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IS GLOBALIZATION WESTOXIFICATION? **ANALYSING THE QUESTIONS OF FAIRNESS IN** **INTERNATIONAL HUMAN RIGHTS LAW**

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Globalization can enhance human rights through increased knowledge and connectivity, but also exacerbates inequality and exploitation, necessitating a delicate balance between its positive and detrimental effects. No doubt globalization has brought significant changes in every sector whether it is cultural, political or economic rights, which results in a range of dynamic consequences that impact many facets of human rights. This research aims to examine the effects of globalization on human rights both internationally and in India, with a focus on the rights to social, cultural, economic, and political aspects of life. Along with that, this paper also discusses how the growing impact of Western culture on globalization or what can we call westoxification has raised the question about the protection of rich cultural heritage and Indigenous traditions.

Globalization has become a controversial concept, involving various aspects such as social, cultural, ecological, environmental, ethical, and humanitarian aspects. All these aspects of life have been significantly impacted by the quick development of the relationships between and across nations. One crucial question raised by this transition is whether “**Westernization**” and globalization are the same. The term suggests the imposition and dominance of Western values, norms and ideologies on a global scale and lies at the heart of this transformative. A combination of the words “West” and “Toxic” “westoxification” refers to the idea that globalization has brought about a particular type of cultural poison that threatens the traditional values and identities of non-western countries. It suggests local cultures and traditions are suffering because of the worldwide spread of Western civilizations, economic systems, and political beliefs. This research’s main question is whether this characterization is accurate and, if so, what implications there are for international human rights legislation. This has been happening for a very long time and has changed the world a lot.

Westernization is fundamentally the spread of ideas, ways of living, and things from Western Europe and the United States. With the founding of international institutions like the UN, IMF, and World Bank that support Western-style governance and economic practices, globalization

has substantially changed since the late 20th century. As both superpowers championed democracy, free-market economy, and Western ideals during the Cold War and ideological rivalry between the US and the USSR, Westernization was substantially affected.

Global human rights legislation has been extensively shaped and developed because of Westernization. The Enlightenment movement, which was most active in Western Europe during the 17th and 18th centuries and promoted ideas like individual liberty, equality, and human rights, established the groundwork for modern human rights. As a result, important papers like the French Declaration of the Rights of Man and of the Citizen (1789) and the US Declaration of Independence (1776) were written.

Human rights were given additional attention in the post-World War II International Human Rights Framework, with Western nations taking the lead in the establishment of the UN and the formulation of the UDHR (1948). The protection and advancement of a wide variety of human rights, including civil and political rights, economic, social, and cultural rights, as well as the rights of vulnerable groups, have been made legally enforceable responsibilities on nations using these treaties.

The advancement of human rights activism, study, and efforts to promote global accountability has been significantly aided by Western legal professors, activists, and organizations. Human rights protection and enforcement have frequently been created using the legal frameworks and judicial systems established by Western nations as examples.

The Westernization of human rights law, however, has come under fire and criticism for failing to take into account issues like cultural sensitivity, diversity, and the need for inclusion in the execution of these rights on a worldwide level. A crucial factor in the continued development of human rights legislation continues to be striking a balance between universal principles and respect for regional settings.

GLOBALIZATION AS WESTOXIFICATION

Despite being frequently viewed as a Western scourge, globalization is not a recent development. Through migration, commerce, travel, cultural impact, and the spread of knowledge over a long period of time, it has aided in the development of the globe. Globalization's driving forces are neither primarily European nor Western, nor are they necessarily connected to Western supremacy.

If Europe had opposed the then-occurring globalization of mathematics, science, and technology, it would have been much poorer today.

