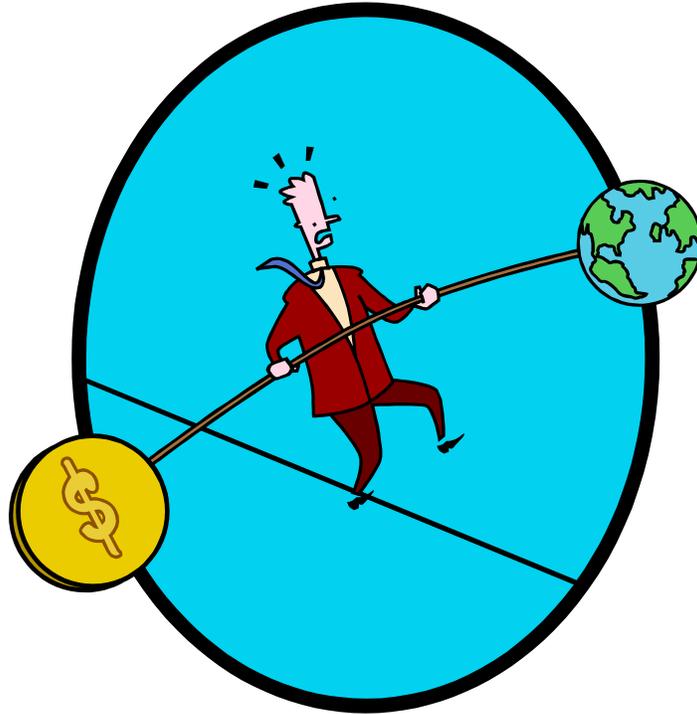


Research Package #2

(Junior and Senior High)



“BIRT Transnational companies be required to abide by Western human rights and environmental guidelines.”

(VALUES DEBATE)

Mid-Year Topic (Nov./Dec./Jan.) 2006-2007

Topic #1 was a Policy debate. Topic #2 will be a values debate.

A values debate is a unique and enjoyable form of debate. It involves a clash of ideas rather than a clash of policy.

The affirmative does not introduce a plan or needs for change in a values debate. The affirmative will provide reasons to support the resolution and the negative will provide reasons to oppose the resolution.



Values Debate Flow Sheet

Junior High – Discussion

The Task of the Affirmative Team

- The Affirmative will argue **for the resolution**
- Members of the Affirmative team will provide contentions and arguments and evidence in support of the resolution
- If the Affirmative Team’s Position is, on balance, more credible than the Negative, then the Affirmative wins the debate

The Task of the Negative Team

- The task of the Negative is to argue **against the resolution**
- Members of the Negative team will provide contentions and arguments and evidence in opposition to the Affirmative and in support of the Negative position
- If, on balance, the Negative’s Team Position is more credible than the Affirmative, then the Negative team wins the debate.

1 st Affirmative (Beg – 5 min, Open – 6 min)	1 st Negative (Beg – 5 min, Open – 6 min)	2 nd Affirmative (Beg – 5 min, Open – 6 min)	2 nd Negative (Beg – 5 min, Open – 6 min)	Discussion (10 min)	Break (5 min)	Negative Rebuttal (1 st Negative) (Beg – 4 min, Open – 5 min)	Affirmative Rebuttal (1 st Affirmative) (Beg – 4 min, Open – 5 min)
Introduction	Introduction	Introduction	Introduction	All four debaters remain seated. The debaters raise their hands, and upon being recognized by the chair/timer, proceed to ask and respond to questions from their opponents. When a debater is finished answering a question, he/she may then ask a question and so on. All four debaters should show participation.	Debaters use this time to work on rebuttal.	Both rebuttals summarize their position and point out the basic flaws of the opposition.	No new arguments can be introduced.
Definitions	If necessary, attack definitions	Show unity with Caseline	Show unity with Caseline				
Theme/Caseline	Theme/Caseline	Clash with Negative arguments	Clash with Affirmative arguments				
Needs for change (arguments) – why is present system bad	Clash with Affirmative arguments	Additional needs for change (arguments)	Further status quo benefits				
Conclusion	Defend status quo	Conclusion	Conclusion				
	Conclusion						
						Explain why your team should win and the other team should lose.	Remind the judges of your arguments.
						Tell the judges why they should believe your arguments even after the other team’s attack.	Explain why the judges should not listen to the other team.
						Review critical evidence.	

