335.
[41] Chorev, 346.

ARV treatments underscores the importance of "issue" and "actor" characteristics, as well as political engagement at various levels[42]. As we will see, South Africa's decision to extend free and universal treatment to its citizens involved a substantial shift in how access was perceived that seems highly unlikely without its particular "issue characteristics"[43]. The government's decision is evidence of a dramatic shift in perception from ARVs as private goods (which are accessible through the market), to what can be called "global merit goods" or "entitlements", which, based on moral underpinnings, imply that certain goods *should* be available to everyone that needs them[44]. As Margaret Keck and Kathryn Sikkink (1998) explain, examining issue characteristics is a way to uncover how particular networks have been able to influence change[45]. Beyond what the issue is, it must also be framed in such a way that those hearing the message will be convinced that the issue requires change (it is neither normal nor natural), and that change is possible[46]. Changing perceptions so that access to ARVs was considered a right is a stark departure from the prevailing logic of our global system, namely that the market should be left to provide for our needs[47].

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[42] Keck and Sikkink, 27.

[43] Ibid.

[44] Kapstein and Busby, 75.

[45] 27.

[46] Smith, 19.

[47] Kapstein and Busby (78-79) similarly discuss what a puzzling development universal access represents, given for instance that such treatment is not available in many so-called "developed" countries, or, that in the Global North, those impacted by HIV/AIDS have been predominately marginalized communities.

Moreover, Keck and Sikkink, in evaluating the successes and limitations of different advocacy networks, have conceptualized ideal issue characteristics that align with mobilizing for affordable HIV/AIDS treatments. These ideal issue characteristics are those which facilitate advocacy given they are easier to frame, as problems "…whose causes can be assigned to the deliberate (intentional) actions of identifiable individuals…" through a clear, causal chain[48]; one issue in particular that has been particularly effective for mobilizing individuals is instances involving bodily harm to vulnerable individuals as it seems to transcend specific cultural or political contexts[49]. This fits almost seamlessly with access to HIV/AIDs treatment given the actions and inactions of such actors as pharmaceutical companies had designated ARVs as private goods, causing significant harm – the reduced quality and length of people's lives - to those who cannot afford them. The issue characteristic was therefore instrumental in supporting civil society's successes as their framing of the problem and solution held the South African government in a negative light that could have threatened their political legitimacy had they not eventually acquiesced; in other words, "states that have internalized the norms of the human rights regime…resist being characterized as pariahs"[50].

48 Keck and Sikkink, 27.

49 Keck and Sikkink, 212.

This is not to say that there are not significant cultural, class, or other tensions that are evident within campaigns. I will explore this when examining the TAC as a democratic globalizer.

50 Keck and Sikkink, 118.

The strength of the TAC in acting as a democratic globalizer, or its actor characteristics, are also evident in its successes when facing rising IPR protection. "Actor characteristics", similar to issue characteristics, describes how particular actors seem to exert greater influence on the eventual outcomes of their mobilizing[51]. Interestingly, this does not refer only to the actor transmitting the message, but also to the particular actors targeted by the message - campaigns are most effective when their targeted actors are vulnerable to material and moral leverage[52]. In this case, given the fact that even the US will not consistently apply the WTO's rules, the neoliberal logic inscribed in the WTO becomes more sensitive to such moral leverage as the idea that TRIPS wrongly privileges corporate rights over human rights. Furthermore, countries like Brazil and India, who have the production capabilities required to credibly threaten compulsory licensing[53], represents a material incentive for pharmaceutical companies to negotiate to reduce costs rather than potentially lose out altogether[54]. Thus, the vulnerabilities of TAC's targets, combined with its strength, were instrumental in furthering global consensus that access to HIV/AIDS medicines should be considered a right.

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[51] Keck and Sikkink, 28.

[52] Leverage politics, which can be either material or moral, usually refers to weaker members of a network calling upon more powerful actors to try to influence their targets. Material leverage would be linking a particular issue to money or goods, such as when human rights practices are encouraged with aid, while moral leverage refers to "shaming" or holding a behavior up for close scrutiny (Keck and Sikkink, 16; 23-24).

[53] This refers to either the import or production of generic medicines in cases of national health emergencies.

[54] Wade, 627.

The significant influence of democratic globalizers can also be attributed to their use of different levels of political organization. The concept of "complex multilateralism", which expands traditional notions of multilateralism (where the primacy of the state is emphasized) to include how interactions among business actors, international organizations, and civil society groups shape both national and global politics, is a useful starting point[55]. Social movements are considered one of the few players who recognize the artificiality of the divide between the national and global and consistently connect with different political levels, knowing the different constraints and opportunities that exist at each[56]. Keck and Sikkink, for instance, describe a "boomerang effect" where domestic actors challenge traditional concepts of state sovereignty by connecting to external sources of support that they can then use to support their cause[57]. In contrast, Jackie Smith's (2003) concept of a "corporate boomerang" describes how global managers have shifted economic policy-making to international areas in order to similarly free themselves from national constraints – the difference is that these actors seek secrecy rather than transparency, aiming to avoid public scrutiny[58].

This multilateral reach is evident both between TAC's relationship with other democratic globalizers and within its own network. While the

[55] O'Brien et al. qtd. in Smith, 41.

[56] Keck and Sikkink, 1-2; Smith,41.
That they are increasingly seen as networks is suggestive of this; rather than denoting the organizational structure or the influence of particular actors, the concept of network focuses instead on the processes and interactions among actors (Smith ,41).

[57] Keck and Sikkink, 15.

[58] Smith, 80.

following section will explore how the TAC case presents democratic globalizers acting simultaneously in a variety of political spheres in more detail, it is interesting to note how the national and global were intimately connected between the TAC and efforts undertaken by other democratic globalizers. For example, in Brazil in the 1990's, civil society had advocated for the right to health of those living with HIV/AIDS at the local and national level by taking legal action to ensure ARVs were supplied. As countries like Brazil produced generic medicines, the overall market prices were forced down: in the year 2000, the average price of a triple-combination treatment fell from US $10,439 per year to less than US $1,000 per year[59]. The rising affordability undoubtedly had significant benefits for other activists as they could provide a realistic price tag when encouraging their national government or aid donors to cover the costs of treatment (this also countered the prevailing logic of global managers that whatever the prices, there would not be a market for the drugs within the Global South)[60]. In short, the TAC's connection with the Brazilian government's efforts is evidence of how "complex global networks carry and re-frame ideas, insert them in policy debates, pressure for regime formation, and enforce existing international norms and rules, at the same time that they try to influence particular domestic political issues"[61].

Finally, the TAC example will demonstrate the necessity of developing perhaps unlikely allies if networks are to effectively promote their

[59] Kapstein and Busby, 83.

[60] There were other problematic arguments, including that potential beneficiaries, particularly Africans, lacked the behavioral traits necessary for making treatment effective (Ibid).

[61] Keck and Sikkink, 199.

social concerns. In Smith's book, *Social Movements for Global Democracy*, she discredits the ambivalence of many new social movements to national and global institutions given there are both long-standing traditions of activism in engaging with these political institutions (such as labour movements supported by the state), and that there are potentially significant opportunities available, especially given the current discordance between global political and economic institutions[62]. This discordance refers to an ad hoc system of global institutional development that has created parallel systems of multilateral governance institutions that essentially do not speak to each other. On the one hand are institutions like the WTO that promote a globalization project based on a consumer-ideology which has "disembedded the global economy from a global society…with tragic and unsustainable consequences for people and ecosystems around the world"[63]. On the other are potential democratic globalizers that despite their diversity generally adhere to a human rights ideology. The UN in particular can be considered a site of opportunities as it was instrumental in further highlighting the injustices of TRIPS from a rights perspective, supporting the work of the TAC[64].

[62] 193.

[63] Smith, 228.

[64] In 1998, the UN Sub-Commission for the Promotion and Protection of Human Rights delivered a number of increasingly vociferous calls for governments to ensure that they do not ignore or compromise their obligations to fulfill human rights as a result of institutional policies, and for civil society organizations to continue monitoring and analyzing the impacts of these policies (Smith, 195). Moreover, the Sub-Commission, describing the WTO as a veritable nightmare for the world's poor that reflects "'…an agenda that serves only to promote dominant corporatist interests that already monopolize the area of international

Thus, the role of democratic globalizers must include alliances with the state and with international institutions. This is not only because these institutions may become sympathetic to the cause; rather, it also underscores what they have to potentially lose. Since the neoliberal project continues to rely on the state to enforce property rights and maintain social order, the state can be seen as an "object of contention" between neoliberal globalizers and democratic globalizers[65]: "while many activists are understandably wary of being co-opted by formal political institutions, by abandoning this sphere of action they cede these important political spaces to neoliberal opponents, who have used their many advantages to conduct a revolution from above"[66]. The next section explores some of the specificities of the TAC's experience, including its complex relationship with the South African state, and how it constantly works to promote its democratic ideals internally.

The Treatment Action Campaign: Negotiating Allies and Identities

The TAC built on the successes of other democratic globalizers, including the Brazilian government and the UN, to further leverage concerns for the welfare of those living with HIV/AIDS and to discredit the policies of global managers. First, in 2001, TAC successfully pressured pharmaceutical companies to abandon their court action against the South African government which had been seeking to import cheaper medicines.

trade"' , passed a unanimous resolution on the conflict between TRIPS and international human rights law (ibid).

[65] Smith, 110.

[66] Smith, 130.

Intervening as *amicus curiae*, or a friend of the court, TAC intervened on behalf of people living with HIV/AIDS[67]. Both before and after the suit was launched, the TAC effectively pressured the group of companies into reducing their ARV prices[68]. This was partly achieved through the features of generic globalization[69] as TAC communicated their message across the globe. Despite their actions being in Africa, the companies thus came to fear they would generate unfavourable publicity in America and Europe[70]. As an executive of one of the companies noted afterward: "'whatever we might feel about their campaign, TAC and other activist organizations did persuade us to see the need for a middle ground between our need for returns on investment and the poor's need for medication'"[71].

Given they had successfully challenged the multinational corporations (MNCs) alongside the government, the TAC assumed with external pressures minimized that the government would begin a universal access program[72]. Yet they faced considerable resistance, including so-called AIDS "denialists" who maintain that there is no scientific connection between HIV and AIDS, or skeptics who argue that treatment programs cannot be implemented

[67] Friedman, Shauna, and Steven Mottiar. 2005. "A Rewarding Engagement? The Treatment Action Campaign and the Politics of HIV/AIDS." *Politics and Society* 33 (4): 511-565.
[68] Friedman and Mottiar , 546
[69] While the term globalization is ambiguous, it is nevertheless commonly associated with a general shrinking of geographic space facilitated by technological developments - this is what Evans refers to as generic globalization (275).
[70] Ibid.
[71] Friedman and Mottiar , 540.
[72] Ibid., 514.

effectively[73]. As a result, they undertook a multi-strategy approach that included campaigning with other groups, civil disobedience, and undertaking court actions against the government[74]. In 2002, a constitutional court ruled in favor of TAC that the government was failing to provide a comprehensive program to prevent mother-to-child transmission and order it to supply the requisite ARVs[75]. Then in 2003, TAC won a decisive victory as Cabinet sanctioned the distribution of ARVs to all South Africans living with HIV/AIDS[76].

The relationship between TAC and its allies is complicated, especially its relationship with the South African government whom TAC approaches as both an ally and an opponent, sometimes concurrently. Strategies of "alliance politics" refer to more than acceptance by those that agree with your message; instead, it suggests the necessity of finding common ground with those that disagree as well, although there are inevitably both consequences and opportunities present in this[77]. TAC has generally refused to assume that certain groups will be beyond its reach, and has also avoided a so-called "purism" in selecting or rejecting allies – what Smith indicated was often characteristic of new social movements[78]. Following the government's decision to implement universal treatment, the TAC presented itself as a government partner who will help to provide treatment services; while this

[73] Ibid.
[74] Ibid.
[75] Ibid.
[76] Ibid.
[77] Ibid., 546.
[78] Smith. 193; Friedman & Mottiar, 546.

undoubtedly involved a willingness to coordinate, it also represents an attempt to monitor the government to ensure it implements the changes it has committed to[79]. Moreover, Steven Friedman and Shauna Mottiar (2005) persuasively argue that the TAC was able to change the government's perception – it was not an asset they were fortunate enough to inherit – to HIV/AIDS treatment as a basic human right because of how they related to their political environment, including approaching the government as an ally[80]. Despite considerable obstacles in the South African political context, including beliefs that campaigns such as the TAC's distracted from the necessity of building democracy post-apartheid, there were also considerable opportunities, especially that of a strong rights atmosphere. As apartheid was an era of repressing rights, post-apartheid brought widespread consensus on enforcing them that the government would not dare to contradict, even for "sticky" conservative issues[81].

Finally, although it is an obvious point, the strength of democratic globalizers depends on their own internal legitimacy as democratic, and the TAC's experience, given its significant obstacles, is exemplary. When organizations first began to organize in South Africa for treatment for those living with HIV/AIDS, they were representative of mainly white, middle- to upper-class South Africans; when the TAC formed, they consciously aimed to develop a more grassroots, racially representative activist network[82]. To ensure equal representation, TAC created an internal formal structure where

[79] Friedman & Mottiar , 536-7.
[80] Ibid., 531.
[81] Ibid., 533.
[82] Ibid., 514.

the communication flows from units at branch-, provincial-, and national-levels must proceed from the bottom-up as well as from the top-down[83]. However, members at the grassroots or branch-level tend to be overwhelmingly poor, black people[84], while more middle-class, white activists tend to be concentrated at the national level. The national level, despite efforts to ensure communication goes both ways, is usually the logical site of leadership: "in this [post-apartheid] context it is almost inevitable that at times a divide will emerge between the small group of national officials, whose formal education, political histories, or both given them an in-built advantage in addressing technical and strategic issues, and the grassroots"[85]. However, to reject the TAC as not sufficiently democratic would be misleading. Undoubtedly it faces obstacles, but the TAC's continuous efforts to overcome them, such as its leadership programs to provide formal educational opportunities at the grassroots level, are what a concept of democracy should imply[86]. Moreover, democratic globalizers cannot be defined as a homogenous group that can assume a shared identity; instead, they are loose networks of individual voices that have different histories and

[83] Ibid.

[84] The general demographics of the movement include 80% unemployed, 70% women, 70% youth aged 14-24, and 90% who are considered African (Ibid., 524).

[85] Ibid., 520.

[86] In interviews conducted by Stephen Friedman and Shauna Mottiar with TAC members, not once did race emerge as an issue, either overtly, or in the "…code which South Africans tend to use to express racial sentiments in a nonracial way (in this case, complaints of excessive influence by 'middle-class people' might have acted as a surrogate)" (525; 530).

experiences which must constantly be negotiated in order to create a unified identity[87].