Globalization, often viewed as a Western curse by some scholars, has contributed to the progress of the world through travel, trade, migration, cultural influences, and knowledge dissemination over thousands of years. Over thousands of years, globalization has been productive in the advancement of different countries, and the active agents of globalization have often been located far from the West. Westernization in India is not the beginning of globalization, as there are multiple examples of global connections between Indian history with multiple other global cultures. Indian history has been greatly impacted by the Islamic invasion, Turkish culture, and Chinese Scholars have contributed some pieces of literature, the Arab mathematician Mohammad Ibn Musa-al-Khwarizmi, who had an impact on the European Renaissance, Enlightenment, and Industrial Revolution, may not be recognized by contemporary mathematicians in Boston. The successes of Europe must be credited to the West, but the notion of a perfect Western vision is fantastical. In the fifth century, Kumarajiva transcribed the first book ever to be printed, the Vajracchedika Prajnaparamitasutra, into Chinese. Turkey, China, and India are all impacted by globalization, while the West is completely absentⁱ.

IMPACT OF WESTERNIZATION ON SOCIO-ECONOMIC CULTURE

Socioeconomic culture has been profoundly influenced by Westernization, which has led to cultural identity preservation, economic expansion, technical improvements, consumer culture, and labour practices. Many nations have seen significant industrialization and growth because of implementing Western economic models like capitalism and market-based policies. The digital gap, cultural eroding, work practices, gender relations, and the preservation of cultural identity have all been brought up as problems because of this, though.

Western brands, goods, and lifestyles have proliferated because of the development of Western consumer culture, promoting consumerism and the monetization of culture. This has opened chances for companies and economic development, but it has also sparked worries about the effects of consumerism on the environment and the decline of regional customs and values. A digital gap has resulted from technological improvements, notably those in information technology and communication, which have hastened globalization and changed corporate processes.

The spread of information and the fostering of analytical thinking abilities have greatly benefited from Western-style education systems, but they have also given rise to worries about the possible deterioration of regional languages and cultural knowledge. By questioning conventional gender norms, gender equality has challenged Westernization's effect on labour practices and gender dynamics.

Concerns over the loss of cultural authenticity and identity can arise from cultural hybridization, in which aspects of Western and indigenous cultures converge to produce original representations. An important problem for cultures navigating the complexity of globalization is striking a balance between the advantages of Westernization and the preservation of cultural heritage.

GLOBALIZATION AND HUMAN RIGHTS

There are two different points of view on how globalization affects human rights. One perspective holds that human rights have expanded due to globalization. In general, trade theory predicts that globalization will increase overall well-being. Many believe that a market economy and commerce that is liberalized may raise people's living standards. It is also held that economic freedom is crucial for political freedom. It is feasible to deal with human rights offenders successfully with the aid of economic power. Overall economic expansion and competitive production may even result in improved governance, faster economic expansion, and a greater number of rights.

The alternative perspective holds that due to economic and technological change brought on by globalization, the main threat to human rights may not come from the state but rather from multinational corporations, multilateral intergovernmental organizations, transnational criminals, or organized terrorists. Based on the Oxfam Poverty Report, "Trade may open doors and sustain livelihood, but it can also lead to exploitation, environmental harm, and loss of livelihoods. The administration of the global trading system influences various sectors, impacting production techniques, marketing control, wealth distribution, and trade conditions, all of which have an impact on how they affect people."

Globalization is opposed because some believe it violates human rights. Indigenous decision-making and democratic institutions have lost some of their importance when foreign businesses, the World Bank, and the International Monetary Fund dictate national economic and social policies. Economic, social, and cultural rights are negatively impacted by unchecked market forces, particularly when structural adjustment measures result in lower public spending on health and education. More unemployment, poverty, and the exclusion of vulnerable populations may

arise from an increase in the wealth and influence of multinational corporations.

In the report, which was delivered in June 1998, economic globalization is completely denounced. According to the study, “today’s economic and financial systems are organized in such a way as to act as pumps that suck up the output of the labour of the slaving masses and transfer it, in the form of wealth and power, to a privileged minority.” The scholar believes that globalization does not do much to advance human rights. He also acknowledges that the pursuit of wealth need not always conflict with the advancement and defence of human rights.

