Preface

GLOBALIZATION AS A TURNING POINT FOR HUMAN RIGHTS: A POSITIVE OR NEGATIVE EVOLUTION?

Globalization is a crucial turning point for the era of modernity, signifying a passage to a technological globalized human society. The basic vehicle of globalization is thus technology which enables the production of goods, the international trade, the exchange of human knowledge and international transportation and communication to a point where the very meaning of time and space are shortened and altered forever. Globalization is based ideologically on the basic principles of liberalism and new-liberalism, while it assists the construction of global capitalism. Its effects are numerous and can be reflected in all fields of human activity, while global economy, international relations, global politics, cultural exchange, advancement of technology, science and knowledge are only some of them.

Globalization is also a critical point for human rights discourse. After the World War II and the terror of the Holocaust the need for human rights protection becomes an international demand illustrated in many of the UN Declarations and European Conventions of the time, such as the UN Declaration of Human Rights (1948) and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (1950), or the Geneva Convention of 1951. Nevertheless, the 20th century, though it may be characterized as the period of human rights protesting and demanding it cannot nevertheless considered as the 'golden era' of their protection. The African-American civil rights movement in the USA, the need for the protection of indigenous and minorities populations in many countries of the world, dictatorships, communist regimes and apartheids are some among the many examples of the systematic violations of human rights occurring during the 20th century.

Nevertheless, gradually, a major twofold change regarding human rights protection is taking place due to the dynamic spread of globalization. First, there is the creation of an international public sphere, based on the international influence of the press, the Mass Media and the internet which enables the creation of a dynamic global civil society that gets informed, acts and protests on an international level in

favor of human rights protection. Thus, systematic violations of human rights are becoming internationally known, while several international NGO's are intervening in favor of human rights protection based on global citizen actions and participation via the Media and the internet. Secondly, via globalization an international, liberal and western in its origins culture regarding human rights protection is gradually constructed, thus creating a common ethos of humanity in modern societies. This, common, globalized human rights *ethos* based on the common principles and values of human dignity and worth, religious and political freedom, private autonomy, multiculturalism and diversity is reflected in the emergence of a strong human rights protection legal movement entailing the introduction of many new human rights conventions and instruments guaranteeing human rights and fundamental freedoms. In this sense, globalization in its maturity signifies the internationalization of human rights protection as the demand of a global civil society.

From another point of view, globalization as an economic, social, political and cultural phenomenon has an influence on human rights protection by itself that can be deemed both as positive and as negative. It is this difficult conciliation between the many advantages and disadvantages that globalization has on human rights that this book is attempting to reconcile. Thus, globalization at first seems as the perfect environment for the human rights to flourish. Freedom of expression, of information and speech are particularly enhanced via the use of technology and internet. Transparency, public accountability and global participation are particularly enhanced by the Mass Media advancement. The evolution of technology is advancing economy, global production and consumerism while it offers a solid base for the creation of global society of knowledge and of scientific exchange. Nevertheless, globalization also creates new threats, risks and endangerments for rights concerning environmental protection, social dumping, terrorism, unemployment and poverty whilst it seems unable to resolve systematic human rights violating practices such as human slavery (trafficking), human exploitation and suppression of political autonomy in many parts of the modern world.

Thus, it can be said that globalization has the two faces of *Ianus*, the Roman god, which symbolized all beginnings, passages, changes and transformations. In this sense, globalization, either for the better or the worse is closely interconnected with human rights protection and thus its effects should be researched, evaluated and analyzed in order to produce the best possible results for public policies regarding human rights protection in the modern world. This book reflects a small step in this hopefully fruitful direction.

AUDIENCE AND AIMS OF THE PRESENT BOOK: THE NEED TO DEFEND HUMAN RIGHTS IN THE ERA OF GLOBALIZATION

This comprehensive and timely publication aims to be an essential reference source, building on the available literature in the field of human rights protection, globalization and its advantages and disadvantages, human rights defensive policies and migration, asylum and security dilemmas as currently presented in the European Union and developing countries. It is hoped that this text will provide the resources necessary for legal scholars, academics, sociologists, human rights activists, public officials and policy makers to adopt and implement new policies on human rights, asylum and migration protection while providing for further research opportunities in this dynamically changing field.

In this context the present books is aiming in offering: a. a basic theoretical and methodological framework regarding globalization and its positive and negative effects on human rights, b. an analysis of human rights internationalization in the era of globalization as well as of their main threats and endangerments, c. the introduction and advancement of new rights in the era of globalization, as are those connected with the use of internet, the protection of environment or linguistic rights, d. the negative consequences of globalization in the field of labor relations and in the corporate environment especially in developing countries, e. the close connection between globalization, democracy, political autonomy, public transparency and accountability, f. the advancement of informational freedom and free speech via the use of internet and Mass Media, g. the current international problems of migration and refugee flows and h. the problems of security arising in the era of globalization arising from the most recent terrorist attacks in the EU area.