TRIPS Reform: The Victories of Democratic Globalizers

The Treatment Action Campaign is an example of a democratic globalizer who, given the existent vulnerabilities of the WTO and its policies, was able to successfully institute reforms to the TRIPS provision that allowed countries to manufacture or import generic drugs in cases of health emergencies. TAC had the advantage of the illegitimacies of the neoliberal globalization project becoming increasingly visible, making it easier for them to draw attention to the harms of TRIPS. However, as Peter Evans (2004) asks, while social movements are useful in drawing attention to the worst excesses of neoliberalism, can they also generate sufficient political power to create structural changes at the global level[88]? In such cases as the TAC, the answer is a resounding yes. Despite, or perhaps because of, their diversity, such actors can be called democratic globalizers given that they share a unified vision of more participatory and responsive forms of global policy[89] that they effectively drew others to, including what are sometimes perceived as unlikely allies. Their message, in the words of TAC's Zackie Achmat, sparked a "moral consensus" that access to affordable treatments for those living with HIV/AIDS should be treated as a right[90], and policies from the

[87] Smith, 226.
[88]Evans, 1.
[89] Smith, 226.
[90] Friedman & Mottiar , 540.

local to global level were accordingly reformed. While it would be premature to conclude unreservedly that their successes could be repeated with other issues and in other campaigns, the TAC nevertheless represents the possibility of the successful articulation of an alternative model of globalization that achieves significant reform.

POST-CRISIS RESPONSES AND PROSPECTS IN LATIN AMERICA: THE IMF, SOUTH-SOUTH RELATIONSHIPS AND REGIONAL ALTERNATIVES

Verónica Rubio Vega
Wilfred Laurier University

Verónica Rubio Vega is a first year PhD student in Global Governance at the Balsillie School of International Affairs (Wilfrid Laurier University). Her field of specialization is Global Political Economy. She currently works on better understanding the macroeconomic mechanisms that emerging countries are employing to strengthen their economies after the latest financial crisis.

Introduction

Latin American countries have been deeply affected by the post-2007 financial crisis through various channels, both financial and real. Severe contractions in domestic asset prices and capital outflows in the financial sector have often been accompanied by downturns in export volumes, reductions in the prices of some main primary commodities, and decreasing flows of remittances in the real sector.[1] These conditions prompt a reconsideration of existent and potential mechanisms and arrangements needed for post-crisis recovery.

This paper examines preliminary post-crisis multilateral and individual approaches in Latin America.[2] It suggests that available strategies in the region are still constrained by the legacy of the International Monetary Fund (IMF)-led structuring plans that promoted stringent economic agendas during the past three decades. Despite this limitation, this paper argues that policy options in the region for responding to the recent crisis have been diversified by: (i) the recent changes in strategies and statements by the IMF and the consequent possibilities for introducing unorthodox mechanisms such as capital controls, (ii) the evolving economic statecraft of countries like Brazil and China and the resulting increased density of South-South credit

[1] Ocampo, Jose Antonio. "Latin America and the Global Financial Crisis." *Cambridge Journal of Economics* 33 (2009): 703-724. Print. p.705

[2] This paper focuses on general economic trends and strategies in the region, while highlighting Brazil's experiences, the largest economy and most prominent player in today's geopolitics. It also examines individual examples of mechanisms and arrangements developed in other countries. Yet, it remains beyond the scope of this paper to introduce comprehensive examinations of specific case studies in the region.

and currency agreements, especially between a particular developing country and an emerging power and (iii) the ongoing efforts for promoting regional organisms and platforms for alternative trade and financial arrangements.

After outlining the ways developing countries have been linked to the global economy and prevalent pre-crisis economic scenarios in Latin America in the last decade, this paper discusses the policy choices within the frameworks described above and the relationships and contradictions between them. It concludes by suggesting that crisis responses in distinct Latin American countries have the greatest likelihood of succeeding by combining current possibilities for policy manouevring and recently reformed IMF mechanisms with further exploration of credit and cooperation arrangements with emerging powers' institutions. Nevertheless, advancing similar responses at the regional level remains difficult due to fundamental differences in national political projects.

'Integration' into the global economy

As Balakrishnan suggests, we are entering into a period of inconclusive struggles between a weakened capitalism and dispersed agencies of opposition, within delegitimated and insolvent political orders.[3] If so, how did countries in Latin America get here? In order to grasp the impacts of the recent crisis and current trends for responding to its effects, it is fundamental to at least briefly turn our attention to the historization of the global

[3] Balakrishnan, Gopal. "Speculations on the Stationary State." *New Left Review* 59.1 (2009): 5-26. p. 26

economy. The dynamics of the current global crisis can be traced back to the system-wide crisis of overproduction that in the early 1970s put an end to the 'golden age of capitalism' (1945–1970). This period of high growth came to an end in the mid-1970s, when the center economies were seized by stagflation, which combined with the massive oil price rises, seemed to discredit Keynesian demand management.[4]

The most severe expression of the crisis of overproduction was the global recession of the early 1980s. Capitalism tried then three main mechanisms for escaping the conundrum of overproduction: neoliberal restructuring, globalization and financialization.[5] Neoliberal restructuring took the form of 'structural adjustment' in the South. It was led by the IMF and the World Bank with the conviction that deeper intervention was necessary to improve developing countries' overall well-being. Yet, the policy changes included severe conditions, such as austerity, privatization and trade liberalization in order to get or renew IMF loans.

One of the most detrimental consequences in Latin America was linked to 'achieving' the goal of development through export-oriented strategies, as required by the IMF and the World Bank. The pressure to earn foreign exchange revenues in order to service debt obligations (acquired during previous 'boom' periods) pushed many developing countries further

[4] Crouch, Colin. "The financial crisis a new chance for labour movements? Not yet." *Socio-Economic Review* 8.2 (2010): 353-360. p.353.
[5] Bello, Wade. "The Global Collapse: a Non-orthodox View." *Zmarg.org Z Net*, February 2009. Web 1 Dec. 2010. line 28.

towards this export-oriented production strategy.[6] Yet, servicing foreign debt obligations resulted in significant cuts to public spending and to social programs in the region. In addition, it became increasingly difficult for developing states to pursue domestic policies aimed at fostering national accumulation through monetary or exchange controls.[7] Many elites of countries in the South bought into this development model though as they gained ownership stakes in newly privatized companies and access to markets in the North.[8]

Since then, the public sector of many Latin American countries has generally functioned and evolved around limited policy options recommended and/or reinforced by the Bretton Woods institutions, while later struggling with the resulting need for 'policy coping' at the national level. Thus, many of the developing nations were already facing severe crises prior to 2007/2008, which led to a weakened capacity to respond due to the way they were linked to economic globalization: as low-wage manufacturing zones, as suppliers of migrant labour, and as exporters of raw commodities.[9]

Besides neoliberal restructuring and globalization, the route of financialization was fundamental for maintaining and raising profitability under conditions of lagging productivity growth.[10] Financialization

[6] Hanieh, Adam. "Forum Hierarchies of a Global Market: the South and the Economic Crisis." *Studies In Political Economy* 83 (2009): 61-85. Print. p.66.
[7] Ibid. 67.
[8] Ibid. 69.
[9] Hanieh 62.
[10] Veltmeyer, Henry. "The Global Crisis and Latin America." *Globalizations* 7.1–2 (2010): 217–233. Print. p. 219.

complemented internationalization through rapid increases in portfolio and foreign direct investment (FDI) flows across borders, as well as the expansion of stock markets and private financial firms. Many countries in the South have become dependent on these flows to support public and private spending. The harmful effects of certain types of FDI in Latin America are evident, especially when we analyze the way foreign firms have dominated the most dynamic manufacturing sectors For example, the reliance on foreign enterprises has resulted in deficit-prone industrialization throughout the region, where exports of natural resource processing industries and primary commodities have grown fast, while imports of capital goods and intermediate goods have grown even faster.[11]

The dynamics of the crisis in Latin America

While developing countries were not as affected as the developed world by the first wave of the financial crisis, the resulting shock on market confidence saw the transmission of the crisis through falling trade, investment and remittances.[12] Episodes of financial stress are very familiar to Latin American countries. Nonetheless, from 2002 to 2008, the governments in various Latin America nations such as Argentina that were beset by an economic crisis at the turn of the new millennium managed their way out of the crisis.[13] The

[11] Wade, Robert. "After the Crisis: Industrial Policy and the Developmental State in Low-Income Countries." *Global Policy* 1.2 (2010): 150-161. Print. p. 154.
[12] Alexander, Douglas. "The Impact of the Economic Crisis on the World' s Poorest Countries." *Global Policy* 1.1 (2010): 118-120. Print. p. 118.
[13] Veltmeyer 221.

recent crisis has showed however two main distinctive characteristics compared to previous episodes of financial distress in the region.

First, the shock originated in the financial sector of advanced economies rather than in Latin America or another emerging market region. Second, the relevant reduction of Latin American *public* external debt gave governments more room to perform a stabilising role for *private* markets, where external debt had remained high.[14] Meanwhile, the 2003-7 period was marked by an economic boom based on the combination of various factors: high commodity prices (also driven by fast growth in China), booming international trade, exceptional financing conditions and high levels of remittances.[15] Over the course of this boom, the rate of economic growth in the region increased from an average rate of 0.6 per cent in 1996 and 1 per cent in 2002 to a regional average of 6.2 per cent in 2004, 5.5 per cent in 2005, and 5.6 per cent in 2006.[16]

Factors that facilitated previous economic booms are now operating in the opposite direction. By the last quarter of 2008 the primary commodities boom had already caught up in the vortex of the current crisis.[17] Yet, the response of many governments by then was still of 'self-delusion': the belief that their country could ride out the crisis on the basis of relatively high reserves of foreign currency and relatively healthy (reduced)

[14] Jara, Alejandro Ramon Moreno and Camilo Tovar. "The Global Crisis and Latin America: Financial Impact and Policy Responses." *BIS.org Bank of International Settlements Quarterly Review*, June 2009. Web. 1 Dec. 2010. p.53.
[15] Ocampo 704.
[16] Veltmeyer 221.
[17] Ocampo 722.

levels of short-term debt.[18] This was particularly so for those governments and agroelites in South America that had benefited from the global commodities boom in the form of higher prices, windfall profits and increased fiscal revenues.[19] Financial conditions have also deteriorated, primarily at the level of the market with a severe credit crunch, a slow-down in capital inflows and a dramatic decline in portfolio investment flows, large declines in stock price indexes, significant currency adjustments and an increase in debt spreads.[20] However, the financial shock per se is less severe than during previous regional crises.

The severity of the shock in Latin America can be explained by the strength of the trade shock. Since most countries have had a strong export-led orientation over the past two decades, pro-cyclical trade shocks have therefore been strong.[21] The strength of this trade shock was, for instance, reflected in the collapse of export revenues, which contracted at annual rates of about 30 per cent during the last quarter of 2008.[22]

Policy choices and related constraints

Confidence in certain economic and/or geopolitical patterns such as those in place in Brazil, Venezuela and Chile has been mounting in the last five years.

[18] Petras and Veltmeyer qtd. in Veltmeyer 221.
[19] Ibid. 221.
[20] Veltmeyer 222, Gallaguer, Kevin. "The Economic Crisis and the Developing World: What Next?" Challenge 52.1 (2009): 27-39. Print. p.35.
[21] Ocampo 706.
[22] Ibid. 713.

The immediate effects of the recent crisis somewhat reinforced this confidence since it shifted the attention of the current global distribution of power in the direction of several emerging economies: it was the first time that the developed world saw their fate depending on the growth in emerging economies and on possible capital injections from emerging and developing economies.[23] Meanwhile, the prevalent policy response of most Latin American governments – whether they follow a pragmatic neoliberal line on macroeconomic policy or not – has been a predominance of monetary, financial, fiscal and exchange rate measures. For instance, according to the Economic Commission of Latin America and the Caribbean (ECLAC,) six governments have reduced hard currency reserve requirements and, in a similar move to that taken by the G8 governments, fifteen of them increased liquidity in national currency.[24] But what role have specific mechanisms played so far as and what do they tell us about post-crisis policy choices in the region?

The IMF

The crisis has been a catalyst for countries in Latin America to manifest more publicly their increasing discontent regarding traditional IMF policies. Officials of these countries are not shy anymore to express their perceptions about the way the Fund has too often placed the onus of adjustment on developing nations without demanding much change from

[23] Gallagher 34.
[24] qtd. in Veltmeyer 224.

themselves or international financiers.[25] But how has this institution responded to these criticisms and to the increasing demand for more flexibility – or even for radical changes – in their prescriptive agendas? There have been two main developments related to the IMF and its current role in global governance: the return of the IMF to centre stage and ideological and internal practical reforms at the institution. Prior to 2007, the majority of South American economies, benefiting from high commodity prices and growing currency reserves, had reduced their exposure to the IMF.[26] However, having been pushed to the margins in recent years, a number of Latin American countries have reconsidered their relationship with the Fund.

For example, the Fund has created a new credit facility, the flexible credit line (FCL), through which countries with sound fundamentals are able to borrow reserves without having to satisfy onerous conditions.[27] The FCL can be used both on a precautionary (crisis prevention) and non-precautionary (crisis resolution) basis. Potentially more important in terms of the IMF's institutional legitimacy, however, is that the IMF consulted emerging market economies in the process of developing the new FCL.[28] Yet, it remains to be seen whether the FCL can accomplish the goal that previous credit lines like the Contingent Credit Lines (CCL) could not achieve. Governments in the region may hesitate to apply to the FLC for the

[25] Chin, Gregory T. "Remaking the Architecture: The Emerging Powers, Self-insuring and Regional Insulation." *International Affairs* 86.3 (2010): 693-715. Print. p. 697.
[26] Chin 705.
[27] For details, see 'Factsheet: The IMF's Flexible Credit Line' (2011)
[28] *The IMF – Mission: Impossible.* Economist.com, The Economist. April 2009. Web. 1 Dec. 2010. line 91.

fear that if economic policy decisions are not considered successful in the near future, their preferential status could be denied, with detrimental financial consequences. This gives grounds for questioning whether access to the FCL can be scaled up to systemically significant levels within and beyond Latin America.

