

# DOWNLOAD PDF EXTRATERRITORIALITY, INTERNATIONAL ASPECTS, AND GLOBALIZATION.

## Chapter 1 : Globalization pros and cons: economic, cultural, political - netivist

*This international exchange is just one example of globalization, a process that has everything to do with geography. Globalization and Its Characteristics Globalization is the process of increased interconnectedness among countries most notably in the areas of economics, politics, and culture.*

This process can be termed as globalization. With the addition of new dimensions in the form of business and trade, the definition of globalization has taken higher meaning. It is quite obvious that the tremendous changes and innovations in telecommunications and transportation are the prime factors responsible for current state of globalization. Since several years man has been in contact with people spread over the continents. New modes of transport like railroads and steamship and telecommunications like radio, Television have revolutionized the world in several aspects during early 19th century. They became instrumental in maximizing the utilization of time and space. This trend was followed in the 20th century and transportation became much faster and safer with innovations in technology in several fields including electronic and tele-communications. In the 21st century world has seen a drastic change with the advent of internet and mobile phone. World has become a global village and network connections became very convenient across the world. As per Roland Robertson, a sociology professor at the University of Aberdeen gave an apt definition to globalization. Friedman is of the opinion that the world has changed for better and worse because of factors like supply chaining, outsourcing, globalized trade and political forces. It is evident that globalization is spreading to all aspects and its influence can be felt in business houses and it seems that it keeps growing. History of globalization Globalization can be traced back to historic times of Indus valley civilization. Since 1st century India played a powerful role in maintaining relations with the neighbouring countries. Several trade routes were established with different regions across the continents. India developed contacts with South Burma, Cambodia, Vietnam, Siam and several other coastal countries. Along with trade, people exchanged their views by learning new languages and exchanging cultural links. In this way one country influenced the other in varied fields. At later stages Muslim and Jewish traders tried to bridge the gaps between the countries by creating new trade routes. This trend has resulted in globalization in fields like trade, agriculture and technology. The 16th and 17th centuries saw the rise of Portuguese, Spanish, Dutch and British maritime empires. Countries exchanged commodities freely with introduction of steamships in the first half of the 19th century. Railways also added to the convenience and transportation became cheaper. Trade contacts were developed by several countries. Political changes in Asia and Africa also influenced the globalization. But the incidence of World War I and World War II created negative influence on the globalization as several countries had to experience setbacks because of political and economic changes globally. But with the advent of new technology in aviation industry, people of developed countries could afford to enjoy the luxury of air travel. The low cost carriers and Open Sky policy among the counties gave rise to tough competition in trade and other fields. Telecommunication networks developed drastically in s and the use of computers improved the work efficiency. The invention of email has revolutionized the communication network globally. Usage of internet across the world has lessened the gap between the continents. Communication became relatively easier and simple. Some important aspects of globalization There are several impediments for the globalization of business. The most important of them all is the protection of domestic markets. But the phenomenon of globalization is unstoppable with advancements in communications and transportation. Globalization of business leads to economic globalization. But it requires opening up of economy and providing conducive atmosphere for flow investments. With the globalization of business, it becomes inevitable for the countries to open up their economies to survive and sustain in the long run because of exchange of goods and services, technology and investments. Globalization of business has led to setting up of multinational companies MNCs. These companies treat the entire world as business space for sourcing manpower and, production and sale of goods and services. This has led to the economic advancement of many third world countries that have opened up their economies. The growth of

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economies also increased the purchasing power of the countries and leisure activities such as tourism leading to the growth of tourist heavens. Impact of globalization One of the most important aspects of globalization is the unification of work force across the world and willingness to immigrate to any corner of the world. An offshoot of business and economic globalization is its effect on culture. With the world becoming flatter because of increased business, trade and economic ties among the countries, the cultural exchanges among people has also become a common place aiding globalization Further, similar impact could be felt in the geo political spectrum with nations becoming unions or groups of countries to take the advantage of globalization. The globalization also impacted world health with good health care becoming available across the world. Sporting world became of very competitive because of globalization with the expertise training and facilities becoming easily available. Pros and cons of globalization Globalization has positive impact on corporatization of trade and businesses into multinational corporations. It promotes liberal democracies and capitalistic countries. World is getting united and citizens are becoming world citizens because of cultural exchanges and social contacts. On the negative side, the uniqueness is difficult to protect. There is a possibility of social disintegration, economic meltdown, breakdown of democracy, poor care for environment, possibility of spreading new diseases and with poor becoming poorer and rich becoming richer.