Finally, the present book manages to achieve in drawing four central on the subject, conclusions. Firstly, that globalization has been a turning point in human rights protection from many perspectives, thus leading to their enhanced protection, to the advancement of an international understanding of humanity, as well as in introducing international organizations and conventions for their protection. Secondly, that globalization due mainly to the advancement of technology has lead to the creation of new human rights but also of new endangerments and threats for human rights mainly affecting developing countries, the environment and labor relations. Thirdly, security, migration and refugee flows are illustrated as the central problems of human rights in globalization as they are currently affecting the EU member states and the Schengen area. Finally, as it is analyzed in the book human rights are an ongoing dynamic field, constantly in need for advanced protection guarantees and more effective mechanisms of protection.

BOOK CONTENTS: THE DIFFICULT AND COMPLEX CONCILIATION BETWEEN GLOBALIZATION AND HUMAN RIGHTS PROTECTION

In the first section of the book, the general theoretical framework regarding the relationship between human rights and globalization is examined. This sections provides the main theoretical tools in order to further analyze the effect that globalization had to the human rights discourse internationally as well as its possible positive or negative consequences in the introduction of new rights, in the enhancement of their protection or in their possible endangerment.

Thus, the first chapter of the book titled 'Globalization and Human Rights: How Globalization Can Be a Tool to Protect Human Rights' examines exactly the globalization phenomenon as a critical point for human rights protection as we currently know it. According to this line of thinking, the world has undergone a change from ancient to modern. The enthusiasm among people to discover the undiscovered actually marked the beginning of the modern era and the advent of globalization can be viewed as a bi-product of this modern civilization. Globalization was apparently meant to enhance cooperation among nations as partners in trade, but, gradually with better exposure to each other's culture, people started embracing the global ideas, habits, and way of life. Globalization is therefore not just the integration of economies and markets, but it is also the integration of cultures and understandings, making people aware of their rights and role to be played in transforming the society for better. Thus, globalization can rightly be called as the source of modern human rights, as it has no doubt played an active role in preserving and protecting Human Rights by technological expansion, increasing neo-liberal values, establishing certain super-national institutions and by promoting and maintaining civil liberties that uphold freedom, transparency, and popular participation.

A positive account of globalization and its effect in the enhancement of human rights protection is offered in the second chapter of the book titled, 'Globalization as a New Framework for Human Rights Protection'. According to this analysis, human rights protection through globalization embraces universality by promoting the protection of human rights regardless of human differences including culture, religion, race, language and nationality. In the past however, some nations have denied to accept the key concepts of international social development and the protection of human dignity, through actions connected to war crimes and governmental intervention on the rights of citizens. Furthermore, cultural differences and intolerance of these differences, has created conflict in attempting to afford human rights to all individuals of all nations. Globalization through encompassing various forms in the areas of political globalization, media and communication, legal development, education, technological advancement and economic development,

allows for the development of human rights protection with the consideration of vital social factors. Thus, globalization as a new framework for human rights protection has the potential to implement a global standard for all, in an attempt to repair the inadequacies of the past.

A very specific paradigm of the way that modern supranational organizations like the European Union have succeeded in incorporating the human rights discourse in their partnership agreements is analyzed in Chapter 3 of the book titled, 'Human Rights Conditionality in the EU's Newly Concluded Association Agreements with the Eastern Partners'. As it is supported, the recent EU association agreements with Ukraine, Moldova and Georgia are meant to replace the existing Partnership and Cooperation Agreements between the EU and the three Eastern Partners. Their purpose is to deepen the political and economic ties between the contracting parties and to gradually integrate these countries into the legal and economic system of the EU. This chapter aims to provide a critical discussion of human rights conditionality under these agreements and ascertain whether the 'human rights' clauses included in these agreements are a simple matter of 'legal inflation', mere political commitments, or whether the EU managed to design legally enforceable provisions and has provided a common ground to be followed in this field. It is concluded that even though the agreements provide a more robust institutional set-up and new multilevel instruments exist to ensure the implementation and reporting of human rights commitments, in essence the agreements are still focused on trade-related issues and the practical operation of human rights clauses is questionable.

The second section of the book examines the relationship between globalization, democracy, and political autonomy. Globalization has really affected mainly via the internet and the Mass Media development a series of rights related to freedom of speech and freedom of information, thus enhancing public transparency and participation. In this context, Chapter 4 of the book analyzes 'The Evolution of Cyberspace, the Blogo-Sphere, and Their Impact on Political Autonomy and Political Participation'. The purpose of this chapter is to evaluate the impact of cyberspace, the blogosphere on political autonomy and political participation. The cyberspace and the blogosphere have had a role to play in political autonomy and participation for as long as the internet has existed. The internet gives one a worldwide broadcasting capability. It is a mechanism for dissemination of information and a medium of collaboration and interaction between people irrespective of where they are situated in the world.