Another reform within the IMF has been how the institution has upgraded mechanisms such as the Stand By Agreements (SBAs) by doubling the borrowing limits, while streamlining and simplifying borrowing conditions.[29] The SBAs have been designed to help countries address short-term balance of payment problems and they are now in place in some Central American economies such as El Salvador and Guatemala that are also benefiting more frequent SBA program reviews.[30] The FCL and the upgrade of the SBA were established at the behest of the G20 during the crisis, which demonstrates to a certain degree how the influence of major emerging countries such as China and Brazil, have resulted in some relevant changes in the IMF's lending practices.[31]

But the most perplexing changes in institutional practices constitute those related to recent ideological perspectives within the Fund's leadership. For example, there has been an important change in attitudes towards capital controls on the part of the IMF, which Grabel describes as "the most significant expansion of policy space in the developing world of the past

[29] Wade 159.
[30] http://www.imf.org/external/region/cam/rr/index.htm
[31] Chin 706.

several decades."[32] The Fund has opposed restrictions on capital mobility for decades. Yet, the initial post-crisis capital controls imposed by various nations have been met largely with silence and tacit acceptance on the part of the IMF, especially when framed as temporary prudential policy tools.[33] The Fund's reaction to Brazil's capital controls in October 2009 is an indication of how policy makers in Latin America may take advantage of increasing loopholes in the international financial institutions (IFIs) to gain more autonomy regarding their own post-crisis agendas. In this particular case, the IMF managing director expressed sympathy with Brazilian policy makers facing a sudden upsurge in capital inflows and further stated that "there was no reason to believe that no kind of control was always the best kind of situation."[34]

However, most countries do not possess the increasing geopolitical power and financier capabilities that Brazil holds. Although other nations such as Colombia and Peru have also implemented some kind of temporary capital controls since 2007, it is not clear whether the change of IMF's views on controls may be more welcoming vis-à-vis smaller LA nations in the long-term. What is clear is that although the IMF has begun to acknowledge the advantages of capital controls in cases of financial disruption, it does not want to lose control over just when, how and by whom this policy

[32] Grabel, Ilene. "Not Your Grandfather's IMF: Global Crisis, 'Productive Incoherence' and Developmental Policy Space." *Peri.umass.edu Working Paper Series: Political Economy Research Institute at the University of Massachusetts at Amherst*, November 2010. Web. 2 Nov. 2010. p. 16.
[33] Ibid. 23.
[34] qtd. in Wade 160.

instrument is employed.[35] For countries in Latin America, capital controls constitute one of the few options to insulate themselves, at least to a certain extent, from the financial stress that has been taking place in the securities' markets in the developed world. As Rodrik suggests, prudential controls on capital flows make a lot of sense: short-term flows not only deeply affect domestic macroeconomic management, but they also aggravate adverse exchange-rate movements.[36] In particular, 'hot' capital inflows make it challenging for financially open economies like Brazil to maintain a competitive currency, depriving them of what is in effect the most potent form of industrial policy imaginable.[37]

South-South arrangements

South-South relationships could provide a new armature for Latin American post-crisis responses. The rapid economic growth in China, India and elsewhere in the global South has led to an increasing density of South–South economic relations as the emerging powers seek access to reliable supplies of high-grade strategic industrial raw materials and energy.[38] It may therefore be worthwhile for many countries in Latin America to turn their attention to opportunities for strengthening relationships and agreements

[35] Grabel 33.
[36] Rodrik, Dani. "The IMF Needs Fresh Thinking on Capital Controls." *www.project-syndicate.org* Project Syndicate Website, November 2009. Web. 1 Dec. 2010. Line 23.
[37] Ibid. line 28.
[38] Palat, Ravi Arvind. "World Turned Upside Down? The Rise of the Global South and Contemporary Global Financial Turbulence." *Third World Quarterly* 31.3 (2010): 365-84. Print. p. 380.

with nations such as Brazil and China. These nations have previous experience in offering alternative mechanisms for financing and may be more accommodating for providing assistance, especially for short-term needs. Thus, emerging economies' central and development banks are key actors in this process.

The national development banks of emerging economies have started to provide development financing both to neighbouring states inside their home regions and to developing countries in other regions. Since the start of the crisis, Brazil's National Bank of Economic and Social Development (BNDES) has lent over $15 billion to countries in the region.[39] The bank has attached particular importance to supporting the regional integration of South American countries, highlighting how this could help mitigate the effects of the crisis on their economies. Meanwhile, the commercial reality is that the BNDES plays a vital role in export financing for Brazilian goods and services; between 1997 and 2009, the bank disbursed US$4.8 billion in credit for exports in goods and services in South America.[40]

The China Development Bank has also provided large amounts of concessional financing to states throughout the entire developing world over the past five years.[41] For example by September 2010, Ecuador has subscribed a credit line for US$ 1000 million with the China Development Bank. The credit is divided in two tranches: the first for US$ 800 million, which will be freely available for use, and the second for US$ 200 million,

[39] Chin 710.
[40] Ibid. 710.
[41] Chin 695.

which is to be allocated to oil projects.[42],[43] Moreover, Argentina – largely shut out by traditional IFIs due in part to its outstanding debt to the Paris Club – negotiated a $10 billion credit with China Development Bank in order to renovate its railway system.[44]

The previous examples are clear signs of the Chinese government surging influence in the region, transforming the region's traditional access to credit mechanisms beyond IFIs. At the same time, these examples reveal the ways many policy makers in Latin America have realized that several important doors remain closed in the international arena, such as WTO negotiations. Therefore, for these policy makers it may be worth pursuing credit arrangements with these development banks, especially in the areas of infrastructure and energy that have been long dependent on IFIs loans. In addition, for many of these countries it remains essential to avoid the IMF conditionalities of the past[45], which resulted in the adoption of disastrous contractionary policies.[46] Nonetheless, LA countries that are OPEC members or that are significant producers of other strategic raw materials are by far in

[42] Latin American Reserve Fund (FLAR). "Ecuador Subscribes Credit Line with China, September." Flar.net FLAR Website, September 2010. Web. 1 Dec. 2010. line 5.
[43] The credit line will have a fixed interest rate of 6 per cent per annum for a four-year term.
[44] Grudgings Stuart and Simon Gardner. "Analysis: Rising China Threatens U.S. Clout in Latin America." Reuters.com Reuters, March 2011. Web. 7 April 2011. line 2.
[45] In a more radical example of repudiation of traditional international financing mechanisms, two years ago Ecuador declined to pay $3.2 billion in global bonds, calling the debt "illegitimate". In June 2009, Ecuador agreed with 91% of its creditors to pay 35 cents on the dollar for its debt. However, this has aggravated the relationship of the country with traditional IFIs, such as the IMF.
[46] Griffith-Jones Stephany and Jose Antonio Ocampo. "The Financial Crisis and Its Impact on Developing Countries." *Ipc-undp.org Working Papers 53: International Policy Centre for Inclusive Growth*, April 2009. Web. 1 Dec. 2010. p. 3.

a more favourable position to accede to credit lines from these development banks, than those with less to offer.[47]

Another vital mechanism for coping with possible effects of the financial crisis has been the use of currency swaps. Brazil and Argentina (Brazil's biggest trading partner in the region) have employed this instrument with each other to complement their domestic crisis management measures.[48] Meanwhile, Argentina also announced a three-year currency swap agreement worth US$10 billion with China in late March 2009. Even if none of this money is ever used, its mere existence should serve to boost confidence in the Argentinean peso[49] and in the economy in general, giving it a means of counteracting the country's current precarious position in the world financial markets. This currency swap was also a response to the US Federal Reserve, which recently approved $30 billion swaps each for Brazil and Mexico, but was unwilling to extend a line to Argentina, due to its defaulted debt to the Paris Club.[50]

However, there is an ambiguity in the attitude of Latin American countries towards Brazil and China, since although these two nations may alleviate some of the external pressure placed by the US and the IFIs, they may be also lead to decreasing domestic autonomy and weaker commitments

[47] One could argue that China's immediate interest in Latin America is also related to ensuring access to the raw materials the region produces. Commodities imported by China include fishmeal, soybeans, oil and gas, iron ore, copper, steel, timber and coffee from Chile, Peru, Brazil, Argentina, Ecuador, Venezuela, Bolivia and Colombia.

[48] Chin 706

[49] Ibid. 706

[50] Arce, Luis. "China Challenges US Dominance in Latin America." *Wsws.org World Socialist Website,* April 2009. Web. 1 Dec. 2010. line15.

to regional integration alternatives. The pressures of international trade and growth have shown that there is no charity *yuan* or *real*. In addition, the interest rates offered by Brazil and China may soon become higher than those offered by the IFIs. However, both countries are investing in Latin America in many instances for the long-term. An indication of this trend is the 2009 decision of the Chinese government to become a member and contributor to the Inter-American Development Bank, where traditionally the US has exercised significant powers since its creation.[51]

Regional alternatives

Latin American economies have to increasingly realize that it is quite possible that global economic and financial practices, as conceived by most industrialised countries, may soon return to 'business as normal' while creating a new set of profit-generating 'trubbles.'[52] In order to avoid some of these 'trubbles,' various scholars[53] suggest that countries could 'delink' themselves from these types of relationships with Western economies by establishing regional arrangements. The ongoing rhetoric of the Venezuelan government for alternative trade arrangements (and now including the support of countries like Bolivia, Ecuador and Cuba) has drawn academics' and practitioners' attention to initiatives such as the Bank of the South (BOS) and ALBA (Bolivarian Alliance for the Americas).

[51] Arce line 144.
[52] Gallagher 30.
[53] See for example Hanieh (2009), Veltmeyer (2009) and Hart-Landberg (2009).

The revival of the FLAR (Latin American Reserve Fund) has also been present in the latest regional discussions since it has performed well in providing short-term financing for crisis management during various episodes of crisis in the 1980s and the second half of the 1990s.[54] Griffith-Jones and Ocampo suggest that the IMF could collaborate more closely with regional institutions like FLAR especially when it comes to reform initiatives for the Fund: "developing countries are in an excellent position to contribute to this task, given their large foreign exchange reserves and their ability to use those reserves more actively."[55] In addition, FLAR could play a necessary complementary role in post-crisis agendas, as it gives greater voice and sense of ownership to Latin American countries.[56] FLAR has also the advantage of being less politicized than ALBA and BOS. However, FLAR's limitation is that it covers only a few countries of the region.[57]

ALBA and BOS represent structural policy measures: the first one is envisioned as a new axis for intra regional trade (ALBA) while the second represents a new institutional mechanism for promoting national economic development.[58] However, Venezuela's financial generosity (based on oil-generated reserves) and leadership has not been enough for attracting key players such as Brazil and Chile, and even 'like-minded' countries like Ecuador prefer in practice to act through bilateral agreements with other

[54] Chin 705.
[55] Griffith-Jones and Ocampo 41.
[56] Ibid. 41.
[57] FLAR members currently are: Bolivia, Colombia, Costa Rica, Ecuador, Peru and Venezuela.
[58] Veltmeyer 225.

developing countries inside and outside the region and, more recently, through the introduction of some form of capital controls.[59]

Further, there have been serious disagreements about the implementation of regional alternatives. *Realpolitik* has played a prominent role. Brazil for example, has kept its distance from BOS since it already has created a powerful development bank: BNDES.[60] A quite different situation is that of the smaller economies, which desperately need funds for development. In a nutshell, "the Bank of the South is about the big countries versus the small countries."[61] Regarding ALBA, there is a noticeable disjuncture between ALBA as it is visualised and ALBA as it has been practiced since its creation. The rhetoric is grounded in popular participation and the expectation that ALBA initiatives will 'come from the people.' But most of what has taken place so far has been set up by agreements signed by heads of government[62] with little sign of involvement of social movements.

Nonetheless, despite all these limitations, ALBA and BOS remain promising efforts for promoting an alternative development process beyond trade liberalization. It is then imperative that Latin American countries who are members of these alternatives, reach soon for some kind of consensus. For this proposition, it is important to look at the counter-argument. What

[59] Grabel 23.
[60] Chin 695.
[61] Ortiz, Isabel and Oscar Ugarteche. "Bank of the South: Progress and Challenges." *South-South Cooperation: A Challenge to the Aid System?* Ed. The Reality of Aid Management Committee, 95-106. Philippines: IBON Books, 2010. 95-106. Print. p. 99.
[62] See for example ALBA's website (in particular Documents' section), http://www.alianzabolivariana.org/modules.php?name=Content&pa=showpage&pid=2097

would happen if for instance the BOS or ALBA were not consolidated due to ongoing differences between member countries? This would enormously benefit Northern countries, which would keep receiving Latin American savings.[63] This would also continue to jeopardize the lives of many Latin American people who currently live under the umbrella of Chavez's socialism of the twenty-first century,' but whose daily reality is very different: a life of economic instability, precarious employment and food insecurity. For these reasons, it might be better to have an imperfect bank than no bank at all.

Conclusion

The intention of this paper has been to provide a tentative framework for better understanding the rationale behind the adoption of different strategies that are increasingly part of 'policy toolkits' in Latin America for dealing with the governance of financial and economic matter since the post-2007 crisis. As such, this paper has addressed this question by examining the interplay between pragmatic policy responses, ideological positions and unfolding events at the national and international level. Economic crises can open up the possibility for reinterpreting previous paradigms and policies and thus launching new components and measures of previous policy agendas. It is especially during these situations – when uncertainty has arisen despite the existence of grounded economic guidelines – that exploring unconventional dynamics for conducting economic policy can really offer a distinct way for

[63] Ortiz, Isabel and Ugarteche 103.

studying distinct dilemmas that states face in the emerging global regulatory politics.

The post-crisis procedures and constraints analyzed in this paper suggest that policy alternatives for any Latin American country are highly dependent on ongoing political processes, productive structures and the correlation of existing forces at the international, regional and domestic level. The erosion of confidence in mainstream policies and in international financial institutions has somewhat widened the room for experimenting with post-2007 strategies.[64] Policy makers around Latin America have been employing diverse types of Keynesian tools and somewhat attempting to contribute to the development of a more diffuse international financial order where non-global arrangements might play a more prominent role.[65] The recent crisis has also demonstrated the importance of pragmatic mechanisms for the region such as accumulating foreign exchange reserves and reducing public sector external indebtedness in order to cope better with external shocks.

However, as Alexander suggests, many low-income countries – including those in Latin America – will remain dependent on external assistance and private financial inflows, including remittances for addressing post-crisis recovery.[66] Further, the prevalent response of governments in Latin America on both the centre-left and the right reflects an understanding of the crisis as mainly a financial matter, an issue of regulating capital markets

[64] Wade 160.
[65] Chin 694.
[66] Alexander 119.

and of a monetary-fiscal policy fix. Yet, this should not be a limitation for Latin American countries to continue pursuing their efforts in advancing windows 'not of opportunity, but of necessity' (to borrow Alexander's words) for dealing with new challenges derived from the post-2007 crisis.

Latin American countries are still 'linked' to the IMF, due to historical structural agendas and at present, through post-crisis mechanisms offered (and in certain cases so much needed) at the institution. They should work around the available choices for policy manoeuvring within recently reformed IMF lending mechanisms while continuing to cautiously explore credit and cooperation arrangements with emerging powers' institutions. The Fund could also consider a stronger role in assisting the design of better prudential controls over capital inflows in Latin America countries instead of slapping their wrists. Yet, the recent IMF intellectual openness regarding capital controls still has to be tested in practice, not only within the institution but also amongst the existing networks of financial governance that include organisms such as the G20 and the Organization of Economic Development (OECD). Ultimately, prospects for crisis management in Latin America are also reflective of a gradual shift in international economic governance. Although the IMF remains a major creditor in the region, novel arrangements are playing a more prominent role in the developing world. It is necessary then to pay more attention to the increasing role of central and development banks in emerging economies, without dismissing the potential of future regional and bilateral financial arrangements.

QUEL SORT POUR LES DÉPLACÉS INTERNES?

Alexandrine Cardin-Dubé
Université de Sherbrooke

Alexandrine Cardin-Dubé est étudiante à la maîtrise à l'École de politique appliquée de l'Université de Sherbrooke.

Introduction

De nos jours, il y a l'équivalent de 3% de la population mondiale qui se retrouve sur la route de la migration, ce qui représente approximativement 200 millions d'individus. Parmi ceux-ci, on dénombre 42 millions de déplacés forcés dont 16 millions sont des réfugiés et 26 millions des personnes déplacées[1]. Une « personne déplacée » aussi appelée « déplacé interne » est défini comme suit :

> « des personnes ou des groupes de personnes qui ont été forcés ou contraints à fuir ou à quitter leur foyer ou leur lieu de résidence habituel, notamment en raison d'un conflit armé, de situations de violence généralisée, de violations des droits de l'homme ou de catastrophes naturelles ou provoquées par l'homme ou pour en éviter les effets, et qui n'ont pas franchi les frontières internationalement reconnues d'un État[2] ».