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### Chapter 2 : The Information Age/Globalization - Wikibooks, open books for an open world

*Most economists agree that globalization provides a net benefit to individual economies around the world, by making markets more efficient, increasing competition, limiting military conflicts, and spreading wealth more equally around the world.*

Internationalization refers to the increasing importance of international trade, international relations, treaties, alliances, etc. Inter-national, of course, means between or among nations. The basic unit remains the nation, even as relations among nations become increasingly necessary and important. Globalization refers to global economic integration of many formerly national economies into one global economy, mainly by free trade and free capital mobility, but also by easy or uncontrolled migration. It is the effective erasure of national boundaries for economic purposes. International trade governed by comparative advantage becomes interregional trade governed by absolute advantage. What was many becomes one. The very word "integration" derives from "integer", meaning one, complete, or whole. Integration is the act of combining into one whole. Since there can be only one whole, only one unity with reference to which parts are integrated, it follows that global economic integration logically implies national economic disintegration. By disintegration I do not mean that the productive plant of each country is annihilated, but rather that its parts are torn out of their national context dis-integrated, in order to be re-integrated into the new whole, the globalized economy. As the saying goes, to make an omelette you have to break some eggs. The disintegration of the national egg is necessary to integrate the global omelette. In the classical nineteenth-century vision of Smith and Ricardo the national community embraced both national labor and national capital, and these classes cooperated, albeit with conflict, to produce national goods -- largely with national natural resources. This is internationalization as defined above. In the globally integrated world of the late twentieth century, however, both capital and goods are free to move internationally. But the conventional wisdom seems to be that if free trade in goods is beneficial, then free trade in capital must be even more beneficial! In any event, it no longer makes sense to think of national teams of labor and capital in the globalized economy. Instead, we have global capitalists competing with each other for both laborers and natural resources, as well as markets, in all countries. In question-and-answer period I asked the following question: Yet if you read Ricardo you find that his comparative advantage argument was explicitly and necessarily premised on capital immobility between the trading countries. If capital were mobile we would be in the world of absolute advantage international trade would be no different from interregional trade. If the IMF now wants freely mobile capital liberalization of the capital account, does that not undercut the traditional comparative advantage argument for current account liberalization by abolishing a necessary premise? Now that the IMF is explicitly committed to free capital mobility, does it plan to abandon the comparative advantage argument for free trade on current account and argue henceforth in terms of absolute advantage? All we are interested in is maximizing gains from trade, and that requires free trade in capital as well as goods. Forget about comparative advantage and absolute advantage and just focus on the welfare gains from trade. Bhagwati, to his credit, was the only member of the panel who was concerned enough about the destabilizing, speculative nature of capital flows to forthrightly suggest that at least some controls were necessary to maintain orderly markets. But this sensible suggestion was not out of any deference to comparative advantage. It simply reflected a recognition of the reality of herd mentality and stampede behavior that characterize groups of similar people with the same asset, seeking the same goal, and acting on the same information. Historically such panic behavior has been observed repeatedly, and by itself constitutes sufficient reason for some capital controls. Even speculators want to be protected from their own excesses. The mystery is why the IMF could not see that. My best guess is the following: The classical economists like Ricardo, were nationalists, and that is why they were so devoted to comparative advantage. We are presumably beyond that now. We are cosmopolitan individualists on a global scale, interested in maximizing global product. Comparative advantage, because of its premised constraint on capital mobility,