In the same framework, Chapter 5 of the book approaches the subject of 'Free Media and Democracy in the Age of Globalization: An Analysis of Turkish Leading Newspaper'. The aim of this chapter is to investigate the evolution of print media in general around the world and with particular emphasis in Turkey with respect to major transformation of freedom of speech, democracy and justice. The other

equally important and major focus of this chapter is what causes the print media to evolve when it was long debated that the time for print media is over. In the age of globalization when there are plenty of media round the corner and the terms free media and democracy are contested and debated in different countries. An analysis is presented how a newspaper could work to bring the justice and democracy in a given society as a fourth pillar of the state in a contested environment of new media. Interviews with a print media journalist one who is not working in Turkey and with another one is influential reporter working in Turkey are conducted. The comments of the journalists are ethnographically evaluated and interpreted with storytelling and ethnographic techniques and discourse is presented.

On a more specific level, Chapter 6 of the book, 'Democracy and Child Rights Protection: The Problem of the Nigerian Constitution', explores the modern relationship between human rights and democracy in the framework of the Nigerian constitutional order. As explained, the doctrine of constitutional supremacy is well entrenched in Nigerian constitutional and administrative law. A plethora of cases exists to establish the constitution as the supreme law-making instrument in Nigeria. This principle derives strength from a presumption that the constitution is reflective of the will of the people, as is expected under a democratic system of government. The aim of this chapter is to consider the relationship between human rights and democracy in the context of the Nigerian constitution. The first part of this chapter will be a brief overview of the Nigerian constitutional history leading up to the 1999 Constitution of the Federal Republic of Nigeria (as amended). The author will then proceed to examine the 1999 constitution in the context of child rights. The significance of constitutional peculiarities in the context of child rights protection will be considered with reform measures suggested to address any emergent complexities.

The third section of the book deals with one of the most currently pressing and modern subjects regarding international human rights protection, thus the current and advancing refugee and asylum flows. In this context, Chapter 7 of the book researches the subject of 'Environmentally Forced Migration and Human Rights'. As it is pointed out, in an era of accelerating environmental degradation, a growing number of people will be affected by its effects. Some of those people will be forced to migrate, both internally and cross-border. Under current international law, those people are not recognized as a specific category titled to protection. Many protection gaps in international law can be identified for these 'environmentally forced migrants'. Human rights law can fill some of those gaps by offering minimum standards of treatment, procedural protection or complementary protection. This chapter systematically assesses these possibilities searching for tools to practical 'defend' their rights. Accordingly, Chapter 8 of the book titled 'Refoulement and Refugees: Not Applicable' examines the problem of refoulement and refugees and the limits faced by the Geneva Treaty (1951) member states in forcibly removing

back asylum seekers to their countries of origin or third countries in which there is a possibility that they will be re-exposed to the same dangers from which they are trying to escape.

Additionally, the current problem regarding the terrorist attacks in Europe combined with the recent and constantly augmenting Syrian refugees flow is examined in Chapter 9 of the book titled, 'New Developments in International Relations in the Light of the Syrian Crisis'. According to this account, much ink has already been spilt on the unprecedented terrorist attack in Paris on November 13, 2015 in an atmosphere of endless despair. Many characterize it as the "new 9-11". Nevertheless, they tend to defy the significant fact that that attack was launched by an acknowledged organization, Al-Qaeda, acting as a frontispiece of the Afghan state. In the present case study, the current threat is of a much larger extent and ambit, gradually conquering the globe. What one needs to conceive is that ISIS enjoys no single and specific nationality- on the contrary, it operates as an amorphous mass, a totality achieved as a result of illegal forms of collaboration and interstate crime in countless regions of the world, though serving a common purpose: the violation of security, democracy and freedom of expression. The ultimate goal of the organization is the breakdown of democratic regimes and the emergence of the Caliphate as a global superpower that will handle telecommunications, (inter) governmental, (inter) state security systems, and so on. One thing is for sure: Islam serves as the pretext for these modern bloody crusades. No religion that respects itself preaches and initiates a "holy war"; a war that is being constantly heretically interpreted- to say the least. Global co-operations frequently alter, as the international components are defined by ephemeral alliances, perhaps with classic conflicting interests, such as the US-Russia common goal opponent against ISIS. Parallel to that, other fronts hover vis-à-vis the question of military intervention of France and USA-UK in the disputed area of Raqqa, the struggle between Turkey and Russia around the management of natural resources not only on their behalf, but also in terms of ISIS, the implementation of geopolitical strategies over the area along with the future of millions of Syrians, who were accounted for either as refugees in neighboring countries, such as Lebanon, or Internally Displaced Peoples (IDPs). The recent EU-Turkey Ankara Summit on refugees ignited hot debate over the way in which the Schengen area should be further fostered via the creation of the so-called "refugee hot-spots" within the Turkish territory.