Les personnes déplacées à l'interne, donc celles qui ne franchissent pas les frontières de leur pays lors de leur déplacement, sont plus nombreuses que les personnes dites réfugiées, personne ayant traversée les frontières internationales du pays. Au sens de la loi, être reconnu internationalement comme un réfugié permet d'être pris en charge par des autorités internationales ou par l'État hôte, alors que le déplacé interne ne bénéficie

1 UNHCR, *Tendances mondiales en 2008 : Réfugiés, demandeurs d'asile, rapatriés, personnes déplacées à l'intérieur de leur pays et apatrides*, en ligne, http://www.unhcr.fr/cgi-bin/texis/vtx/statistics/opendoc.pdf?tbl= STATISTICS&id=4af93dc82, page consultée le 3 mars 2010.

2 IDMC, *Principes directeurs*, en ligne, http://www.internal-displacement.org/, page consultée le 1er mars 2010.

pas automatiquement de cette aide si précieuse. C'est ainsi que naît toute la problématique sur le sort des personnes déplacées. De plus, le nombre de déplacés internes croît constamment, en 1982 le nombre atteignait 1.2 million dans onze pays alors qu'en 1995 ce chiffre augmente à 25 millions, et ce, dans plus de quarante pays.[3] La plupart du temps, ces personnes ont été contraintes à quitter leur foyer, laissant pratiquement tout derrière elles afin de fuir les atrocités des guerres. Elles craignaient pour leur vie, leur sécurité et celle de leur famille. La violence, la guerre et la persécution sont les principales raisons qui poussent les gens à quitter leur région et leur famille. Malgré la prépondérance de ce facteur, il y a aussi, à plus faible niveau, les désastres naturels et les changements climatiques qui font des victimes au plan interne. Toutefois, nous nous concentrerons sur le sort des personnes déplacées en raison d'un conflit armé. Dans le chaos de la fuite, des familles sont dispersées et séparées, des personnes âgées sont abandonnées en route, car trop faibles pour continuer, forcées à parcourir de longues distances à pied. La majorité de ces migrants sont des femmes et des enfants. Les migrants sont contraints à cohabiter dans des camps de réfugiés surpeuplés. Ces personnes vivent un calvaire continu et ceci sans compter les innombrables violations des droits de la personne qu'ils subissent. Les réfugiés et les personnes déplacées deviennent donc des populations vulnérables à cause de la guerre.

Bien que ces personnes fuient des conditions de vie misérables, cela ne veut pas nécessairement dire qu'ils fuient vers un monde meilleur. En

[3] IDMC, *Qui est une personne déplacée interne?* en ligne, http://www.internal-displacement.org/, page consultée le 4 mars 2010.

effet, malgré le principe de non-refoulement, plusieurs déplacés arrivent aux frontières et doivent se soumettre au bon vouloir de l'État avoisinant. Leur protection dépend donc entièrement de la volonté des États adjacents à vouloir les reconnaître et à répondre à leurs besoins. Un questionnement émerge, qu'en est-il des personnes qui quittent leurs villes et villages, mais qui n'entrent pas dans un nouveau pays? Sont-elles laissées à elles-mêmes ?

Dans un conflit armé intraétatique, ce sont les populations civiles qui sont principalement touchées, la fuite est donc courante. De ces personnes déplacées ou en déplacement, la majorité d'entre elles sont des déplacées internes, donc qui restent à l'intérieur des frontières nationales. Malgré la responsabilité d'un État de protéger sa population, l'État fournit-il une quelconque protection? La communauté internationale leur vient-elle en aide? Restant sur leur territoire, ont-ils droit à des recours internationaux? Comment peut-on assurer une reconnaissance et une protection adéquate à ces déplacés internes, qui sont souvent les plus touchés?

Nous serons d'avis que l'État ne fournit pas une protection adéquate aux populations déplacées et que la réponse de la communauté internationale est bien mince en regard de ce besoin urgent. Par le seul fait que les déplacés internes ne franchissent pas les frontières, donc n'obtiennent pas une reconnaissance juridique à titre de réfugié, cela complique bien les choses. Le besoin est urgent, mais difficilement dénombrable en raison du caractère incertain et instable des personnes déplacées.

Dans cette étude, nous nous attarderons au sort des déplacés internes dans le cas d'un conflit armé. Dans un premier temps, nous ferons une

description des déplacés internes pour comprendre ce qu'ils vivent. Ensuite, nous définirons brièvement les responsabilités de l'État envers ces citoyens, dont le concept de protection. Dans un troisième temps, nous verrons ce que le plan juridique réserve aux déplacés internes.

La situation des personnes déplacées à l'intérieur du pays

Causes des déplacements et besoins des populations déplacés

Dans la plupart des cas, les conflits armés obligent les populations locales à quitter leurs demeures. à titre d'exemple, le continent africain a été le terrain de plusieurs conflits de grande importance, entraînant des vagues de migration incroyables. En effet, les guerres de décolonisation des années 1960 ont lentement fait place aux conflits interposés de la Guerre froide et des multiples guerres civiles.

D'abord, les conflits armés ont d'énormes répercussions sur la vie des civils. Le non-respect des principes du droit international humanitaire, régissant les guerres, affecte directement les populations. Les conséquences sont nombreuses pour les citoyens du pays en guerre, et dans bien des cas, la seule solution pour se mettre à l'abri du danger est la fuite. C'est ainsi que de 2001 à 2006, la population mondiale de personnes déplacées se situait aux alentours de 25 millions. (Voir Annexe I IDP estimates). En 2006, le nombre de déplacés a connu un fort accroissement en raison des conflits au Moyen-Orient (Liban, Israël, Irak) et en Afrique (République démocratique du Congo (RDC) et Soudan). À eux seuls, le Soudan et la RDC ont occasionné le déplacement de plus de 1 million de personnes en 2006. Les plus récentes

statistiques démontrent que 19 pays africains sont encore aux prises avec des problèmes de déplacés internes, représentant la moitié de toute la population déplacée interne au niveau mondial.[4]

Le climat de violence généralisé, le non-respect des cessez-le-feu et l'échec des négociations de paix poussent les populations locales à fuir le danger. Ainsi, ces personnes sont forcées de fuir les zones de combat et par le fait même les agressions dont elles sont les cibles, notamment les génocides, les prises d'otage, les viols systémiques, la limitation dans l'accès aux ressources essentielles (famine désirée) et les abus de pouvoir des belligérants.[5] D'autres agiront à titre préventif, craignant les conséquences ultérieures que le conflit pourra entraîner, notamment la possibilité de perte d'accès aux biens et services essentiels et au plan économique.[6] Toutefois, en quittant leur ville ou village, ces personnes perdent tout. En effet, dans la foulée des événements, elles ramassent le strict minimum et quittent leur foyer à la hâte et se placent alors dans une situation de dépendance complète. Il est notoire de constater que 80% de ces personnes déplacées regroupent

[4] IDMC, *Internal Displacement ; Global Overview 2008*, en ligne, http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/82DA6A2DE4C7BA41C12575A90041E6A8/$file/IDMC_Internal_Displacement_Global_Overview_2008.pdf. p.35, page consultée le 4 mars 2010.

[5] COMITÉ INTERNATIONAL DE LA CROIX-ROUGE (CICR), « Le CICR et les déplacés internes », *Revue internationale de la Croix-Rouge*, en ligne. No 812 (1995), p.203 à 214. http://www.icrc.org/Web/fre/sitefre0.nsf/html/5FZFS9, page consultée le 3 mars 2010.

[6] CICR, « Le déplacement interne dans les conflits armés : faire face aux défis », *Croix-Rouge*, en ligne, mars 2007, p4. http://www.icrc.org/Web/fre/sitefre0.nsf/htmlall/p1014/$File/ICRC_001_4014.PDF, page consultée le 2 avril 2010.

les femmes et les enfants.[7] Ces catégories de personnes représentent donc une population vulnérable et ont des besoins spécifiques qui doivent être pris en compte. Une attention particulière devrait leur être fournie en plus des besoins essentiels, et ce, à court, moyen et long terme. Les besoins principaux sont les suivants : accès à la nourriture, l'eau, un abri, la sécurité, les soins de santé, le bien-être physique et psychologique, l'éducation et la réintégration économique et sociale[8].

À vrai dire, les femmes sont touchées différemment des hommes par le déplacement. Elles souffrent de l'éclatement de leur famille et de la perte des liens sociaux et culturels. Il en découle des conséquences importantes dans le changement des rôles et des responsabilités. Par exemple, en Afrique, avant le conflit, les femmes restaient habituellement à la maison et s'occupaient de l'éducation des enfants et des tâches domestiques. Or, en situation de guerre, les hommes restent pour combattre ou sont faits prisonniers alors la femme devient chef de famille. La majorité de ces femmes sont prises au dépourvu face aux responsabilités qui en découlent. Elles doivent surmonter leurs traumatismes et problèmes personnels, mais de plus elles doivent soutenir leur famille émotionnellement et économiquement. Par conséquent, les habitudes inhérentes à la culture sont ainsi chamboulées.

Finalement, la possibilité de trouver refuge dans des camps soutenus par l'aide humanitaire est plutôt mince compte tenu de l'énorme demande.

[7] ADÉQUATIONS, *Femmes et conflits armés*, en ligne, http://www.adequations.org/spip.php?article886, page consultée le 10 avril 2010.
[8] CICR, « Le déplacement interne dans les conflits armés : faire face aux défis », *op. cit,* p.6.

Le pourcentage de personnes déplacées qui y ont pleinement accès est bien négligeable. Il faut mentionner que le compte est difficile à faire et dans plusieurs pays la quantité de personnes déplacées est indéterminée. Cette difficulté vient du fait que les personnes quittent leur foyer, mais ne franchissent pas les postes frontaliers donc ne sont ni enregistrées et ni recensées. Ainsi, les besoins d'aide dans une zone *x* sont plus difficilement perceptibles par la communauté internationale. De plus, ce n'est pas parce que ces personnes se réfugient dans les camps de déplacés que tous leurs besoins fondamentaux sont automatiquement comblés. Ces camps sont surpeuplés et dans bien des cas, mal gérés, laissant place à d'autres violations des droits de la personne.

Violations des droits de la personne et situation de dépendance complète

Les personnes déplacées sont alors exposées à d'importants fléaux. Ces déplacements entraînent maintes violations des droits de la personne, reconnus dans l'ensemble des instruments juridiques internationaux à cet égard. Il s'agit de : *La Déclaration universelle des droits de l'Homme,* le *Pacte international relatif aux droits civils et politiques,* le *Pacte international relatif aux droits économiques, sociaux et culturels*, la *Convention sur l'Élimination de toutes formes de discrimination à l'égard des femmes*, la *Convention relative aux droits de l'enfant* ainsi que leurs protocoles additionnels.

Bien que ces populations quittent leur village pour des raisons d'insécurité imminentes, le déplacement peut occasionner d'autres menaces à leur intégrité physique et mentale. Effectivement, différents problèmes de

protection de ces personnes déplacées ont été particulièrement dénoncés en Afrique. Premièrement, les violences sexuelles étaient des crimes couramment commis sur les femmes et les jeunes filles. Par violences sexuelles, il faut entendre : viol, mutilation génitale, stérilisation forcée, grossesse forcée, avortement non désiré, propagation voulue du VIH-SIDA, traite et esclavage sexuels. Il faut se rappeler que le viol a été utilisé à maintes reprises comme arme de guerre. Il est commis pour humilier, déstabiliser des populations et détruire des communautés. Tout compte fait, durant le déplacement, aucune protection ni assistance n'est instaurée pour assurer la sécurité. Il en découle une violation de la dignité humaine, de l'intégrité physique, de l'interdiction à l'esclavage, traitements cruels inhumains et dégradants, ainsi que la violation du droit de circuler librement et la non-discrimination.[9]

Deuxièmement, le recrutement forcé d'enfants dans les forces armées a été notoire au Burundi, République Centrafricaine (RCA), Tchad, RDC, Somalie, Soudan et Ouganda.[10] Les dirigeants les utilisent comme main-d'œuvre, soldats et esclaves sexuels. En effet, ayant perdu leurs parents lors du déplacement ou durant la guerre, les enfants sont exposés à de plus grands risques. Ils sont les principales cibles de recrutements forcés, d'enlèvement et de traite ou d'exploitation sexuelle. De plus, les enfants doivent parcourir de longues distances à pied pour fuir les zones de guerre au même titre que les adultes. Ils sont victimes d'épuisement, de maladies, de violence, de

[9] Droits se trouvant dans le *Pacte international relatif aux droits civils et politiques*, le *Pacte international relatif aux droits économiques, sociaux et culturels* et dans la *Déclaration universelle des droits de l'homme.*

[10] CICR, « Le déplacement interne dans les conflits armés : faire face aux défis », *op. cit,* p.35.

malnutrition et de la mort.[11] L'accès à l'éducation est notablement inférieur, voir nul pour ces enfants.[12] Dans certains cas, ils sont contraints à passer toute leur enfance dans les camps de déplacés, ayant comme effet à long terme la pauvreté, car ils n'ont pas accès aux terres et à l'héritage et à moyen terme ils sont victimes du manque d'éducation.[13] Ces enfants ont spécialement besoin d'assistance et de protection. Leurs besoins fondamentaux et les principes émis dans la *Convention internationale des droits de l'enfant* ne sont pas respectés.[14]

Troisièmement, plusieurs familles sont séparées au moment du déplacement. Il faut se rappeler que bon nombre d'hommes sont recrutés par les forces armées ou encore ils sont faits prisonniers. Ainsi, les familles sont divisées et les femmes sont tenues d'occuper le poste de chef de famille. Elles deviennent les responsables de leur famille et les pourvoyeuses de leurs besoins. Cependant, les traditions étant ce qu'elles sont, cela va à l'encontre de la culture et des valeurs locales. De plus, les femmes n'ont pas eu de formation et elles essaient de se trouver un emploi dans une conjoncture de guerre et d'économie stagnante. Sans compter que les hommes étant les patrons, ils préfèrent engager des hommes respectant ainsi la tradition. D'ailleurs, les femmes ne sont pas suffisamment préparées pour le marché du travail et elles n'ont pas les connaissances nécessaires. Ces femmes sont

[11] UNICEF, *Les enfants déplacés,* en ligne, http://www.unicef.org/french/emerg/index_displacedchildren.html, page consultée le 5 avril 2010.
[12] CICR, « Le déplacement interne dans les conflits armés : faire face aux défis », *op. cit,* p.8.
[13] UNICEF, *op. cit.*
[14] *Convention internationale des droits des enfants,* 1989, R.T.N.U (entrée en vigueur septembre 1990).

victimes de discrimination sexo-spécifique. Les possibilités d'emplois sont donc pratiquement nulles, mais elles doivent quand même accéder à un revenu pour subvenir à ses besoins premiers et ceux de sa famille. La principale solution de rechange pour les femmes et les jeunes filles est de se prostituer afin de subvenir aux besoins essentiels de leur famille. Dans les camps de personnes déplacées, de nombreuses femmes ont des relations sexuelles dites « de survie ». En effet, elles acceptent d'avoir des relations sexuelles en échange de nourriture ou d'accès à une source de revenus. Même si elles réussissent à amasser un peu d'argent, elles sont certes soumises à des risques encore plus graves comme des maladies transmises sexuellement tel le VIH/SIDA ou encore des grossesses non désirées dans un contexte où les soins de santé sont très limités. Ces faits et gestes entraînent plusieurs violations des droits de la personne tels le droit à la vie, le droit à la santé, le droit à la santé en matière de reproduction, le droit à l'égalité, le droit au travail et bien sûr le droit à un niveau de vie suffisant et au droit de circuler librement dans l'État.[15]

Les personnes déplacées sont contraintes à tout laisser derrière elles et à fuir. Ce faisant, elles se placent dans une situation de dépendance complète. De nombreuses familles se retrouvent sans foyer et sans moyens de subsistance. Évidemment, il en découle une atteinte marquée à la dignité humaine. La dignité de la personne humaine est une notion fondamentale des droits fondamentaux de la Déclaration universelle des droits de l'Homme.