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does not maximize global product. But absolute advantage, by relaxing that constraint, does. We are simply not interested in the national distribution of gains and losses from global trade. If this interpretation is correct then it means basically that Bhagwati has opted to make the case for free trade in terms of absolute advantage. Although he does not like the term, and prefers to speak only of gains from trade, it comes to the same thing. Under this regime of capital mobility absolute advantage governs and comparative advantage becomes irrelevant. There are indeed gains from trade -- world product increases, even beyond what would obtain under comparative advantage. But we cannot say that each nation shares in the increased product, that no nation could be worse off as a result of free trade on both current and capital account. Under the comparative advantage argument you could say that each country must benefit from free trade on current account. That was precisely the appeal of the comparative advantage argument for free trade and why it was continually used by economists and the IMF. Capital mobility undercuts that feature. It is still possible for all countries to benefit under absolute advantage, but that requires a redistributive mechanism for compensation of countries that lose by those that gain. No one wants to address this issue. National community is completely abstracted from. Now this position of Bhagwati, as I have interpreted it, is logically consistent -- he has abandoned comparative advantage and made his case in terms of absolute advantage, even though he does not use the term. Other economists, in discussions with me on the same question, have clung to comparative advantage by denying that immobile capital is really a necessary premise. I believe that is quite wrong. But Bhagwati does not make that mistake. He seems to agree that capital mobility undercuts the comparative advantage argument, and is willing to give up comparative advantage in exchange for capital mobility. However, I doubt that he, or the IMF, has embraced the full consequences of this choice. The IMF is a federation of members and exists to serve the interests of its members. By pushing globalization liberalization of both the capital and the current accounts, the IMF has long been subverting the independence of its member countries, serving the vision of a single, cosmopolitan, integrated, global economy globalization -- rather than the vision of its charter, a federation of nations cooperating as sovereign units to advance the national interests of all members internationalization. The current drive to amend the IMF charter to include capital account management read liberalization just makes de jure the existing de facto efforts to undercut the national foundations of its charter. The difference is a big one. Many simply do not realize that global integration implies national disintegration. As argued earlier, to integrate the global omelette you have to disintegrate the national eggs. This is the agenda that the IMF has adopted. It is quite contrary to its fundamental structure and original charter as a federation of economically separate nations. If the IMF no longer serves the interests of its member nations as envisioned in its charter, then whose interests is it serving? Between Harmonization and Standards-Lowering Competition When different national markets with different rules for the internalization of external costs merge into a single market, then the different rules of cost accounting present a big problem. Under globalization the market left to itself will resolve the difficulty by standards-lowering competition -- the way of counting costs that results in the cheapest product will prevail. Capital will move to the country that does the least complete job of internalizing environmental and social costs. Consequently globalization results in a larger share of world product being produced under regimes that externalize costs to the greatest degree, making it difficult to argue that globalization will increase efficiency, even recognizing the legitimate claims of absolute advantage! Advocates of globalization often recognize this difficulty and counter it by a call for harmonization of cost-internalization standards. If all nations have the same internal cost-counting rules, then integration of their markets will be easier. Furthermore, the hope is that planned harmonization will converge toward the highest standards, contrary to the market process of standards-lowering competition. There is no doubt scope for such a strategy, but there are also limits stemming from the fact that there are good reasons for different countries to have different environmental and social standards, as well as big differences in the abilities of countries to enforce common standards. Why worry about harmonization? Under the traditional comparative advantage internationalist as opposed to globalist regime, each country could indeed adopt its own separate rules of cost-accounting, reflecting its own values and traditions, and not worry about

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harmonization. As long as capital must stay at home countries are not forced into a standards-lowering competition to attract and keep capital. Goods and services can be produced and freely traded according to comparative advantage even when trading partners have totally different ways of measuring costs. Remember that under comparative advantage what determines specialization and trade is a comparison across countries of internal cost ratios. This is not to argue that there are no conflicts under comparative advantage-based trade. Country a may still have moral objections to, say child labor, and refuse to trade with country b that employs child labor. Citizens of a might recognize that child labor in country b is the lesser of two evils for b, and be willing to import the products of child labor with or without a compensatory tariff, but unwilling to enter into any closer integration that would severely undermine its own rules against child labor. As long as capital cannot move from a to b the objection of a to trading with b is much reduced, but not eliminated. A could say that they have every right to protect their own national standards against child labor which would be undercut by integration with b, but they do not feel an obligation to insist that b harmonize its standards with a. Alternatively, a may consider child labor so reprehensible that it refuses not only economic integration, but also even comparative advantage-based trade with b. Globalization as the abrogation of social contracts Section ii already discussed the abrogation of the internationalist charter of the Bretton Woods Institutions by the recent globalist leadership of the IMF and World Bank. Within the United States globalization implies the abrogation of another social contract. That agreement has been reached nationally, not internationally. It was not reached by economic theory, but through generations of national debate, elections, strikes, lockouts, court decisions, and violent conflicts. That agreement, in countries like the United States, on which national community and industrial peace depend, was basically that the internal division between labor and capital will be more equal than the world average. That agreement is of course being repudiated in the interests of global integration. That is a very poor trade, even if you call it "free trade". The economic integration of any high-wage country with an overpopulated world is bound to lower wages and raise returns to capital, widening the gap between labor and capital toward the more unequal world distribution. The population explosion in the third world has not until recently affected wages in the industrial world. Populous India was not allowed by the British to compete in global markets with its cheap labor, nor did the Chinese Communists seek to compete in world markets under the isolation policies of Chairman Mao. Nor had the World Bank yet become converted to the now incontestable orthodoxy of export-led development based on free capital mobility. This can only be done by massive growth, we are told. But can the environment sustain so much growth? And how will whatever growth dividend there is ever get to the poor -- i. If wages do not increase then what reason is there to expect a further fall in the birth rate of the laboring class via the demographic transition"?