Values Debate Flow Sheet

High School – Cross Examination

The Task of the Affirmative Team

- The Affirmative will argue **for the resolution**
- Members of the Affirmative team will provide contentions and arguments and evidence in support of the resolution
- If the Affirmative Team’s Position is, on balance, more credible than the Negative, then the Affirmative wins the debate

The Task of the Negative Team

- The task of the Negative is to argue **against the resolution**
- Members of the Negative team will provide contentions and arguments and evidence in opposition to the Affirmative and in support of the Negative position
- If, on balance, the Negative’s Team Position is more credible than the Affirmative, then the Negative team wins the debate.

1 st Affirmative (Beg – 6 min, Open – 7 min)	Cross X (3 min)	1 st Negative (Beg – 6 min, Open – 7 min)	Cross X (3 min)	2 nd Affirmative (Beg – 6 min, Open – 7 min)	Cross X (3 min)	2 nd Negative (Beg – 6 min, Open – 7 min)	Cross X (3 min)	Break (5 min)	Negative Rebuttal (1 st Negative) (Beg – 4 min, Open – 4 min)	Affirmative Rebuttal (1 st Affirmative) (Beg – 4 min, Open – 4 min)
Introduction	1 st Affirmative Cross examined by 2 nd Negative	Introduction	1 st Negative Cross examined by 1 st Affirmative	Introduction	2 nd Affirmative Cross examined by 1 st Negative	Introduction	2 nd Negative Cross examined by 2 nd Affirmative	Debaters use this time to work on rebuttal.	Both rebuttals summarize their position and point out the basic flaws of the opposition. No new arguments can be introduced. Explain why your team should win and the other team should lose. Remind the judges of your arguments. Tell the judges why they should believe your arguments even after the other team’s attack. Explain why the judges should not listen to the other team. Review critical evidence.	
Definitions		If necessary, attack definitions		Show unity with Caseline		Show unity with Caseline				
Theme/Caseline		Theme/Caseline		Clash with Negative arguments		Clash with Affirmative arguments				
Needs for change (arguments) – why is present system bad		Clash with Affirmative arguments		Additional needs for change (arguments)		Further status quo benefits				
Conclusion		Defend status quo		Conclusion		Conclusion				
	Conclusion									

Every time you eat a Big Mac, wash it down with a Pepsi, fill the car with gas, withdraw money from the bank, or purchase a tennis racquet and a pair of running shoes, you are probably dealing with a multinational corporation that has stores and factories in many countries around the world.

Multinational corporations, also called transnational corporations, are business firms that operate in a number of different countries and tend to adopt a global rather than a national perspective.

In the late 1980s and into the 1990s, multinationals began moving their manufacturing plants out of developed nations and into developing nations, where labour was cheap. For example, Nike began to produce its footwear in the Philippines and RCA manufactured televisions in Mexico. To make more profit, these plants were operated under conditions that Westerners find unacceptable. We refer to these plants as being "sweatshops". The status of some sweatshops is so dubious as to be called modern slavery by the American Anti Slavery Organization. Sweatshops sometimes operate using force and have conditions so dire as to be capable of causing lasting physical and emotional harm. In "Slaver: Worldwide Evil," posted on *iAbolish.com*, Charles Jacobs writes:

Locked in a room and given no food until he agreed to weave on the looms. Santosh made Oriental carpets for nine years, working from 4:00 in the morning to 11:00 at night, every day, without breaks. He was never given a single rupee for his labor. When he cut his finger with a sharp tool, the loom master shaved match heads into the cut and set the sulfur on fire. He didn't want the child's blood staining the carpet.

Though most sweatshops stop short of such wholesale abuse, work conditions are undeniably poor and human rights violations are rampant. Workers suffer from dangerous equipment and safety procedures are few or nonexistent. Hours are long and the work week is a full six or seven days. But agitating for better conditions results in termination of employment. Thus, given no leverage for negotiations and few economic alternatives, workers are forced to accept the sweatshop lifestyle or suffer even more abject poverty.