[15] Droits se trouvant dans le *Pacte international relatif aux droits civils et politiques*, le *Pacte international relatif aux droits économiques, sociaux et culturels* et dans la *Déclaration universelle des droits de l'homme*.

De plus, l'exode massif entraîne la perte de biens et dans le chaos de la fuite, des familles sont dispersées et des enfants séparés de leurs parents. Sans compter que lors du déplacement, les personnes sont sujettes à des attaques directes et des mauvais traitements. De plus, l'accès limité aux soins de santé et autres services essentiels entraîne une plus grande vulnérabilité face aux risques sanitaires. Par le fait même, il y a un accroissement des risques de maladies. Il faut se rappeler que les agressions sexuelles sont fréquentes sur les femmes et les jeunes filles. En réalité, les violations des droits de la personne surviennent lors du déplacement, mais aussi lors de l'installation ou du retour forcé dans les régions non sécurisées. En somme, durant tout le processus, ces personnes luttent pour subvenir à leurs besoins vitaux. Il faut mentionner que l'installation dans le nouvel emplacement peut être précipitée et ne pas répondre aux critères normaux de sécurité ; les lieux peuvent être dangereux, inadaptés, la communauté d'accueil intolérante aux nouveaux arrivants, aucune possibilité d'emplois, etc.[16] Cela dit, des tensions se développent parfois entre la communauté d'accueil et les personnes déplacées. Dans d'autres cas, la population qui vivait habituellement en milieu rural éprouve maintes difficultés à s'adapter au milieu urbain, perdant leurs repères habituels. Tout compte fait, la criminalité, la pauvreté, le surpeuplement et le nouveau mode de vie rendent leur vie difficile.

[16] CICR, « Le déplacement interne dans les conflits armés : faire face aux défis », *op. cit,* p.5.

Responsabilité de l'État

La responsabilité de protéger consiste à fournir « protection et aide aux populations en péril [17]». Ce concept sous-tend trois autres responsabilités. Il s'agit de la capacité à réagir à une catastrophe humaine, effective ou redoutée, de la prévenir et aussi de reconstruire après l'événement. Ce devoir de protection demande la mise en place de mesures d'assistance, à court ou moyen terme. Ces mesures peuvent être variées et doivent « empêcher que des situations qui menacent la sécurité humaine ne se produisent, ne s'intensifient, ne se répandent ou ne perdurent, et à reconstituer les moyens propres à empêcher qu'elles ne se reproduisent; il peut aussi s'agir, du moins dans des cas extrêmes, d'interventions militaires destinées à protéger des civils en péril.[18]»

Le Conseil de sécurité a voté à l'unanimité la résolution 1894 en 2009, concernant la protection des civils en période de conflits armés, s'ajoutant à la première résolution (1269) à cet effet. Le Conseil de sécurité réaffirme l'obligation que les parties impliquées dans un conflit armé se conforment aux exigences que leur imposent le droit international humanitaire et les droits de l'homme et qu'elles doivent les appliquer à toutes leurs décisions en la matière. De ce fait, l'ONU engage les États à prendre « toutes les mesures nécessaires pour respecter et protéger la population civile et répondre à ses

[17] COMMISSION INTERNATIONALE DE L'INTERVENTION ET DE LA SOUVERAINETÉ DES ÉTATS, *La responsabilité de protéger*, Rapport de la CIISE, Ottawa : Centre de recherches pour le développement international, 2001, p.18.
[18] *Idem.*

besoins essentiels[19]». La notion de protection doit être comprise par les États au sens large et non de manière restrictive contre une « menace physique immédiate ». Ainsi, la responsabilité des États doit se refléter sur le terrain. C'est-à-dire que la protection des civils au plan normatif doit être incluse dans les actions précises que prendra le gouvernement pour répondre aux besoins de ses citoyens en temps de conflit armé.[20]

Par conséquent, la responsabilité première de protéger les personnes déplacées revient sans équivoque au gouvernement, ou en situation de conflit, aux autorités qui contrôlent le territoire sur lequel se trouvent ces personnes. Normalement, c'est à l'État à satisfaire les besoins fondamentaux. Les responsables gouvernementaux doivent donc éviter, autant que possible, de déplacer ces populations. Si des déplacements doivent avoir lieu, c'est à eux de veiller à ce qu'elles soient protégées et que leurs besoins primaires soient satisfaits. Ce faisant, ils doivent s'assurer que ces populations auront accès à l'eau, nourriture, hygiène, vêtement, soins médicaux, abris, etc. L'État doit protéger ses nationaux et leur prêter assistance en cas de besoin.[21]

En temps de conflits armés, l'État devrait adopter cinq mesures essentielles pour protéger la population. Il s'agit de : mettre la sécurité humaine à l'ordre du jour, renforcer l'action humanitaire, respecter les droits de l'homme et le droit humanitaire, désarmer les individus et lutter contre la

[19] CONSEIL DE SECURITE, CS/9786, 6216e séance, 11 novembre 2009.
[20] *Idem.*
[21] CICR, « Le CICR et les déplacés internes », *op. cit.*

criminalité et finalement prévenir les conflits et respecter la citoyenneté.[22] Toutefois, ces autorités n'ont pas toujours la capacité ou encore la volonté d'assumer leurs responsabilités. En effet, la plupart des gouvernements aux prises avec le problème du déplacement massif de populations ont été incapables ou refusent de répondre au besoin de protection de ces personnes, soit en raison d'un manque de ressources ou par manque de volonté politique.[23] Les États ne prenant pas les mesures nécessaires quant à la distribution de l'aide humanitaire et contrevient à leur responsabilité de protéger.[24] De plus, l'instabilité des déplacés internes rend la tâche plus complexe aux gouvernements. Ils éprouvent beaucoup de difficultés à répondre à leurs obligations.

En somme, lorsque les gouvernements de ces pays n'assurent plus la protection des droits fondamentaux de leurs citoyens et que de fait, ceux-ci sont contraints de quitter leurs foyers et leurs familles pour trouver refuge ailleurs, la communauté internationale se doit d'intervenir pour veiller à ce que ces droits soient respectés. Effectivement, selon l'article 24 de la Charte des Nations unies, le Conseil de sécurité peut transcender le principe de non-intervention dans les affaires internes d'un État lorsque la paix et la sécurité internationales sont menacées.[25] Le principe de responsabilité de protéger surpasse le principe de souveraineté étatique lorsque la vie des citoyens est

[22] COMMISSION SUR LA SÉCURITÉ HUMAINE, *La sécurité humaine maintenant ; Rapport de la Commission sur la sécurité humaine*, Paris : Presses des sciences po, 2003, p.54.
[23] IDMC, *Internal Displacement ; Global Overview 2008*, *op.cit.,* p.35.
[24] CICR, « Le CICR et les déplacés internes », *op. cit.*
[25] *Charte des Nations Unies,* 26 juin 1945, R.T.N.U.

menacée. La Communauté internationale peut et doit intervenir par le biais de l'ONU.

Le cadre juridique

Les conflits armés sont régis par le droit international humanitaire (DIH). Ces réglementations se retrouvent dans les quatre *Conventions de Genève de 1949* et leurs Protocoles additionnels. Ces textes de loi sont ratifiés par la presque totalité des pays (185 États membres de ces Conventions). Ces règles visent expressément à protéger les populations civiles contre les hostilités et interdisent le déplacement de ces populations lors de conflits armés internationaux ou non internationaux. Il faut toutefois comprendre que c'est le non-respect de ces règles qui pousse les civils à fuir de leur domicile. Parmi ces lois, voici celles qui sont le plus souvent violées et qui incitent les populations à se déplacer: l'interdiction des attaques contre les civils, l'interdiction d'affamer la population civile comme méthode de guerre, l'interdiction de représailles contre des civils, l'interdiction d'utiliser les civils à titre de « bouclier humain », l'obligation d'octroyer un libre passage aux secours et d'autoriser l'assistance nécessaire à la survie des civils. Ces principes se retrouvent dans la *Quatrième Convention de Genève* sur la protection des civils et dans les *Protocoles additionnels de 1977*.[26] Les personnes déplacées sont protégées par ces instruments juridiques au même titre que les civils en situation de conflits armés. Le Protocole additionnel II est le premier traité

[26]CICR, *Droit International Humanitaire - Traités & textes*, en ligne, http://www.icrc.org/DIH.nsf/1595a804df7efd6bc125641400640d89/e8acc1a1e2a34f5fc1256414005deecc!OpenDocument, page consultée le 4 avril 2010.

consacré entièrement à la protection des victimes des conflits intraétatiques. De plus, il développe et complète l'article 3, qui est commun aux quatre *Conventions de Genève* prévoyant les garanties minimales de protection des civils. L'article 17 fait état des personnes déplacées forcées.

1. Le déplacement de la population civile ne pourra pas être ordonné pour des raisons ayant trait au conflit sauf dans les cas où la sécurité des personnes civiles ou des raisons militaires impératives l'exigent. Si un tel déplacement doit être effectué, toutes les mesures possibles seront prises pour que la population civile soit accueillie dans des conditions satisfaisantes de logement, de salubrité, d'hygiène, de sécurité et d'alimentation.

2. Les personnes civiles ne pourront pas être forcées de quitter leur propre territoire pour des raisons ayant trait au conflit.[27]

Ainsi, les personnes déplacées, ne franchissant pas les frontières internationalement reconnues, restent légalement sous la protection de l'État et conservent l'ensemble de leurs droits. Là où le bat blesse, c'est que ces personnes ont des besoins spécifiques qui ne sont pas reconnus dans les textes de loi nationaux. Ces gens représentent une population vulnérable qui nécessite une attention particulière. Ces personnes déplacées, par leur situation difficile, devraient jouir d'une protection plus accrue de la part de l'État.[28]

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[27] HAUT-COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME, *Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à la protection des victimes des conflits armés non internationaux* (Protocole II), en ligne, http://www2.ohchr.org/french/law/protocole2.htm, page consultée le 4 avril 2010.

[28] IDMC, *Principes directeurs*, *op. cit.*

L'encadrement de l'État n'est pas suffisant pour assurer la protection des personnes déplacées. En effet, les recours nationaux sont quasiment impossibles. Les plaintes sont rares, par crainte de représailles des forces armées ou alors les policiers sont réticents à mener une enquête contre leur propre gouvernement. Par exemple, dans le cas des violences sexuelles, les plaintes qui étaient déposées mettaient en cause les officiers du gouvernement. Les policiers s'en sortaient en prétextant que les formulaires étaient mal remplis ou bien que la femme avait attendu trop longtemps avant de porter plainte et finalement aucun procès n'avait lieu. Aussi, il faut préciser que les Cours étaient difficiles d'accès, pour certains camps de déplacés, la Cour la plus près était à plus de 100 km sans compter que l'horaire était surchargé et que l'attente avant que la cause ne soit entendue est interminable.

Étant donné cette inaction, c'est la communauté internationale et le droit international qui doivent prendre la relève. Comme il n'existe aucun organe international spécifiquement pour les déplacés internes, un grave problème surgit. En fait, il n'existe aucune convention spécifique pour le sort de ces personnes. Un guide avec des principes directeurs a été élaboré par le Représentant du Secrétaire général chargé des personnes déplacées à l'intérieur de leur propre pays en 1998. Il s'agit de : *Les Principes directeurs relatifs au déplacement de personnes à l'intérieur de leur propre pays,* qui appellent la communauté internationale à respecter les obligations qui leur incombent en fonction du droit international établi. Par contre, cette référence n'est pas contraignante pour les États. Tout de même, le premier principe stipule que « ces personnes jouissent sur un pied d'égalité des mêmes droits et libertés,

en vertu du droit international et du droit interne que le reste de la population.[29]» Le quatrième principe cible les femmes et les enfants, populations plus vulnérables stipulant qu'ils ont droit « à la protection et à l'aide que nécessite leur condition et à un traitement qui tienne compte de leurs besoins particuliers.[30]» À juste titre, toutes les personnes déplacées devraient bénéficier d'une protection particulière et pas seulement du même accès au droit que les autres nationaux.

La protection juridique est insuffisante et diffuse en raison d'une définition peu explicite du droit. La lacune normative est telle qu'aucun instrument international ne stipule expressément le droit de ne pas être déplacé arbitrairement. De plus, aucun droit ne protège les personnes lors du déplacement et ne leur assure une assistance. Il y a aussi une absence du droit de restitution ou d'indemnisation des biens perdus à la suite du déplacement. Ces lacunes juridiques ont des répercussions plus importantes chez les femmes. Effectivement, ce sont les femmes qui sont particulièrement victimes des attaques, lors des déplacements. Aussi, une protection et une assistance seraient grandement souhaitées et contribueraient à réduire les violences.

Les outils juridiques internationaux ne sont pas automatiquement incorporés dans la législation nationale pour les pays dualistes. L'intégration des mesures précitées est complexe, prend du temps et se retrouve rarement transposée en droit interne. De plus les non-ratifications restent nombreuses et créent un vide juridique quant à la protection des personnes déplacées sur

[29] *Idem.*
[30] IDMC, *Principes directeurs, op. cit.*

le territoire des États qui n'ont pas ratifié les principaux traités des droits de l'homme et leurs protocoles additionnels. Cette ratification dépend du bon vouloir de l'État. Sans compter que l'interprétation des textes législatifs internationaux diffère selon les contextes politiques et culturels à chaque pays.

L'article 18 du Protocole II de 1977 impose au gouvernement d'accepter les actions internationales de secours si la population manque d'approvisionnements des éléments essentiels à sa survie. L'État n'a pas de pouvoir discrétionnaire d'accepter ou refuser l'aide de secours.[31] Cet article fait foi de la bonne volonté internationale, mais est-ce suffisant pour protéger les vies des personnes déplacées ?