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## Chapter 3 : What is Globalization? – Read and Digest

*One aspect of the case that has received relatively little scholarly or jurisprudential attention is the concept of extraterritoriality in international and comparative law.*

Historically, globalization has been considered both a great opportunity and a threat. Globalization is a multifaceted phenomenon which entails several economic, cultural, and political pros and cons. Discover here the implications and arguments for and against globalization. International trade, capital flows, migration, technological transfer and cultural exchanges are some of the typical manifestations of this process. The encounters and relationships between ancient civilizations and the colonization processes initiated during the Age of Discoveries were archaic and early-modern forms of globalization. During the 19th century technological progress and the Industrial Revolution catalyzed globalization. The political and economic international agreements after the Second World War accelerated this process even further. However, this term really became paramount in the academic literature and media after the fall of the Iron Curtain and the Soviet Union which enabled a much more fluid communications, exchanges of goods and services and migration. For years globalization was equated with progress and economic growth and generally supported. However, in the last few years an increasing number of voices have started to criticize this phenomenon and point at several flaws and dangers associated with it. The anti-globalization movement has grown. To what extent is globalization to blame for problems such as national unemployment, inequality, terrorism and cultural homogenization? These consumers are characterized by their material and economic self-interest – rather than cultural, civic or other forms of identity. The expansion and dominance of global companies and brands is another key feature. These corporations contribute to deepen global interconnectedness not only by uniformly shaping consumption patterns across societies, but by binding economies together through complex supply chains, trade networks, flows of capital and manpower.

**Pros of economic globalization:** Cheaper prices for products and services, more optimized supply chains, better availability of products and services, easier access to capital and commodities, increased competition. Producers and retailers can diversify their markets and contribute to economic growth.

**Cons of economic globalization:** In the era of the Internet and fast communications people can interact more easily with each other. Multiculturalism and cosmopolitanism are to some extent manifestations of cultural globalization. Communities are less insulated than ever in history, even those who cannot travel can have today a good understanding of other cultures and meet virtually people from other parts of the world. People change their views and lifestyle influenced by global cultural and consumption trends. Access to new cultural products, art, entertainment, education, better understanding of foreign values and attitudes. These international and supranational actors increasingly shape domestic politics.

**Pros of political globalization:** Access to international aid and financial support. It contributes to world peace.

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## Chapter 4 : Globalization | Nonprofits that help Globalization | PWI

*Historically, globalization has been considered both a great opportunity and a threat. Globalization is a multifaceted phenomenon which entails several economic, cultural, and political pros and cons. Discover here the implications and arguments for and against globalization.*