Such conditions are not only tragic, they are an affront to human dignity and an extensive violation of human rights. There are no words strong enough to condemn practices which exploit human beings to the point of depriving them of their humanity. Seeing these things or even merely reading about them can cause a strong emotional reaction.

Should these transnationals have to abide by Western standards of human rights and environmental guidelines? In a values debate, the **Affirmative Team supports the resolution and will say "YES"** and the **Negative Team opposes the resolution and will say "NO"**.

Both Affirmative and Negative Teams will try to pick about 5 good reasons to support their position and try to develop each by going through 4 steps:

1. State your point.
2. Explain your point.
3. Provide evidence in support of your point (give an example).
4. Explain how that evidence proves your point (tie it back to your theme).

Each argument will look like this:

Point #1: _____

Explanation: _____

Example: _____

Tie point to theme: _____

Point #2: _____

Explanation: _____

Example: _____

Tie point to theme: _____

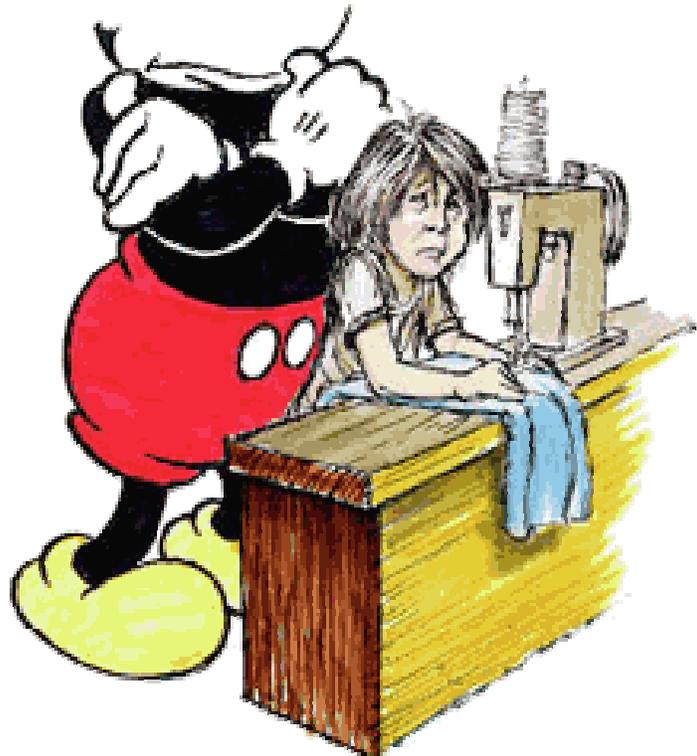
The Affirmative will be saying:

Over recent years, there has been a growing perception among civil society in the developed world that multinational corporations are engaged in socially and environmentally exploitative practices that they would never get away with, or even attempt, in their home countries. Whether right or wrong, that perception and its political and economic ramifications have driven a global movement for more responsible corporate behaviour. Transnationals doing business in Third World countries must abide by Western standards of human rights and environmental guidelines. The poor and the powerless around the world must be protected from the rich and powerful. The underprivileged must have a say in how development should take place.

The global reach of multinational corporations means that they often operate in jurisdictions in which human rights violations occur, obtain and benefit from subsidized arrangements with governments that commit human rights violations, provide goods and services that result in human rights violations, or organize production in ways that violate human rights of workers.

The absence of explicit international corporate obligations, the limited reach of domestic regulation, and the short comings of existing soft law initiatives – explain much of the appeal surrounding calls for universal jurisdiction over human rights violations by multinational corporations. The principle of universal jurisdiction holds that certain crimes are so harmful to international interests that all states are entitled – even required – to bring criminal proceedings against the perpetrator, regardless of the location of the crime or the nationality of the perpetrator or the victim.