The fourth and last section of the book addresses the very important issue of the emergence of new rights in the era of globalization as well as of the very serious effects that enhanced capitalism creates for labor relations in the era of globalization. In this framework, Chapter 10 of the book accounts on 'Rights of Nature to Protect Human Rights in Times of Environmental Crisis'. This paper analyses the recent rise of a new generation of environmental laws influenced by the evolution of human

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rights, which provides a kind of precedent for recognizing the fundamental rights of nature. The paper focuses on the transition from the 'right to the environment' to a biocentric approach constructed around 'rights of nature.' This transition is evident in various new legal instruments—the Ecuadorian Constitution, certain Bolivian laws, and numerous ordinances of the United States—that incorporate and respect rights of nature and grant legal rights to the natural world and enforcement rights to affected communities. These instruments serve as models for legal systems that can steer us towards more robust and effective environmental laws.

The subject of 'Language Human Rights: A New Right Rising in the Era of Globalization' is researched in chapter eleven of the book. According to this analysis, language human rights as a newly-grown type of human rights have been raised in the field of linguistics during the recent two decades. Due to its increasing importance, this chapter attempts to firstly define this concept, its nature and scope. Secondly, it tries to introduce the trace of this type of human rights in the available documents. Then, the chapter deals with and discusses the reasons for growing importance of language human rights from at least three aspects, namely: a) the exponential decline of loss of world's languages; b) the growing presence of English as the language of globalization; c) nationalism and the violation of language rights of the minority in the field of education. Finally, some suggestions and practical recommendations are provided.

The pressure and negative effects of globalization on labor relations are accounted in Chapter 12 titled, 'Farmer Suicide in India: A Case of Globalization Compromising Human Rights'. As it is analyzed, Indian farmers are facing a crisis of their extinction caused by their suicides. A suicide, every thirty minutes, reflects towards a deeply rooted structural and policy defect in the country. A defect so extreme that many call the same to be state genocide. The State has several obligations towards its farmers, both nationally and internationally. However, the pressures of globalization combined with the influence of bodies like the WTO and IMF has managed to defeat these obligations. This has resulted in a state where ideas like profit, free trade and removal of barriers are being forced upon 'sovereign' States, who have allocated their power to decide on economic issues to supranational bodies due to their inability to operate in isolation like a Westphalian State. The aim of this chapter is to explore and elaborate upon the adverse consequences of globalization on the lives of farmers in India due to enhanced competition and policies which have been influenced by MNCs such as Monsanto and capitalist, north dominated supranational bodies like the WTO and World Bank.

Chapter 13 titled 'Sports and Human Rights from an Ethical Perspective' researches in a very original the way that sports can be employed in the era of globalization as a very effective tool against discrimination and racism, as well as its negative effects in rights, such as doping and child abuse. Sports-associations (e.g., FIFA) engage

in the fight against racism. Together with the UN, sports-associations (e.g., IOC) emphasize shared principles (justice, equality, and anti-discrimination). At the same time, athletes use the attention they receive for political activism, and sometimes they face criticism for politicizing sports. Furthermore, mega-sports-events can cause human rights violations, and other human rights challenges belong to sports itself, e. g. doping, child abuse. Therefore my chapter will analyze the relation between sports and human rights and address the fundamental question if human rights are of relevance for sports. This question has not so far attracted as much of scientific attention as the analysis what sports does wrong and what could be done different. This chapter will discuss reasons justifying a human rights-engagement by sports and reasons for a human rights-abstinence by sports – concluding with a justification that human rights are relevant in different dimensions for sports.

In a similarly original context, Chapter 14 of the book titled, 'States' Procedural Obligations Regarding Private Military and Security Companies' Activities' is researching the responsibility of Private Military and Security Companies (PM-SCs) to the prevention of human rights abuses committed by their employees. The non-binding nature of the existing international initiatives with respect to PMSCs requests the human rights law to play a crucial role to the regulation of PMSCs and their employees during operations. This paper examines the States' procedural obligation under international human rights law with regard to allegations of the right to life and the prohibition of torture. Moreover, it assesses the application of the jurisprudence of human rights bodies over the activities of PMSCs, whilst it focuses on the obligations of States to prevent and investigate human rights allegations committed by PMSCs' employees. Above all, this paper advocates that human rights law has a significant role in the regulation of PMSCs and the prevention of the commission of human rights violations by PMSCs and their employees.

Christina M. Akrivopoulou
Hellenic Open University, Greece