It is an umbrella term referring to increased interdependence in the economic, social, technological, cultural, political, and ecological spheres. In the context of global trade, the term Globalization is the opposite of protectionism. The IMF International Monetary Fund stresses the growing economic interdependence of countries worldwide through increasing volume and variety of cross-border transactions. The world in which we live today, the word distance here has virtually no meanings in it. You can move around the globe in lesser time than the globe takes to revolve around its own axis. In other words, the different parts of the world seem to be connected and moving from one part to another is not a big deal today. A few centuries from today, man had to travel months on land and through sea to reach from one continent to another. Trade was very slow and its volume was negligible as compared to today. But today, as we see, this is no more the case; ships, aircrafts and land transport is fast enough to cover the distance or around the globe in no more than a few hours. This is resulted in bringing together various countries and culture of the world. People are now more dependent on each other. For instance, the United States is depended in most of its goods on China, whereas many countries are dependent on Pakistan for the supply of crops. Therefore, the world has become what we call a "Global Village. Further question arises that is Globalization a recent phenomenon? The phenomenon of Globalization was given much more importance during the last few decades and the general perception is that Globalization is a recent phenomenon. In fact, Globalization has been on since the history of mankind. If we trace back the history of mankind, we would find the earliest well-recorded history is that of the Egyptian civilization. The Egyptian civilization was established around river Nile. It was discovered that the Egyptians used to trade wood through this river. Later during the Roman and the Greek civilization, trade was not uncommon. Therefore, we see that since long, man has been involved in conducting commerce and trade across countries and dependencies have been created since long. The city states of Samarkand and Bokhara are said to have flourished because of trade which was carried out between Asia and Europe during the 16th and the 17th centuries. This should make it clear that the path towards Globalization was paved centuries ago, only the pace has increased rapidly today. This is why today we feel that Globalization is a recent phenomenon. Aspects of Globalization We have already discussed what Globalization is; in order to get a better picture of the impact of Globalization of the lives of human beings, we need to consider the various aspects of Globalization which may be categorized as follows: Industrial Globalization Every country in the world is moving towards specialization. Specialization may be referred to as the phenomenon of producing only that product in which the country has competitive advantage in terms of cost. For example, Singapore specializes in pharmaceutical while the US specializes in military equipment. Therefore, the countries exchange their industrial products, which is known as trade, and fulfill the requirements of their people. Every country of the world today is involved in trade and is depended on some other country one way or the other. Hence the industries of the world today are considered to be working not for their native countries but for the world as a whole. This is known as Industrial Globalization. Furthermore, today various world-wide standards have been developed which ensure that the products of all the countries around the world meet certain quality requirements. For example the ISO standards are applicable worldwide as quality standards. The markets of the world have united and the products could be sold anywhere without any hindrance. In other words emergence of worldwide production markets and broader access to a range of goods for consumers and companies is known as Industrial Globalization. Financial Globalization It may be defined as the emergence of worldwide financial markets and better access to external financing for corporate, national and sub-national borrowers. For example, the Tarbela Dam and the Mangle Dam projects in Pakistan were sponsored by foreign investors.

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They may be in the form of international organizations or independent investors. We may say, that today the financial markets of the world have untied in such a way that finances are easily available throughout the world. This is known as Financial Globalization. Political Globalization This may simply be defined as the development of political interests of countries in other countries. Informational Globalization This aspect of Globalization has perhaps had the greatest impact on the world today. Sitting at one end of the world, you can have access to the information available in any other part of the world with just the push of a button. Internet, television, telephone, fax, etc. Cultural Globalization In the context of Organizational Psychology, this is another important aspect of Globalization which refers to the growth of cross-cultural contacts. The cultures of the world have become similar and have had influence from one another in many ways. This has changed the environment of mankind and it is known as Cultural Globalization. As discussed earlier, Globalization refers to the greater international movement of commodities, money, information, and people; and the development of technology, organizations, legal systems, and infrastructures to allow this movement. The effects that Globalization has had on the modern day living of mankind are as follows:

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### Chapter 5 : Globalization Versus Internationalization:

*Considers the sufficiency and legitimacy of solving the antitrust problems of globalization by extraterritoriality and cooperation. Challenges posed by globalization on antitrust law; Capability of national law combined with agency cooperation to handle inbound restraints, outbound commerce and restraints in world markets.*

What is globalization and how is it related to the ICT revolution? Now, the ICT revolution is making the world even smaller and more integrated. Communications, trade and employment, personal and political transactions are now occurring on a global scale, in real time, ignoring boundaries between states. Nobel Laureate Joseph Stiglitz defines globalization as “the closer integration of the countries and peoples of the world which has been brought about by the enormous reduction of costs of transportation and communication, and the breaking down of artificial barriers to the flows of goods, services, capital, knowledge, and to a lesser extent people across borders. It affects all aspects of life. At least four factors have contributed to globalization: Nation-states are not as in command of their economic futures as they used to be. The best example of this is the increasing inability of governments to control their currencies. At the same time, says Giddens, globalization creates new possibilities and motivations for local cultural autonomy and identities. It may seem strange but the more we globalize, the more we localize. The third effect of globalization is that it also pushes sideways. Catalonia overlaps with southern France, but it is linked to the Spanish economy. Clearly globalization is a complex set of partly contradictory forces. It is not, as globalization critics suggest, a single force pulling in a single direction. How do the Internet and the ICT revolution affect governance? A narrower definition of governance relates it to government or the decision-making processes in the administration of a state. ICT has a major effect on governance in both its broad and narrow sense. Internet technology and recent advances in applied genetics are significantly redefining the boundaries of personal choice and private influence, and of collective decision-making on matters of public importance. E-government promises not only a more efficient and effective government but a more transparent one as well. How does ICT transform international politics? But it exists in the context of an existing political structure, and its effects on the flows of different types of information vary vastly. Noopolitik is projected as an alternative to realpolitik, the latter being the traditional approach to fostering the power of the state in the international arena, by negotiation, force, or the potential use of force. In a world characterized by globalization and shaped by information and communication, the ability to act on information flows, and on media messages, becomes an essential tool for fostering a political agenda. This new diplomacy may prevent confrontation, increase the opportunity for alliances, and foster cultural and political hegemony. Embedded in this new diplomacy is the capacity to intervene in the process of mental representation underlying public opinion and collective political behavior at the national level. Is it the same as information war and cyberterrorism? Information war or propaganda war, claims Dunnigan, has been around for thousands of years. Databases of highly sensitive and confidential information are stored on computer systems. Air traffic control, banking and finance accounts, water utilities and other public utilities are assisted by computer programs and networks as well. Thus, these systems become targets of those who wish to threaten the government or the economy. It includes passing appropriate laws and policies, as well as developing capabilities and institutions to prevent fraud and fight threats. At the national level, government cybersecurity efforts have focused on creating the appropriate policy and legal environment, protecting critical infrastructure against cyber attacks and improving the security of the national information system. At the global level, various efforts are now underway to create a harmonized policy infrastructure to enable a robust and globally integrated system capable of responding to cyber threats in a coordinated and timely manner. While a focus on cybersecurity is important, analysts believe that cyber terrorist threats to computer structures are implausible. This is because terrorism is like lightning, taking the path of least resistance. Moreover, currently it is easier to blow something up than to figure out how to damage it by hacking into and manipulating a computer system.