Sweatshops are seen as spores of capitalism and Western imperialism, floating on the international trade winds, setting roots in virgin territories, and mushrooming into everything Mother Jones readers deplore: the oppression of women and minorities, exploitation of the poor, and destruction of the environment. What could be more useful for recharging the batteries of our moth-balled Marxists?



Here are some arguments that the Affirmative can use in developing their case for transnationals abiding by human rights and environmental guidelines:

Why Transnational Companies Should Be Required to Abide by Western Human Rights and Environmental Guidelines

1. There are basic standards of justice which merit global application. Certain crimes against humanity offend against basic and universal norms of justice. Therefore, all people have an interest in seeing them upheld and should have the legitimate expectation that this will happen. It is a fallacy to argue that asserting universal rights is a form of cultural imperialism. As long as the universal jurisdiction is focused on serious transgressions that are clear violations of the global judicial code (e.g genocide, torture mistreatment of prisoners of war), issues of differing cultural practices are irrelevant.
2. Individuals who have suffered (or their representatives) have a right to some sort of due process of law and remedy for the wrong. It is wrong to deny them that right just because they reside in a country where the act will not be prosecuted. Even more importantly, the global community has a strong interest in deterring future crimes by showing that those who commit atrocities will never be safe from justice and punishment.
3. Individual states cannot always be relied upon to pursue justice. Many states do not attempt to pursue certain wrongdoing within their borders, either because of corruption or lack of political will. Therefore it falls to "third party" states to fill the shortcoming in such situations. There is often an active disincentive for a country to prosecute its worst human rights offenders. The example of genocide is typical: the perpetrators may be in control of the judicial process, or they may be able to intimidate those who are in control of it, e.g by threatening civil unrest or a political coup. The government may also be loathe to prosecute as it may set a precedent which will be used against some of its own members in subsequent years.
4. Many countries simply lack an effective justice system. Many countries, especially in the developing world, lack a justice system which is either effective or receives proper resources. So, even if they wanted to prosecute wrongdoers, they effectively lack the capability to do so effectively. In such situations, it makes sense to allow third party states that have better judicial systems to become involved in the matter.
5. Universal jurisdiction does not replace domestic courts. Rather, it simply allows another avenue to justice so that, if the domestic judicial system fails to act on something, the possibility of justice is not extinguished. If anything, this should create an effective incentive for national judicial systems to be more efficient in pursuing wrongdoers.
Universal jurisdiction would be an effective system. Because of the importance of its decisions, it would likely attract a significant proportion of leading legal talent. Therefore, it would be a well thought out and properly run jurisdiction. Enforcement of its decisions could be by multilateral or bilateral treaties.
6. Many of the most serious problems in today's world are international, whether they are of an environmental or a political nature. To attempt the solution of these problems through the negotiation of nearly 200 individual sovereign states is futile. Even if any agreement is possible (and agreement is by no means guaranteed) it will be characterized by insufficiency because of compromise between many different power interests of the separate sovereign states. Consequently, nation-states should cede sovereignty over very important international issues so that effective action can be taken.
7. Nationalism is an outdated and discredited ideology. National differences are unimportant when compared to the similarity of every nation's position with respect to the environment and basic human rights and dignities. We should be prepared to address these issues from a cosmopolitan perspective; there is no peculiarly Welsh, Spanish, Swiss or Zambian perspective on the melting on the polar ice caps, human rights or the elimination of world hunger. These are universal issues that demand universal solutions.
8. Human beings are, by their nature and birth, possessed of certain inalienable claims which must be respected by everyone, no matter what the circumstances. These human rights, which Article 1 of the UDHR states that all humans have from birth in equal amount.
9. It is our duty, as good international Samaritans, to intervene in order to halt human rights violations. The 1948 Genocide Convention calls on countries to "undertake to prevent and to punish" genocide. For any human rights violation, the 1948 UN Declaration on Human Rights calls for the use of force when the UN has specifically approved it.
10. Canada should be a world leader in promoting the rights of all people. It is not enough for Canada to sign and support international rights agreements, nor is it enough just to urge other countries to respect rights. We must take effective action, and the best way to do this is by denying aid whenever rights violations occur. The poor and the powerless around the world must be protected from the rich and powerful. The underprivileged must have a say in how development should take place.