Conclusion

En conclusion, force est de constater que la protection tant au niveau national qu'international pour les personnes déplacées internes est bien mince, voire inexistante, laissant ces populations à eux-mêmes. Les droits de la personne sont violés à grande échelle et les recours juridiques sont limités. Dans ce cas, les populations vulnérables sont les premières touchées. De plus, les déplacements entraînent un changement des rôles traditionnels. Les conditions de vie des populations déplacées sont intolérables. Des milliers voir des millions d'innocentes victimes sont laissées à elles-mêmes, souffrant de malnutrition et d'abus de toutes sortes. Pourquoi l'État n'intervient pas? Plusieurs facteurs viennent influencer le comportement des États face à leur

[31] HAUT-COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME, *op. cit.*

responsabilité de protéger. Pour certains gouvernements, ça sera l'indifférence, pour d'autres l'incapacité d'agir. Il faut rappeler que ces États vivent une situation de conflit armé à l'interne et que plusieurs préféreront diriger leurs efforts vers le domaine militaire et laisseront peu de ressources au domaine humanitaire, dont le sort des déplacés internes. Dans le cas du Soudan ce sera l'indifférence et l'implication du gouvernement dans la guerre qui minera la responsabilité de protéger. Les moyens et les ressources seront alors canalisés vers les efforts de guerre. Du point de vue juridique, il n'existe encore aucune convention contraignante sur les populations déplacées à l'interne. La résolution 1894 votée à l'unanimité par le Conseil de sécurité de l'ONU est certainement un pas dans la bonne direction, mais elle n'est pas contraignante, au mieux, elle exerce une pression morale. En terme de droit régional, l'Union africaine est en train de mettre sur pied une convention spécifique aux déplacés internes en Afrique. Aussi, de plus en plus d'États se dotent d'un plan d'intervention d'urgence en cas de catastrophe naturelle. Ces plans comprennent des mesures concrètes d'interventions et des réserves en approvisionnement pour répondre le plus rapidement possible aux besoins des populations touchées par le désastre. Pourquoi cela ne serait-il pas possible en prévision d'un conflit armé? L'ONU devrait définitivement se pencher sur la question et initier des réflexions et des pistes de solution en la matière. Elle pourrait user de son influence pour inviter tous les États à se munir d'un plan d'urgence d'interventions pour protéger, encadrer et subvenir aux besoins des populations non impliquées dans un conflit armé. Aussi différentes mesures incitatives pourraient être mises de l'avant pour encourager les États à aller en ce sens.

Oui, tout cela est peut-être utopique, mais la résignation et l'inaction ne sont pas une solution.

Annexe 1

IDPs estimates

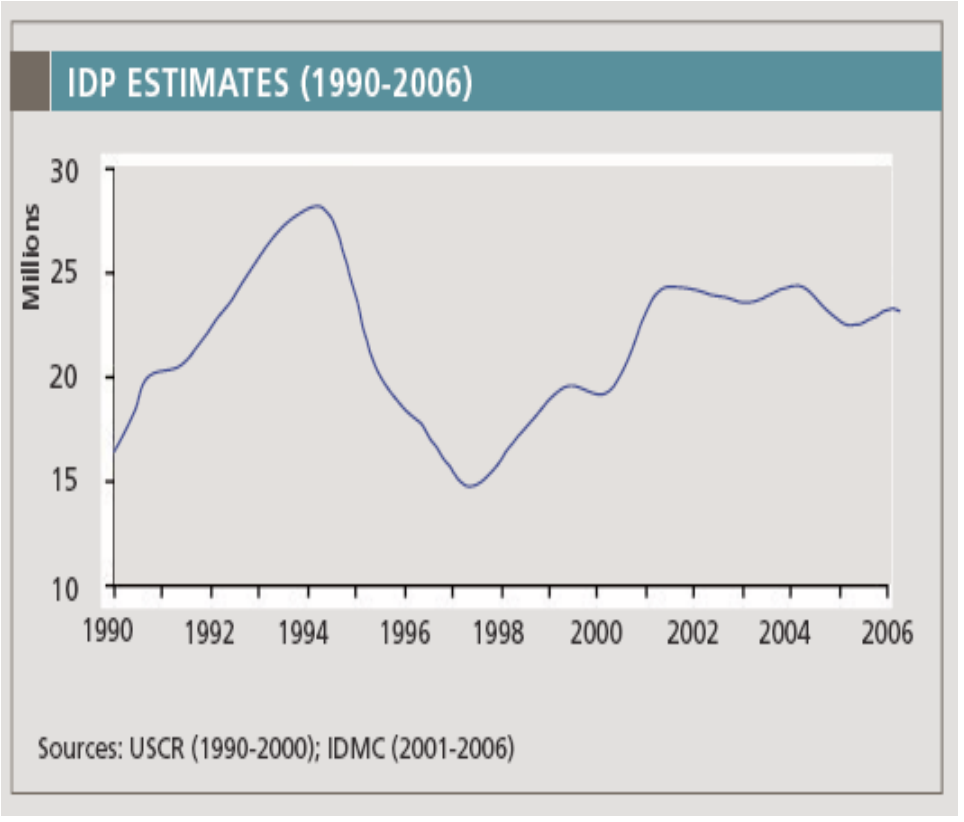

Figure 1 : Comité international de la Croix-Rouge, « Les déplacés internes », *Croix-Rouge*, en ligne, mars 2007, p12. www.cicr.org. Page consultée le 1er mars 2010.

Annexe II

Populations déplacées au Soudan

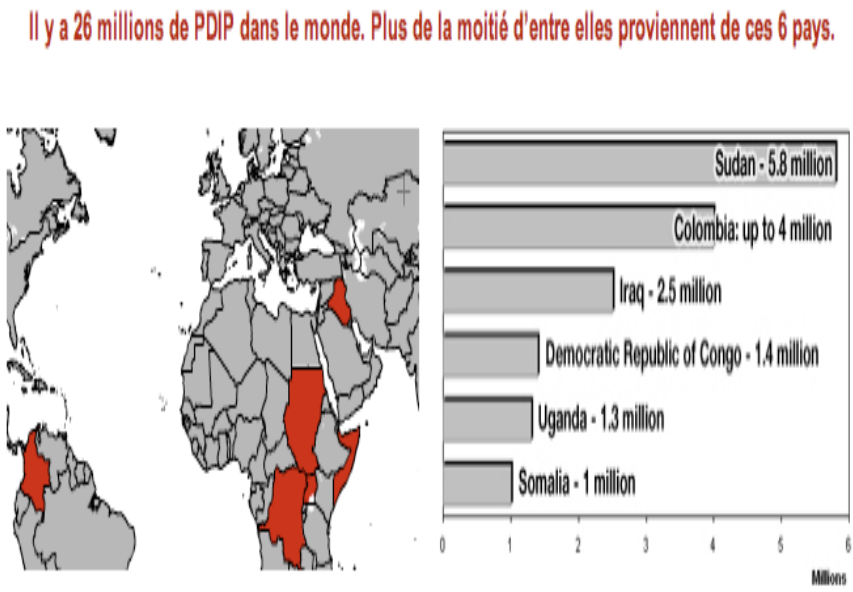

Figure 2 : Médecins sans frontières, *À propos des réfugiés et des personnes déplacées à l'intérieur de leur propre pays*, en ligne. http://doctorswithoutborders.org/events/refugeecamp/about/index.cfm?lang=74. Page consultée le 14 avril 2010.

THE EVOLUTION OF CONSCIOUSNESS: A SPIRITUAL PERSPECTIVE ON GLOBALIZATION

Nootan Kumar
University of Ottawa

Nootan has just completed a Master of Arts from the School of International Development and Globalization at the University of Ottawa. A former aerospace engineer, ESL teacher and applied linguistics scholar, Nootan is, above all else, a passionate student of life and the study of spirituality. Over the years she has explored a variety of religions and spiritual paths, and has been teaching Yoga and Pranayama (breathing exercises) since 2008. I offer my deepest gratitude and respect to all my Gurus for their inspiration and wisdom. Many thanks are also extended to Prof. Alberto Florez, Nathan Reyes, Anni Buelles and the anonymous CJOG reviewers.

Glossary

Ananda	Everlasting bliss
Aum	Original cosmic utterance (equivalent to amen, amin)
Chit	Omniscience
Chitta	Individual consciousness
Dharma	Mental virtue of the internal world[1]
Dwapara yuga	Age of knowledge
Kali yuga	Age of materialism, ignorance
Parambrahma	Ultimate Spirit, Being, God
Sat	Eternal existence
Satchidananda	Eternal and everlasting existence, omniscience, bliss
Satya yuga	Age of truth
Treta yuga	Age of wisdom
Turiya	Fourth level of consciousness, integral awareness and witness of all other states of consciousness
Yuga	World age

[1] As defined by Swami Sri Yukteswar. *The holy science*. Los Angeles, California: Self-Realization Fellowship, 1990.

Introduction

A growing proportion of the human species is experiencing, perhaps for the first time in recorded history, a growing sense of awareness on an entirely new scale: a global consciousness.[2] Many people around the world are becoming progressively conscious of the "earth as a whole as humanity's home"[3], where "human lives…[are] increasingly played out in the *world as a single place*".[4] At the same time, humans are also experiencing nature and "the whole natural world or the *biosphere*" as one "living world" and "one planet", where "the general awareness of the history of the earth, of the history of life and the great biodiversity of the planet is far greater today than it has ever been in the past".[5]

Some argue that the catalyst of this embryonic global consciousness is material globalization[6], particularly in its current form of accelerated globalization which has been progressing at an exponential rate since the mid twentieth century.[7] Global consciousness can be seen as emerging from the

[2] See Arguelles, Jose. "Afterword: Worldshift 2012: A new beginning." *Making green business, new politics and higher consciousness work together*. Ed. Ervin Lazlo. Toronto: McArthur & Company, 2009. 94-99; King, Ursula. "One planet, one spirit: Searching for an ecologically balanced spirituality." *Ecotheology* 10.1 (2005): 66-87; and Scholte, Jan. Aart. *Globalization: A critical introduction* (2nd ed.). New York: Palgrave Macmillan, 2005.

[3] Scholte, *Globalization: A critical introduction*, 116.

[4] Clapp, Jennifer, & Dauvergne, Peter. *Paths to a green world. The political economy of the global environment*. Cambridge, Massachusetts: The MIT Press, 2005. 20. Emphasis in original.

[5] King, "One planet, one spirit," 66. Emphasis in original.

[6] Arguelles, "Afterword," 94-99; King, "One planet, one spirit,"66-87; Scholte, *Globalization: A critical introduction*.

[6] Scholte, *Globalization: A critical introduction*, 116.

[7] Ibid.

confluence of various features of globalization: the compression of time and space, and the resulting intensifying interactions between individuals and peoples across various parts of the globe[8]; the perception of the fragility of the natural habitat and shared human vulnerability in face of unprecedented environmental degradation, ecological insecurity[9], transnational warfare, terrorism, crime[10], and poverty[11]; the impact of space travel and beholding from space the Earth as a whole, single globe in the vast universe[12]; and, of course, the Internet, which H. G. Wells had anticipated as early as 1938 as the "world brain", "an efficient index to *all* human knowledge, ideas and achievements…a complete planetary memory".[13]

But what are the underlying causes of material globalization and the emergence of a global consciousness? Are these phenomena merely the

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[8] Nederveen Pieterse, Jan. *Globalization and culture: Global mélange* (2nd ed.). Lanham, Maryland: Rowman & Littlefield Publishers, Inc, 2009; Rifkin, Ira. *Spiritual perspectives on globalization: Making sense of economic and cultural upheaval*. Woodstock, Vermont: Skylight Paths Publishing, 2003; Scholte, *Globalization: A critical introduction*.

[9] Clapp & Dauvergne, *Paths to a Green World*; King, "One planet, one spirit"; Laszlo, Ervin. *Worldshift 2012: Making green business, new politics and higher consciousness work together*. Toronto: McArthur & Company, 2009; Scholte, *Globalization: A critical introduction*.

[10] Baylis, John, Smith, Steve, & Owens, Patricia. "Introduction." *The globalization of world politics: An introduction to international relations* (4th ed.) Eds. (2008). John Baylis, Steve Smith, & Patricia Owens (Eds.). Oxford: Oxford University Press, 2008.1-13; Scholte, *Globalization: A critical introduction*.

[11] Groody, Daniel G. *Globalization, spirituality, and justice: Navigating the path to peace*. New York: Orbis Books, 2007; Krishna, Sankaran. *Globalization and postcolonialism: Hegemony and resistance in the twenty-first century*. Lanham, Maryland: Rowman & Littlefield Publishers, Inc, 2009; Rifkin, *Spiritual perspectives on globalization*.

[12] Groody, *Globalization, spirituality, and justice*; King, "One planet, one spirit"; Scholte, *Globalization: A critical introduction*.

[13] Wells, Herbert George. *World brain*. London: Methuen, 1938. 60 (quoted in Scholte, *Globalization: A critical introduction*. 272. Emphasis in original.

products of complex economic, social, cultural and political forces that interplay and interweave with each other in multiple layers, at multiple levels, and in multiple directions across the planet? Or are globalization and the development of a global consciousness part of a deeper process that underlies the very movement of these material forces?

While many scholars have attempted to answer these questions from diverse academic disciplines or from an inter- or trans-disciplinary framework, this paper endeavors to answer these questions by examining globalization from a spiritual perspective. This view is distinct from the others because spirituality is primarily, though by no means exclusively, concerned with non-material forces and matters of the spirit, the latter which is believed by spiritualists to form the foundation of life from which all other processes materialize.[14] Furthermore, rather than viewing global consciousness as a result of current accelerated globalization, the argument put forth in this paper flips this notion on its head by placing material globalization within a larger and longer process: globalization as a temporary material manifestation of, and necessary phase in, the evolution of consciousness itself.

This paper draws mostly on the framework of consciousness and Oriental astronomy proposed by the Sankhya school of thought[15], classified

[14] Swami Sri Yukteswar. *The holy science.*

[15] Classified as ancient, the Sankhya school of Hindu philosophy was revitalized by Adi Shankaracharya (788 CE – 820 CE), considered by many to be one of India's greatest philosophers (Paramahansa Yogananda, 1946), and founder of the monastic Swami Order of India of which Swami Sri Yukteswar and Paramahansa Yogananda are a part. The spiritual practice of raising consciousness as described in this school of thought is

as the oldest of the six classical schools of Hindu philosophy[16] and explained by Swami Sri Yukteswar and his disciple, Paramahansa Yogananda. In order to provide a richer understanding of consciousness other definitions and insights of consciousness are incorporated into the discussion, including those put forth by modern-day spiritualists[17]; spiritual ecologists[18]; and other spiritual traditions of India.[19]

Spirituality

Although commonly used by peoples of various backgrounds and belief systems around the world, the term 'spirituality' is "surrounded by much conceptual confusion".[20] It holds associations with something greater than the material world beyond human comprehension, and holds connotations of the sacred. While spirituality may be a "perennial human concern", "…the way this concern finds concrete expression varies greatly from culture to culture and from one religion to another".[21] Spirituality denotes an internal

practiced by monks and nuns of Order as well as lay people, of diverse racial, cultural, religious and educational backgrounds, in spiritual hermitages and households around the world.