**Chapter 6 : Table of Contents: Universal Human Rights and Extraterritorial Obligations**

*A story in the Washington Post said "20 years ago globalization was pitched as a strategy that would raise all boats in poor and rich countries alike.*

Excerpt [uncorrected, not for citation] Introduction Sigrun Skogly and Mark Gibney The fundamental principles governing international law are changing dramatically. International law, which traditionally has regulated the conduct between and among countries, has had as its core the respect for state sovereignty. However, the latter part of the twentieth century witnessed fundamental changes to the way in which the international community operates that are based upon a deep interdependence among states and their openness to international actors. This is often labeled the process of globalization. Opponents to this view may hold that states are still sovereign in that they are not forced to take part in these international legal regimes. However, this view fails to take account of the political and economic realities of international relations where the voluntary nature of this regulation for most states particularly weaker or poorer states is a legal fiction. In this new reality, which is prevalent in the practice of international law but still lacking in theoretical recognition, there is one area that is curiously lagging behind: This is not meant to suggest that international human rights law does not have a strong domestic foundation. In fact, the reason why international human rights law is so "revolutionary" is that it focuses almost exclusively on the "vertical" relationship between the state and the subjects of that state, rather than the "horizontal" relationship between and among nation-states. However, what human rights has almost totally ignored is that in an increasingly interdependent world—where public and private international actors have great influence upon the lives and living conditions of individuals all over the world—it is not sufficient simply to assess what domestic governments are doing in terms of human rights; it is equally important to assess the effect of other actors: The worldview adopted by rich and powerful states is that what they do in the world—whether through development activities, trade relations, military cooperation, or other foreign relations—will inevitably be beneficial and "good," while human rights violations are the sole responsibility of "other" governments. Mutua This, however, offers a very simplistic and convenient view of the world, and it ignores the manner in which those states that set the international agenda directly and indirectly influence the enjoyment of human rights in third countries. There has been some reaction against this dominant approach, most notably in the anti-globalization movement or in the rights-based approach to development. In addition, at least a few scholars have called for creating mechanisms for increased and effective accountability on the part of intergovernmental institutions and private international actors. Still, what has been absent is any kind of systematic analysis of the changed realities of how the international community works, which is one reason why the entire human rights enterprise threatens to make itself irrelevant, especially to those who suffer human rights violations. In the words of Margot Salomon, "a rights-based approach to globalization seeks to place international human rights standards and principles at the centre of international economic affairs; to have them successfully inform all cooperative endeavours that may impact on their exercise. However, the international law of human rights will only provide the humanizing force that the negative trends in globalization require of it if it evolves to meet these challenges" Salomon , It is time to address this enormous gap in international law and to examine the manner in which foreign states influence the enjoyment of human rights in third countries. What the chapters in this book analyze is neither the "horizontal" nor the "vertical," but rather, the "diagonal" relationship between outside actors especially Western states and citizens in other countries. What is added, however, is the notion that states should be held accountable wherever their actions may influence human rights enjoyment. The problem is that this idea runs smack into such established international law principles as "national sovereignty" and "jurisdiction. For Gammeltoft-Hansen and the other authors in this volume , international law is frequently unable to deal with a globalized world where states are increasingly interrelated. It is tempting to add to this that the intellectual appreciation of extraterritorial obligations may well require the