Technologies that save on labour are implemented to increase profitability. Such a strategy results in the disempowerment of labour on several levels. The decrease in the organized labour force in terms of numbers, the demise of unions, and usually the political rightward tilt of social democratic parties that adopt neoliberal, market-oriented policies. It is well known that unions are in decline in the age of globalization. Union’s numerical strength and negotiating power have decreased because of the organized sector’s decline. However, the decline in membership is only one aspect that has highlighted the decline in union strength. State protection of human rights in areas of social, economic, and cultural rights is becoming more difficult because of globalization. Minorities have suffered as a result. A significant new kind of transnational criminal business has also been produced by globalization. International crimes that involve or have an influence on human rights breaches are growing. Illegal drug trade, arms trafficking, money laundering, and people trafficking are all made easier by open markets and technological advancements. When it comes to medications required to uphold the right to life and health, indigenous groups and local communities notably attack the basic premise of intellectual property protection. Economic globalization has drawn criticism for favouring investors at the expense of locals, possibly leading to an increase in unemployment and underemployment. The actions taken by institutions like the World Bank and IMF implement economic changes that might result in human rights violations, such as a rise in newborn and child mortality rates, to improve circumstances for investors. Trade liberalization is frequently required as part of structural reform. States may or may not get weaker, but the weakest individuals inside the states become even more marginalized. Developing nations and third world nations often become victims of fake human rights activism, where these nations instead of getting any benefits of globalization. For instance, Afghanistan became the colony of the US army, and the 3000 army personnel hijacked Afghanistan back in 2001 to save the Afghanistanⁱⁱ al-Qaeda terrorist group, though there are serious allegations of torture, sexual abuse rape and cruel treatment by the US militants on the Afghan woman and children.ⁱⁱⁱ It shows that this is just the money politics and gun power and gun power which is the basis of everything.

GLOBALIZATION AND ITS RELATIONSHIP WITH THE HUMAN DIGNITY

All human rights rely on the core idea of respecting human dignity. This dignity is a natural trait that is imprinted in us from birth and developed during the course of our lives. Recognizing and supporting each person who exemplifies human integrity is all that is necessary to sustain it. Every person reflects the almighty majesty and sacred presence that lives inside them.

Protection of human integrity is provided through human rights. Human liberty is the basis of respect for others. They are linked together and indivisible. It is a gift of love from God to everyone. Because they stand for the entirety and completion of human value, human rights are interconnected and indivisible. Inequality has grown during the contemporary global period. The intellectuals and decision-makers of the industrialized world view globalization as “offering good prospects for their nations and their people. From two separate angles, globalization may be kept going.

One viewpoint holds that globalization is a means of enhancing both national and international wealth. On the other side, globalization directly contributes to the widening gap between “developing” and “developed” countries in terms of economic development. More precisely, there is a link between non-discrimination, equity, and globalization. The two concepts are essential to the foundation and guiding principles of human rights legislation and practice^{iv}.

IMPACT OF GLOBALISATION ON HUMAN RIGHTS

Human rights, including economic, labour, cultural, civic, and political rights, have been substantially influenced by globalization. It has resulted in the World Trade Organization (WTO) admitting countries that violate human rights^v, opening chances for effective penalties to deter such abuses. Environmental deterioration results from production moving to regions with low environmental regulations because of open commerce. There is a race to the bottom when it comes to social welfare standards, environmental standards, and worker protection regulations because of the competitive pressures from open trade that force regulators to lose control over local regulatory issues.

The negative effects of globalization lead to violations of several rights guaranteed by various Covenants, including the enjoyment of basic elements of the right to life, freedom from cruel, inhuman, or degrading treatment, freedom from servitude, the right to equality and non-

discrimination, the right to an adequate standard of living, the right to maintain a high standard of physical and mental health, the right to an adequate standard of education, and the right to an adequate standard of housing.

Globalization frequently forces developing nations to adopt actions that have a detrimental influence on the exercise of fundamental rights. The Universal Declaration of Human Rights and other human rights documents are essential to the corpus and ethos of human rights instruments and practice, and inequality has increased throughout this current age of globalization. Globalization has significantly changed how women's human rights are protected, but it also makes this goal more difficult to achieve in terms of politics, society, and the economy.