And the Negative will say:

Transnational companies contend that their investments are politically neutral and that they do not bear responsibility for the practices of countries with whom they do business. To abandon this apolitical role, they argue, would only jeopardize their relationship with the host state on whom they depend and work to the advantage of less scrupulous competitors. Transnational companies also make a moral case for doing business with repressive regimes, claiming that their operations benefit the population as a whole and withdrawal would only add economic hardship to the victims of oppression. They have conceded that there may be times when a regime's behaviour is so odious that normal business is impossible, but they maintain that such a call should be made by governments, not corporations.

Many developing countries are angry at the West's insistence on workers' rights to more pay, better working conditions and the freedom to unionize. They see attempts by rich nations to link trade to such rights as a barrier against cheap Third World imports. Even labour advocates note that in countries such as Bangladesh, sewing factories offer one of the few chances of independence for women. And, many economists also say the best way to improve pay and working conditions is through growth and higher productivity, which requires more trade, not less. Different cultures have different interpretations of rights. People have a right to follow their own culture's teaching with regard to freedom of speech, religious toleration, and the treatment of women and children. We must avoid ethnocentrism, which is the tendency to judge everyone by our own standards. Take child labor: It may be horrifying to Americans who treat their progeny as opportunities to display conspicuous consumption, but in much of the Third World, it is natural to view your child as an economic asset. In countries where schools are not available or affordable, it would be limousine liberalism on a global scale to insist that children stay home and consume resources - which is why even the UN and most non-government organizations oppose an outright ban on child labour.

The Universal Declaration of Human Rights of the United Nations is a document that comes out of Western European cultural traditions. Because of this, it is sometimes attacked by people from other backgrounds as being alien to their philosophies of life. At the time the Declaration was adopted, four Muslim countries decided not to vote on it in the General Assembly. They had a problem with the guarantee of religious freedom. The holy book of Islam, the Koran, teaches that the Muslim religion is the only true religion that Muslims can believe in. People from Asian cultures have difficulties with many human rights guarantees. That's because their cultural tradition stresses that the rights of the community as a whole are more important than those of individuals. Guarantees of personal freedoms run counter to most Asian philosophies. And, a communist might strongly disagree with the right to own property.



Some of the arguments that the Negative can use in developing their case against transnationals abiding by Western guidelines are:

Why Transnational Companies Should Not Be Required to Abide by Western Human Rights and Environmental Guidelines