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development of legal principles that make a "quantum leap" from the traditional territorial confines of human rights law. In this book we address a variety of issues: What are the theoretical foundations for asserting that states have human rights obligations that go beyond national borders? How do foreign policy decisions—including development assistance, trade relations, and military cooperation—affect the human rights of individuals in third countries? How could states become more accountable for their foreign policies, and are there remedies that could be put in place for victims of the negative effects of such policies? It is indeed surprising that at the same time that international environmental law is developing provisions that call for consultation with affected people in third states in case of possible pollution, it would still be seen as an infringement of state sovereignty if similar provisions were to be introduced in situations of possible human rights violations. There are some isolated developments within the implementation of human rights that are starting to reflect the concerns described above. Sweden adopted a White Paper in which it approved the principle that all Swedish foreign policy should have the overall aim of protecting or promoting human rights. There is an emerging literature on the theoretical foundations for extraterritorial obligations Skogly , the interpretation of applicable treaty law Coomans and Kamminga , and relevant international economic structures and human rights law Pogge ; Salomon ; Rajagopal Some more specific work in this area has also been done in the field of economic, social, and cultural rights Skogly b; International Council for Human Rights Policy ; Skogly and Gibney The aim of the current book is to illustrate the implications of extraterritorial obligations on the enjoyment and implementation of specific human rights, with examples taken from civil and political rights as well as economic, social, and cultural ones. The theoretical challenges in this realm are substantial. Just as there is a need for rethinking the position of sovereignty with regard to international human rights law generally, there is also a need to rethink other key concepts such as jurisdiction, state responsibility, and accountability. Furthermore, the applicability of the tripartite typology of obligations to respect, protect, and fulfill in terms of foreign policy needs to be explicitly recognized. One of the most controversial issues with regard to extraterritorial human rights obligations has been the concept of jurisdiction. This narrow approach to jurisdiction both in terms of linking it to territory and seeing it as one dimensional , is a challenge to viewing human rights obligations in an extraterritorial light. However, what is beginning to become clearer is that one or more foreign states may directly or indirectly exert sufficient control over an individual to influence his or her human rights enjoyment without that foreign state having territorial control where the individual resides. With increased globalization and international interaction involving parties with significantly unequal economic, military, or other power, it makes more sense to talk about jurisdiction over individuals or over actions, than necessarily tying it exclusively to territory. A concept closely linked to jurisdiction is the notion of state responsibility. This is another key concept that needs to be revisited in order to operationalize extraterritorial obligations. In legal terms, state responsibility is triggered when the state has committed an internationally wrongful act, that is, a breach of an international obligation. International human rights treaties contain obligations for states—both domestically and internationally. This is partially due to the narrow interpretation of jurisdiction as indicated above, and partially due to a lack of effective accountability mechanisms for human rights violations. Yet, the concept of state responsibility could be applied to breaches of extraterritorial human rights obligations if the willingness to use these principles were present. However, what has to be developed further is the notion of diffuse and shared responsibility. The practice of extraordinary rendition provides a number of examples of how different states might be responsible for different human rights violations—all arising out of the same general incident. Thus, what international law has to begin to get away from is the idea that only one state—invariably the territorial state—is responsible for committing human rights violations. Yet another related issue is the problem of accountability. There are international accountability structures accessible to victims of violations of human rights. Due to the inability to hold states accountable for human rights violations in other countries, international law principles of immunity and jurisdiction limited to territory tend to prevail. The issue of immunity also results in limited accountability for intergovernmental organizations such as the World Bank