16 Radhakrishnan, S. *Indian Philosophy*, *Volume. II*. New Delhi: Oxford University Press, 2006.

17 Such as Deepak Chopra, Deepak; Ervin Laszlo; Eckhart Tolle, Eckhart; and Neale Donald Walsch.

18 Such as Ursula King.

19 Including Elizabeth Gilbert and Swami Muktananda of the Siddha Yoga tradition; and Swami Vivekananda and Sri Aurobindo of the Advaita Vedanta school

20 King, "One planet, one spirit", 70.

21 Ibid.

process, such as the search for inner truth.[22] In contrast, religion is the external manifestation of that process[23], involving a collective experience in associated forms of community, culture, values, identity, and sense of belonging.[24]

From a deep ecological perspective, which views the planet Earth as one vast, inter-connected ecosystem of which human beings are one part, the concept of spirituality can be expanded to a "way of being *in* and *part of the world as a whole*, of our acting within and through it, and in connection with other people".[25] In this light, spirituality is more than just an individual inner process that may externally manifest as a collective practice. It is also a deep interconnectedness, not only with other people but with the natural world as a whole. The Sankhya school of thought extends this sense of interconnectedness beyond the Earth to include the entire universe and even further, to that entity from which the universe was created, *Parambrahma*

[22] While it can be argued that 'religion' and 'spirituality' are not simple, neatly defined categories, in that religious movements concerned with spiritual transcendence attained through the physical medium of the body cannot be separated from political, economic and cultural aspects of human existence, this paper is concerned only with spirituality as a philosophical concept, rather than the variety of ways in which it is interpreted and practiced around the world. As such, the paper is not concerned with how spirituality can be exploited to advance political interests or forge identities, nor with how certain forms of spirituality tend to appeal more to certain regions of the world or peoples of certain education and income backgrounds, nor, finally, does this paper address the commodification of perhaps the most widely recognized external practice of Indian spirituality – yoga – practiced by 13 million people in the US alone. See van der Veer, Peter. "Global breathing: Religious utopias in India and China." *Anthropological Theory* 7 (2007): 315-328, for a discussion of these topics in his examination of the intersection of Indian spirituality with imperial modernity.

[23] Rifkin, *Spiritual perspectives on globalization*.

[24] Helminiak, Daniel. A. *Spirituality for our global community: Beyond traditional religion to a world at peace*. Lanham, Maryland: Rowman & Littlefield Publishers, Inc, 2008.

[25] King, "One planet, one spirit", 70. Emphasis in original.

(Spirit or God). The Sankhya school defines *Parambrahma* as that Being which is complete, without beginning or end.[26]

Spirituality entails the search for "the real, the transcendent, the divine".[27] It is the path to Self-realization, or the absolute identification with the inner spirit, the soul or Self[28], in Eastern terminology, and to salvation[29], in Western. Both Self-realization and salvation describe the same goal:

> …the longings of the human spirit for the permanent, eternal, everlasting – for wholeness, peace, joy and bliss, which have haunted human beings throughout history and for which many persons on our planet are seeking today.[30]

In short, spirituality as both purpose and praxis is the pursuit of *satchidananda* – *sat*, eternal existence; *chit*, omniscience; and *ananda*, everlasting bliss[31], where the triumvirate represents *Parambrahma*, the ultimate Spirit, Being, or God.

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[26] Swami Sri Yukteswar. *The holy science.*

[27] Cousins, Ewart. (Ed.). *World spirituality: An encyclopaedic history of the religious quest.* New York: Crossroad Publishing Company, 1985. Quoted in King, "One planet, one spirit", 71.

[28] Paramahansa Yogananda. *Autobiography of a yogi.* Los Angeles, California: Self-Realization Fellowship, 1946.

[29] Rifkin, *Spiritual perspectives on globalization.*

[30] King, "One planet, one spirit", 71.

[31] Chopra, Deepak. *How to know God: The soul's journey into the mystery of mysteries.* New York: Harmony Books, 2000; Gilbert, Elizabeth. *Eat, pray, love: One woman's search for everything across Italy, India and Indonesia.* New York: Penguin Books, 2006; Rifkin, *Spiritual perspectives on globalization*; Swami Sri Yukteswar. *The holy science.*

Consciousness

Of the three components that make up ultimate Self-realization or salvation, the aspect most relevant to the discussion on globalization is that of *chit*, or universal consciousness. Sankhya philosophy describes the origin of creation as taking birth at the utterance of the cosmic sound, *aum* (*amen* in the Christian tradition, *amin* in the Islamic).[32] From *aum* emerged time, space and the atom, the latter which formed the vibratory structure, or the very 'body' of creation. Each individual atom is spiritualized, or magnetized, under the influence of *chit* and becomes *chitta*, or individual consciousness, which is polarized between attraction towards and repulsion away from *sat*, eternal existence. When in a state of repulsion, individual consciousness remains in a state of ignorance, believing itself to have a separate existence from *sat*. In this state individual consciousness takes shape of the mind and becomes trapped in the ego. In a state of attraction towards *sat*, individual consciousness develops as intelligence which possesses the power to determine truth. Thus human consciousness exists at varying degrees between the capacity to either commune (in full awareness) with the ultimate truth, that of the eternal essence of being, and a perpetual state of ignorance, trapped by the belief in its separate existence from its origin, its Creator.[33]

But what is consciousness? The Merriam-Webster online dictionary defines 'consciousness' as "the quality or state of being aware especially of

[32] Swami Sri Yukteswar. *The holy science.*
[33] Ibid.

something within oneself' [34], and contrasts this higher level of awareness with other unconscious or subconscious states of being. For the individual human, Swami Sri Yukteswar[35] defines consciousness as the power of feeling, while Swami Vivekananda and Sri Aurobindo call it spontaneous knowledge and truth-awareness.[36] Swami Muktananda[37] further refines the definition of individual human consciousness by dividing it into four states: waking, dreaming, deep dreamless sleep and *turiya*, where the latter is:

> …the witness of all the other states, the integral awareness that links the other three levels together. This is the pure consciousness, an intelligent awareness that can – for example – report your dreams back to you in the morning when you wake up….if you can move into that state of witness-consciousness…you can be present with God all the time.[38]

It is the fourth level of consciousness as witness that connects individual consciousness, *chitta*, to universal consciousness, *chit*, and culminates in the experience of *sat*, the eternal truth of being, and *ananda*, everlasting bliss. Universal consciousness is identified by Swami Muktananda[39] as the ultimate witness, as God Her/Himself. Swami Sri

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[34] Merriam-Webster online dictionary. Web. 08 Dec. 2009.

[35] Swami Sri Yukteswar. The holy science.

[36] Diwakar, R. R. *Mahayogi: Life, sadhana and teachings of Sri Aurobindo.* Bombay: Bharatiya Vidya Bhavan, 1953.

[37] Swami Muktananda. *Play of consciousness.* San Francisco, California: Harper & Row, Publishers, 1978.

[38] Gilbert, Elizabeth. *Eat, pray, love: One woman's search for everything across Italy, India and Indonesia.* New York: Penguin Books, 2006. 196.

[39] Swami Muktananda. *Play of consciousness.*

Yukteswar[40] calls *chit* the omniscient feeling, where 'omniscient' is defined by the Merriam-Webster online dictionary as "having infinite awareness, understanding, and insight", and being "possessed of universal or complete knowledge".[41] In the fields of psychology, psychiatry, experimental parapsychology, sociology and neuroscience, this consciousness is variously referred to as "integral consciousness, extended mind, nonlocal consciousness, holotropic mind, infinite mind, and boundless mind".[42] Finally, Diwakar[43] summarizes Swami Vivekananda and Sri Aurobindo's concept, what they label supraconsciousness, as:

> …the Divine knowing [of] the inalienable unity of all things. Its essential character is a comprehending oneness and infinite totality where all is developed as one Divine Consciousness.

Evolution of Consciousness

Why does consciousness evolve? The main purpose of human existence, according to the Sankhya school of thought, is to remove the false illusion of the ego and the misidentification with the separateness of existence by aligning individual consciousness to supreme consciousness, in order to realize and experience *satchidananda*: eternal existence, omniscience and bliss.

[40] Swami Sri Yukteswar. *The holy science.*
[41] *Merriam-Webster online dictionary*. Web. 08 Dec. 2009.
[42] Laszlo, *Worldshift 2012*, 58.
[43] Diwakar, R. R. *Mahayogi*, 222.

By merging one's Self into the supreme Being, the human being her/himself becomes divine.[44]

It is believed that every individual consciousness forms a part of the collective human consciousness and that every individual evolution in consciousness contributes to the evolution of humanity as a whole,[45] though not every human being may be aware of their individual contribution. Thus consciousness evolves at a collective human level as well. Beyond human consciousness, however, universal consciousness, itself, also evolves. According to the Sankhya school, creation emerged out of *Parambrahma* in order for *Parambrahma* to experience Itself as *satchidananda*[46]. That is, by means of duality, God steps outside of Her/Himself to experience Her/Himself through the body of creation, and, by extension, through the human body and human consciousness.[47] This notion is best expressed by Samson and Pitt:

> The human phenomenon is seen as a manifestation of the universe unfolding on itself and becoming aware of its own existence – akin to a baby seeing itself in the mirror for the first time.[48]

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[44] Chopra, *How to know God*; Diwakar, R. R. *Mahayogi*, Gilbert, *Eat, pray, love;* Paramahansa Yogananda. *Autobiography of a yogi*; Swami Muktananda. *Play of consciousness;* Swami Sri Yukteswar. *The holy science.*

[45] Laszlo, *Worldshift 2012*; Tolle, Eckhart. *A new earth: Awakening to your life's purpose.* New York: Plume, 2005; Walsch, Neale Donald. *Conversations with God: An uncommon dialogue.* New York: G. P. Putnam's Sons, 1995.

[46] Paramahansa Yogananda. *Autobiography of a yogi*; Swami Sri Yukteswar. *The holy science.*

[47] Walsch, *Conversations with God.*

[48] Samson, Paul R., & Pitt, David. (Eds.). *The biosphere and noosphere reader: Global environment, society and change.* London/New York: Routledge, 1999. Quoted in King, "One planet, one spirit", 75.

Understanding the *why* of the evolution of consciousness, the discussion proceeds to the *how*. Oriental astronomy describes that just as the moon revolves around the Earth, and the Earth around the sun, so does the sun revolve around a particular point of the universe. This centre forms the seat of the creative power of *Brahma*, or universal magnetism, which is responsible for regulating *Dharma*, or "the mental virtue of the internal world".[49] Human consciousness evolves according to the revolution of the sun around *Brahma*: the closer the solar system is to *Brahma*, the more evolved is human consciousness. One complete revolution around *Brahma* takes 24,000 years; 12,000 years for the sun to orbit furthest away from *Brahma*, and another 12,000 years to orbit back. An illustration is provided in Figure 1:

[49] Swami Sri Yukteswar. *The holy science*, 7.

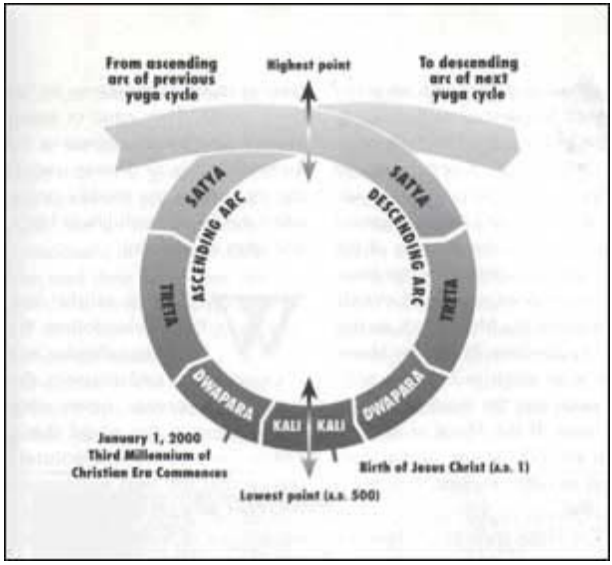

Figure 1: *The world's ages*[50]

It can be seen that each descending and ascending arc in the sun's orbit around *Brahma* is divided into four *yugas*, or world ages: *Satya*, *Treta*, *Dwapara* and *Kali*, with each division containing a transition period to the next. At the point closest to *Brahma* the solar system is in *Satya yuga*, the age of truth, where human consciousness is at its highest. In this state humans can commune with and understand the mysteries of the universal spirit. As the sun moves away from Brahma the solar system begins its descent, involuting from *Satya yuga* to *Treta yuga*, to *Dwapara yuga* and, finally, to the furthest point away from *Brahma* known as *Kali yuga*, the age of materialism and ignorance. In this state the human intellect is incapable of grasping

[50] Accessed from http://www.starbridge.com.au/images/opt/Yugas.jpg. 30 November, 2009.

anything beyond the material substance of creation – the external, physical world – and "harbors misconceptions about everything".[51]

From the furthest point the solar system begins its re-ascent towards the grand centre, beginning to evolve again from *Kali yuga*, through *Dwapara* and *Treta yugas* back to *Satya yuga* and the closest proximity to *Brahma*. As the cycle of time keeps moving so does human consciousness, which continues to evolve–involve–and evolve again endlessly. This process goes on for infinity, or at least until the universe itself is dissolved. Because the universe constitutes a part of creation that is manifested in order for *Parambrahma* to experience Itself, states the Sankhya school, it will be dissolved back into *Parambrahma* at some point after which a new creation and new universe will materialize.[52]

Globalization in the Evolutionary Cycle

The mainstream Hindu belief system has extrapolated from Oriental astronomy that the solar system is currently passing through the portion of its trajectory furthest away from Brahma, thus positioning the current world in *Kali yuga*. Aside from the age of materialism and ignorance, this age is also referred to as the modern age. While references to *Kali yuga* are innumerable, one Hindu text, the Srimad Bhagavatam Purana, composed between the 9th and 10th centuries AD, predicts at length the attributes of this period. The

[51] Swami Sri Yukteswar. *The holy science*, 77.
[52] Swami Sri Yukteswar. *The holy science.*

modern era was forecasted as comprising: the drastic diminishment of spiritual practice, wisdom, truthfulness, tolerance, compassion, family bonds and the institution of marriage; the reduction in life span, physical strength and memory; radically changing sexual identities and practices; the disproportionate preoccupation with material wealth, power and technical knowledge; and the increasing prevalence of overpopulation, ecological degradation, climatic difficulties, and violent conflict at all levels of human society.[53]

When comparing these predictions to the current state of the world in the era of accelerated globalization, it is not hard to jump to the conclusion that human consciousness must be passing through *Kali yuga*. Alarming descriptions of the destructive features of globalization abound in academic and popular literature, as well as the media. These negative depictions, in fact, serve to unite many religions of the world in their denouncement of globalization, usually taken as neoliberal economic globalization encompassing all its harmful features.[54] Damaging characteristics of economic globalization can be broadly categorized as unprecedented degrees of consumerism, and ecological and human insecurity. Consumerism subsumes the greed for wealth, power and the acquisition of material comforts, as well as the increasing commodification of every aspect of life.[55] Ecological insecurity entails the threat to food, water

[53] Disciples of A. C. Bhaktivedanta Swami Prabhupada. *Srimad Bhagavatam of Krsna-Dvaipayana Vyasa*. Botany, Australia: The Bhaktivedanta Book Trust, 1987.