The engines of economic growth are corporations, which depend on governments to provide them with the right to development. In light of the Vienna Declaration of 1993's^{vi} determination that governments have a primary duty to preserve and advance human rights, members of the World Trade Organization should be cognizant of their parallel commitments to do both. To adopt a rights-based approach to development and encourage global responsibility for globalization, the right-to-development process can offer a framework.^{vii}

CONCLUSION

The "international treaties on human rights", do not enforce a particular financial system, trade without barriers, or *laissez-faire* economy. However, one can draw the connection between human rights and a free economic system that might aid globalization. It is crucial to ensure that an open trade system does not compromise human rights if we want the global trading system to remain stable.

One of the goals of the UN is to defend and uphold "human rights", according in accordance with the UN Charter's preamble. "Human rights" are stated as a goal of the organization in the Charter. All UN members are required under the Charter to work together and separately to further the UN's mission of promoting respect for basic freedoms and human rights worldwide. According to the Charters, "During disagreement among the responsibility the obligations of the UN's members under the current Charter must take precedence over any other commitments they may have under other international agreements. The potential for a confrontation between human rights and globalization can be avoided if globalization moves forward considering these United Nations Charter requirements. In addition to the requirements of the organization's founding

charters or constitutions, it is believed that intergovernmental organizations' international legal personalities impose a need to comply with general international law principles.

Epicenters of power that stand beside or can compete with along with the potential of States have been produced by globalization. These unconventional state actors or organizations apart from the state, the media, businesses, and "international" institutions like the "World Trade Organization and the World Bank" must all be taken into consideration to hold those responsible for human rights crimes accountable and avoid future ones. "Human rights" and liberation must now be safeguarded by parties other than states and their representatives. Clearly, the states that are not dominant do not have the power or institutions required to guarantee "human rights" need to be reinforced. Establishing an independent court is necessary, and executive authorities like the military and police must be placed under the control of the law. Even wealthy countries might struggle to meet the difficulties of globalization on their own, particularly when dealing with terrorism and transnational criminals. improved international collaboration is required to address the human rights issues that different countries cannot solve on their own, even as weak governments are strengthened for improved human rights protection. Additionally, through multilateral mechanisms, efforts should be made to raise international obligations on non-state entities. Non-state entities must be scrutinized and held liable when they obstruct state attempts to uphold and promote human rights since states will continue to bear the primary responsibility for doing so.

It has become more difficult to comprehend and protect human rights as a result of globalization. Adapting globalization to fit our needs and counteracting its negative consequences can be made easier by having a solid understanding of the socioeconomic forces and forms that inspire it. A just international legal system needs to strike a balance between globalization and human rights. Human rights serve as the blueprint for creating an environment for human integrity as globalization fosters connections between previously isolated states and individuals. To achieve the balance that morality and reason both call for, it is important to balance globalization with the protection of human rights.

ⁱ Amartya Sen, Does Globalization Equal Westernization?, THE GLOBALIST (2002), <https://www.theglobalist.com/does-globalization-equal-westernization/> (last visited Sep 30, 2023).

ⁱⁱ Taliban are back - what next for Afghanistan?, BBC NEWS, Sep. 8, 2019, <https://www.bbc.com/news/world-asia-49192495> (last visited Sep 30, 2023).

ⁱⁱⁱ Timeline: U.S. War in Afghanistan, COUNCIL ON FOREIGN RELATIONS, <https://www.cfr.org/timeline/us-war-afghanistan> (last visited Sep 30, 2023).

^{iv} Asmita Singh & Dr Rohit Shukla, Globalization and Its Impact on Human Rights, (2023), <https://papers.ssrn.com/abstract=4398247> (last visited Sep 30, 2023).

^v WTO | Seattle - misinformation, https://www.wto.org/english/thewto_e/minist_e/min99_e/english/misinf_e/03lab_e.htm (last visited Sep 30, 2023).

^{vi} World Conference on Human Rights: The Vienna Declaration and Programme of Action, June 1993, OHCHR, <https://www.ohchr.org/en/publications/reference-publications/world-conference-human-rights-vienna-declaration-and-programme> (last visited Sep 30, 2023).

^{vii} Globalisation and Human Rights: An Overview of its Impact | American Journal of Humanities and Social Sciences, http://www.worldscholars.org/index.php/ajhss/article/view/0101_3 (last visited Sep 30, 2023).