and other international financial institutions , even though states that have extraterritorial human rights obligations make up the membership of these organizations and are collectively responsible for the decisions and policies of these institutions. Again, the development of accountability mechanisms that can respond to the current international interdependent structures and their effect on human rights is essential. While the intention of the book is to illustrate how extraterritorial obligations are relevant for individual human rights, it is not possible to be exhaustive in such a relatively small collection of contributions. Thus, each author has chosen his or her own theme within the overall focus of extraterritoriality, and the chapters should therefore be read as illustrations as to how individual human rights may be affected by the actions of foreign states. It is likely that much of the discussions on the variety of extraterritorial conduct could be applied to a number of the other rights as well. Consequently, the chapters add a wealth of knowledge to a field in which systematic analysis is still wanting. What becomes clear throughout the various chapters on the different rights is that extraterritorial obligations follow the tripartite classification of obligations mentioned above. There is a negative right to respect human rights in other countries, inter alia through avoiding taking part in extraordinary rendition, or through avoiding pollution of water or restricting the water sources for a neighboring country. In terms of the obligation to protect, states have obligations to ensure that they protect individuals against human rights violations by third private parties. In an extraterritorial setting, this means regulating the activities of transnational corporations over which they exert jurisdiction in order to avoid having these entities engage in practices that breach human rights standards in other countries. Examples of this may be the regulation against the use of child labor, or regulation to ensure human rights compliance by private security companies. Finally, the obligation to fulfill is a positive obligation to support foreign countries in their quest to implement human rights within their own domestic setting through measures such as development assistance that is human rights conducive, or assistance to develop a human rights infrastructure functioning judiciary, anti-corruption measures, and so forth. In addressing the concept of extraterritorial human rights obligations, we have found that violations of civil and political rights are understood more easily than violations of economic, social, and cultural rights. Without making any value judgment as to the importance of different sets of rights, or indeed the necessity of addressing extraterritorial obligations equally for all five types of rights, we have found several causes for the easier understanding of violations of civil and political rights. First, as the chapters on torture, life, and refugee protection clearly demonstrate, the direct causation between government action or inaction and human rights violation may be more easily ascertained. For instance, in terms of extraordinary rendition as addressed by Manfred Nowak in Chapter 1 , the extraterritorial effects of human rights violations are very clear and easy to document. Second, most people still have a better grasp of civil and political rights than economic, social, and cultural rights. Thus, the first part of the book focuses on civil and political rights. In Chapter 1, Manfred Nowak illustrates that the right to be free of torture, which has traditionally been viewed as operating within national territorial boundaries, has recently come to be recognized as having significant extraterritorial components. Nowak, who presently is the UN special rapporteur on torture, analyzes how the obligation to refrain from torture reaches beyond the borders of states that have ratified relevant human rights treaties in particular the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment , notwithstanding the seemingly territorial limitations in these treaties. Taking the point of departure from the fundamental right to life, Barbara Frey Chapter 2 illustrates the significant human rights problems created by the proliferation of small arms on the international market. Starting with a review of the extraterritorial obligations to protect the right to life as a customary norm as well as a right based in treaty law, Frey, the former UN special rapporteur on small arms and human rights, considers how such obligations are enforceable. This leads to a consideration of emerging customary norms on the specific issue of small arms transfers and their likely misuse. The failure of the exporting state to recognize its own responsibility for the effects of the prevalence of such arms and the tragic consequences that so often follow from this are clearly documented and analyzed in this chapter. Two chapters in the book take inspiration from

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other areas of international law that are in many respects closely related to human rights. In Chapter 3, Thomas Gammeltoft-Hansen covers international refugee law. He presents the changing reality of refugee law, which continues to move "outward" from the territorial boundaries of the receiving state. In this situation, extraterritorial obligations are not only implicated in the important principle of non-refoulement, but in a host of diverse human rights issues as well. In another sister-area to international human rights law, John Knox Chapter 4 provides an analysis of how international environmental law has dealt with extraterritorial obligations. Knox situates environmental rights within the broader framework of international human rights law, and he elaborates specifically on vertical and diagonal obligations. He neatly sums up the different approaches this way: International environmental law IEL has the converse strength and weakness. Returning to the core of international human rights law, Judith Bueno de Mesquita, Paul Hunt, and Rajat Khosla Chapter 5 address the right to the highest attainable standard of health, building specifically on the work Hunt has carried out in his capacity as the UN special rapporteur on the right to health. In Chapter 6, he addresses how national and international policy structures and policy choices have contributed to the current negative state of food availability, and he sets this situation in the context of a right to adequate food. Virginia Leary Chapter 7 takes a different approach from the other contributors in this volume. Langford does so through the use of two case studies: Amanda Cahill Chapter 9 addresses an important, yet implicit, right in the International Covenant on Economic, Social, and Cultural Rights, namely, the right to water. In sum, each one of the chapters that follows challenges, in one way or another, some of the most basic and established principles in international law generally, and human rights law more specifically. This challenge is not an option but a necessity if human rights law is to remain relevant for, and provide a meaningful response to, individuals around the world who face torture, starvation, lack of housing, polluted water, and failure to obtain refugee status or life-saving medicines—often due to actions or omissions on the part of foreign states.