[54] Rifkin, *Spiritual perspectives on globalization.*

[55] Helminiak, *Spirituality for our global community*; King, "One planet, one spirit"; Rifkin, *Spiritual perspectives on globalization.*

and livelihood security and to biodiversity, due to environmental degradation, depletion of natural resources and climate change caused by industrialization, consumerism and overpopulation.[56] Human insecurity relates to intensifying and often transboundary warfare, terrorism, and crime[57], as well as to deepening poverty and the widening gap between the rich and poor around the world.[58]

Regarding other characteristics of globalization foretold in the text, one striking feature observed today in particular is the shifting of identities. New solidarities are being created by individuals and groups no longer necessarily held together by bonds of family, ethnicity, caste, religion or nation (although all still salient to varying degrees, nonetheless), but by bonds arising from the creation of new, hybrid, transterritorial identities[59] based on gender, sexual orientation, socio-economic class, language, personal interests, environmental movements, virtual relationships and anything in between. Another feature, the decline of belief in revealed or intuitive spiritual wisdom and its replacement by technical knowledge[60], can also be observed in the dominance of the scientific method and the rational mode of knowledge,

[56] Clapp & Dauvergne, *Paths to a Green World*; King, "One planet, one spirit"; Laszlo, *Worldshift 2012*; Scholte, *Globalization: A critical introduction.*

[57] Baylis, et al., "Introduction."; Scholte, *Globalization: A critical introduction.*

[58] Groody, *Globalization, spirituality, and justice*; Krishna, *Globalization and postcolonialism*; Scholte, *Globalization: A critical introduction.*

[59] Nederveen Pieterse, *Globalization and culture;* Rifkin, *Spiritual perspectives on globalization and culture*; Scholte, *Globalization: A critical introduction.*

[60] Rifkin, *Spiritual perspectives on globalization.*

both intrinsic to modernity, an influential component of globalization.[61] Related is the tendency towards skepticism, if not authentic atheism, as well as secularism, increasingly prevalent especially in multicultural societies of the world today.[62] While these features have been largely interpreted negatively by mainstream Hinduism and many other religions, some of these changes, in and of themselves, can simply represent shifts and transformations, rather than pessimistic connotations of destruction or deterioration. To focus exclusively on the negative, furthermore, is to risk ignoring the positive opportunities presented by globalization[63], as discussed below.

Swami Sri Yukteswar[64], writing in 1894, claimed that somewhere along the way in Indian history, erroneous calculations were made regarding the timing of *Kali yuga*. By his calculations, humanity already passed through the darkest point of *Kali yuga* in 500 AD. At this pivotal time, the sun began its return towards the grand centre *Brahma*. The age of darkness concluded by 1599 AD and was followed by a transition period. As of 1899 AD, the Earth has entered *Dwapara yuga*, the age of knowledge. During this era, the human intellect will begin to sharpen, enabling humankind to transcend the gross material substance of creation to begin discovering subtler forces of the universe. *Dwapara yuga* marks the progress of more than just scientific knowledge: whereas *Kali yuga* is described as a period in which political peace

[61] Escobar, Arturo. "Power and visibility: Development and the invention and management of the Third World". *Cultural Anthropology* 3.4 (1988): 428-44; Krishna, *Globalization and postcolonialism*; Scholte, *Globalization: A critical introduction*.
[62] Helminiak, *Spirituality for our global community*.
[63] King, "One planet, one spirit".
[64] Swami Sri Yukteswar. *The holy science*.

cannot be maintained in any nation, *Dwapara yuga* is distinguished for the political advancement of civilization. As the sun begins to orbit away from its furthest, darkest position back towards *Brahma*, in *Dwapara yuga* humanity will begin to undergo a spiritual awakening, with more humans reaching out for spiritual knowledge and experience than in the previous age.

Already there was evidence for the accuracy of Swami Sri Yukteswar's calculations during the transition phase from *Kali* to *Dwapara* and early into the twentieth century, a period coinciding with the onset of accelerated globalization. Not only was electricity discovered during this time, humankind has since learned how to harness it entirely. In 1940 Paramahansa Yogananda[65] predicted a "great surge of development in electrical science" in *Dwapara yuga*, which he refers to as the 'electrical age'. This describes the present age of globalization quite accurately, as humanity is dependent on electricity now more than ever. Another subtle force was discovered during the transition to from *Kali* to *Dwapara*: that of magnetism, but humankind has yet to fully grasp or harness the extent of its powers. This, apparently, will become possible in the next age, *Treta yuga*[66].

Other scientific advancements made possible by *Dwapara yuga* were the discovery of gravity and the inventions of the telescope and microscope,[67] as well as the rapid expansion of aviation and the advancement

[65] Paramahansa Yogananda. "The end of the world." *A world in transition: Finding spiritual security in times of change*. Los Angeles, California: Self-Realization Fellowship, 1999b. 10.
[66] Ibid.
[67] Swami Sri Yukteswar. *The holy science.*

of healing techniques by means of vibratory energy.[68] In terms of political advancements of civilization, the transition to *Dwapara yuga* witnessed the introduction of the rule of law with the Napoleonic Code[69]; the first stages of a truly global world system in which East and West were joined by means of colonization and colonialism[70]; a federation of states in America; and the beginnings of democracy.[71]

The transition to *Dwapara* from *Kali* proved to be a fertile time not just for scientific discovery and political evolution, but also for spiritual awakening. This period saw an Indian Renaissance, in which the science of Yoga as well as the Vedanta Advaita philosophy, that of non-duality, were resurrected from their ancient past and taken to the West for the first ever Parliament of the World's Religions held in Chicago in 1893.[72] Since then constructive dialogue has opened up between all major world religions, in all directions and at all levels of society.[73]

Humanity can thus take heart in the positive aspects of *Dwapara yuga*, the epoch which contains contemporary, accelerated globalization. By locating globalization in this cyclical evolution of humankind, globalization

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68 Paramahansa Yogananda. "The end of the world".

69 Swami Sri Yukteswar. *The holy science.*

70 Dussel, Enrique. (1998). "Beyond Eurocentrism: The world system and the limit of modernity". *The cultures of globalization.* F. Jameson, & M. Miyoshi (Eds.). Durham: Duke University Press, 1998. 3-31; Swami Sri Yukteswar. *The holy science.*

71 Paramahansa Yogananda. "How our world will change." *A world in transition: Finding spiritual security in times of change.* Paramahansa Yogananda. Los Angeles, California: Self-Realization Fellowship, 1999a. 12; Walsch, Neale Donald. *Conversations with God.*

72 van der Veer, "Global breathing".

73 Groody, *Globalization, spirituality, and justice*; Helminiak, *Spirituality for our global community*; Rifkin, *Spiritual perspectives on globalization.*

can be viewed as a material manifestation of the shifting consciousness of humanity in the current age, where "material events [of globalization] are but the outward display of consciousness".[74] Because *Dwapara yuga* has only just begun, however, the strong, residual influence of *Kali yuga* can still be felt.[75] In the early stages of *Dwapara yuga* there is still the persistence to over-identify with the material level of creation.

Because consciousness always tries to expand to increasingly further frontiers in striving to reach the ultimate consciousness, in an age of knowledge still haunted by ignorance humankind will continue attempting to achieve this degree of consciousness by external, material means rather than internal, spiritual means. Hence the invention of globalization: humans create the necessary conditions for, and exploit material globalization as an alternative method to, attain the same essential purpose held throughout the ages: the ultimate unification and communion with universal consciousness, the supreme Being.

The two most prominent features of globalization that serve as material vehicles on which humanity relies for its evolution of consciousness are transportation and communication. These two crucial conduits manifest the desire of human consciousness to compress time and space. The compression of time and space is indeed the precise goal – and method – of consciousness to expand, interconnect and commune at ever greater levels.

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[74] Chopra, Deepak. "Foreward." *Making green business, new politics and higher consciousness work together*. Ed. Ervin Lazlo. Toronto: McArthur & Company, 2009.xi.

[75] Paramahansa Yogananda. "The end of the world".

By manifesting its desire to overcome time and space in the very design and application of material means, consciousness fulfills its inner purpose in an external manner. In the process, not only does consciousness invent globalization, consciousness is also *invented by* globalization.

Through global travel and communication technology, most significantly digital media and the Internet, consciousness connects externally with other peoples, cultures, religions and polities around the world.[76] This intensified interaction, in turn, provides consciousness the space to explore new, hybrid, fusion and supraterritorial identities, movements, solidarities and cultural forms.[77] Moving into cyberspace and virtual reality, consciousness frees itself even further from the confines of space and time by exploring the fluid, shifting, real and imaginary realms of cyber identities, communities, worlds and states of consciousness[78]. New and resurrected modes of knowledge also emerge, such as indigenous, ecocentric, religious, postmodern and spiritual, all which challenge the dominant rationalist mode[79] and its very conceptualization of time, space, and the place of humans with respect to the whole.[80] All these ingredients made available by globalization combine to form an exciting mixture not just of 'real' experiences, but of rich imaginary landscapes as well. Imagination is the vital substance of

[76] Nederveen Pieterse, *Globalization and culture*; Rifkin, *Spiritual perspectives on globalization*; Scholte, *Globalization: A critical introduction.*

[77] Nederveen Pieterse, *Globalization and culture*; Scholte, *Globalization: A critical introduction.*

[78] Bell, David. "Identities in cyberculture." *An introduction to cybercultures.* D Bell. (Ed.) New York: Routledge, 2001.113-136; Scholte, *Globalization: A critical introduction.*

[79] Scholte, *Globalization: A critical introduction.*

[80] King, "One planet, one spirit".

consciousness, for only that which is imagined can materialize, and only that which is imagined can become.[81] Thus globalization plays a lead role in the imagination of something much greater: the imagination of *chit*, of *Parambrahma*, the supreme consciousness, the divine essence, Itself.

For those individuals who would rather strive to achieve a heightened state of consciousness by inner spiritual methods rather than external material means, material globalization nonetheless remains a valuable instrument. While there are learned and enlightened people in every age prepared to guide humans towards their spiritual purpose[82], these people are rare or hard to find in *Kali yuga*. In *Dwapara yuga*, however, spiritual awakening becomes possible on a greater scale largely by means of material globalization, which assists people from all walks of life across the globe to access information and resources in their search for spiritual enlightenment, and connects these seekers to other likeminded seekers and mentors.

By bringing together previously dispersed humanity, and by allowing consciousness to explore new, enriching realms and possibilities through all these diverse methods, material globalization plays a key role in the evolution of consciousness.[83] If the ultimate goal of the evolution of consciousness is to seek unity with *chit*, or universal consciousness, then material globalization is not merely a catalyst[84], but a crucial evolutionary phase in preparing human

[81] Walsch, *Conversations with God.*
[82] Paramahansa Yogananda. *Autobiography of a yogi*; Swami Sri Yukteswar. *The holy science;* Walsch, *Conversations with God.*
[83] Arguelles, "Afterword: Worldshift 2012".
[84] Scholte, *Globalization: A critical introduction.*

consciousness for a more complete global consciousness. Notwithstanding all this opportunity for exciting exploration of the spaces of imagination and consciousness provided by material globalization, why then the continued perception and experience of overwhelming negative aspects, particularly those of human and ecological insecurity?

Because in its early stages the age of knowledge is still bogged down by the heavy burden of the age of ignorance, the development of the human mind has lagged behind the rapid pace of technological advancement and globalization[85], causing a deep unease and insecurity in humanity. Since strife still exists, and may even appear to be on the rise due to the perceived fragmenting effects of globalization[86], a potential response to globalization is a "retrenchment into one's own position [of] deep-seated fear and hatred".[87] Thus the progress in technology and knowledge that marks *Dwapara yuga* still risks being used more destructively than constructively.

Furthermore, although humanity is starting to make strides in expanding consciousness by connecting more deeply with other human beings across the globe, humankind has yet to achieve a similar degree of connection with the natural world, the environment on which the very survival of humanity depends.[88] Until this spiritual ecological connection is established, human consciousness may evolve to a global consciousness, but

[85] Arguelles, "Afterword: Worldshift 2012"; King, "One planet, one spirit"; Paramahansa Yogananda. "The end of the world".
[86] Scholte, *Globalization: A critical introduction.*
[87] King, "One planet, one spirit". 68.
[88] King, "One planet, one spirit"; Laszlo, *Worldshift 2012.*

not to a truly *planetary* consciousness. To continue human activity without regard to environmental consequence is to risk causing a violent (but partial) dissolution of the Earth, such as the cataclysmic climatic upheavals and natural disasters experienced in other ages.[89]

Here again material globalization plays a dual role in the evolution of human consciousness. On one hand it continues to exacerbate the environmental crisis through the spread of mass industrialization and rampant consumerism, for example, as a remnant of the old ignorant, materialistic consciousness, and pushing humanity to the brink of existence. On the other hand, globalization is also mobilizing the mass consciousness necessary to awaken to the urgent need to connect to the natural world before it is too late. Globalization and consciousness are together, therefore, poised for an evolutionary leap.[90]

Conclusion

Perhaps not in our lifetime but within the scope of *Dwapara yuga,* current globalization will make way for a true *globalism* which will eventually lead humanity to *Treta yuga*, the age of wisdom[91]. Genuine globalism within *Dwapara yuga* may take the form of experiments in federations and democracy

[89] Paramahansa Yogananda. "The end of the world".
[90] Chopra, "Foreward", Laszlo, *Worldshift 2012*.
[91] Paramahansa Yogananda. "The end of the world".

that will lead to a United States of the World[92], or to a unified world with one world language, one world parliament, one world tribunal, one world law and order force and one world metropolis, as envisioned by members of the Baha'i faith.[93] Another conceptualization is a spiritual ecological vision of globalism that integrates human consciousness with that of the biosphere, revealing a reflexive co-evolution of human and planetary consciousness in which humans and the natural world are wholly, organically and seamlessly interconnected.[94]

Only by achieving a truly planetary consciousness can humanity evolve to *Treta yuga*, also called the age of mental power. In this age, all that is achieved by the external and material means of globalization in *Dwapara yuga* will be achieved by the power of the mind alone.[95] Once again the crucial importance of material globalization in the evolutionary cycle can be ascertained: only by continuing to advance the human intellect in order to grasp the ever subtler forces of the universe can humanity eventually harness these forces, not just externally but internally as well.

To grasp these forces and use them constructively demands a steady heart, however, rather than the agitated heart that oscillates between extreme joy and sorrow, as it does in the current age.[96] A steady heart, in turn, demands a connection at ever greater levels of consciousness with other

[92] Paramahansa Yogananda. "How our world will change".
[93] Rifkin, *Spiritual perspectives on globalization.*
[94] King, "One planet, one spirit".
[95] Paramahansa Yogananda. "The end of the world".
[96] Swami Sri Yukteswar. *The holy science.*

human beings as well as the natural world. Deepening these connections is of paramount importance in order to lead to greater love, understanding and a sense of unity. Only authentic experience, rather than just the intellectual acknowledgement, of love, understanding and a sense of unity can provide the true antidote to fear and hatred.[97] Fear and hatred form the root cause of misery and suffering, where misery and suffering are inherent consequences of the over-identification of the consciousness with the mind, the ego, and the belief in a separate existence from the Whole, from the Supreme, from ultimate Existence, Consciousness and Bliss.[98] In conclusion:

> *You cannot change the outer event (for that has been created by the lot of you, and you are not grown enough in your consciousness to alter individually that which has been created collectively), so you must change the inner experience. This is the road to mastery in living.*
>
> *Events, occurrences, happenings, conditions, circumstances – all are created out of consciousness. Individual consciousness is powerful enough….And mass consciousness? Why, that is so powerful it can create events and circumstances of worldwide import and planetary consequences.*[99]

[97] Groody, *Globalization, spirituality, and justice*; King, Robert H. *Thomas Merton and Thich Nhat Hanh: Engaged spirituality in an age of globalization*. New York: The Continuum International Publishing Group Inc, 2001.

[98] Tolle, Eckhart. *A new earth;* Paramahansa Yogananda. "The end of the world"; Walsch, *Conversations with God.*

[99] As spoken by God in Walsch, *Conversations with God*, 35. 37.