1. There are no agreed international moral standards. The idea of universal jurisdiction offends against cultural relativism. Different acts acquire or lose their criminal nature depending on the culture and context – even, for example, killing is not universally condemned, and is acceptable in many supposedly progressive countries if performed in self-defence. The use of cluster bombs by the USA and Britain in recent conflicts has also been controversial, given their potential to harm civilians and to pose a continuing threat for many years after the war ends. Therefore, it is patronising to argue that, first, there is a set of global moral norms and, secondly, that a particular country's courts know with certainty what they are.
2. Most nation states reject any supranational level as the appropriate level of decision-making. Therefore "Global" solutions to problems are inherently flawed. This is why so many global organisations are effectively no more than powerless talking shops. Any universal jurisdiction cannot be imposed at will, but will need to be agreed bilaterally with each sovereign state. As the experience of the International Criminal Court has shown, this is a slow, difficult and potentially impossible process.
3. Universal jurisdiction offends the idea of national self-determination. Sovereign states should have complete and inextinguishable sovereignty over what happens in their countries. If they choose to pool, devolve or abrogate part of this sovereignty, that is one thing – but it is quite a different thing for a third party state to do that to them. Universal jurisdiction is an impediment to effective domestic justice. It effectively creates a two-track system which would fragment the judicial response to what is sometimes a single set of acts i.e. some people would be tried in the domestic courts, others under the international jurisdiction. This offends principles of fairness. The system would also warp the domestic justice system, for example by attracting some of its best legal talent to work overseas under the universal jurisdiction. Finally, prosecutions abroad may undermine local amnesties for past crimes given as the price of ending a bitter civil war or in the transition from dictatorship to democracy, and so lead to political instability and possibly even renewed fighting and further suffering.
4. Universal jurisdiction will stray from justice into politics. It is inevitable that universal jurisdiction will see states (or individual plaintiffs) trying to use the system as a means of perpetrating their political strategy via another forum. (Indeed, this is why Belgium scrapped its law: the U.S. strongly hinted that it would lobby for NATO to move its headquarters from Belgium, because it would not risk visiting military officials being arrested under the universal jurisdiction rule).
5. As well as relegating domestic courts to a second class status, Universal jurisdiction would be very expensive to run. This is especially so because of the additional costs any international system involves e.g. travel, translation, etc. It would also be difficult to agree the decision-making process. For a system to have some sort of legitimacy, there would need to be at least some level of international consensus on its substance and process. This would be very time-consuming and controversial to agree; and enforcement would remain a problem. Unless other states co-operate, can defendants be physically brought to trial against their will? If so, how? Or should they be tried in absentia with no ability to defend themselves?
6. World Government should not be our ideal because it is blatantly less democratic than government on the nation-state model. The smaller the political unit, the more powerful is the individual vote. Individual citizens will always have more influence over local authorities and nation-state governments than they will over putative supranational entities. We value democracy and therefore oppose World Government because it dilutes the strength of an individual's influence over policy. Voting rights would also be impossible to arrange fairly in a global parliament. If the current one-state, one vote system was retained then a coalition of small nations would be able to impose policies upon those states with a large majority of the world's population. If representation was on the basis of population, then China and India would often be able to act together to impose policies upon the rest of the world.
7. National or regional identity is a real phenomenon; people identify themselves with their neighbours. This doesn't have to be in a cultural or shared-historical way, it can be as simple (and as telling) as shared a socio-economic position. Conflicting, vested interests will remain and will be defended. To presume otherwise is utopian dreaming. It is entirely pointless to dream about such entities as World Parliaments because powerful, prosperous nation-states simply will refuse to cede their sovereignty to such entities lest they lose any control over the maintenance of their own comfortable societies.
8. The current system of multilateral institutions works quite well and we should not put the strengths of these organisations at risk by ideological meddling. Not every state chooses to join the World Trade Organisation so it would not be correct to place it under UN authority. Nor would doing so make it more democratic; decisions are now taken by representatives of (generally elected) member governments on a basis of unanimity and consensus, not imposed by a distant world government by majority vote.
9. It is wrong to assume that Western ideas of human rights extend throughout the world. Buddhism, for example, places more emphasis upon "human nature," and upon the effects of individuals' actions, than upon "rights."
10. Even though wages are low, workers are better off than they were before. Low paying jobs are better than the alternative.

RESEARCH

In Principle, a Case For More ‘Sweatshops’

Allen R. Myerson
New York Times. June 22, 1997.

For more than a century, accounts of sweatshops have provoked outrage. From the works of Charles Dickens and Lincoln Steffens to today’s television reports, the image of workers hunched over their machines for meager rewards has been a banner of reform.

Last year, companies like Nike and Wal-Mart and celebrities like Kathie Lee Gifford struggled to defend themselves after reports of the torturous hours and low pay of the workers who produce their upscale footwear or downmarket fashions. Anxious corporate spokesmen sought to explain the plants as a step up for workers in poor countries. A weeping Mrs. Gifford denied knowing about the conditions.

Now some of the nation’s leading economists, with solid liberal and academic credentials, are offering a much broader, more principled rationale. Economists like Jeffrey D. Sachs of Harvard and Paul Krugman of the Massachusetts Institute of Technology say that low-wage plants making clothing and shoes for foreign markets are an essential first step toward modern prosperity in developing countries.

Mr. Sachs, a leading advisor and shock therapist to nations like Bolivia, Russia and Poland, is now working on the toughest cases of all, the economies of sub-Saharan Africa. He is just back from Malawi, where malaria afflicts almost all its 13 million people and AIDS affects 1 in 10; the lake that provided much of the country’s nourishment is fished out.

When asked during a recent Harvard panel discussion whether there were too many sweatshops in such places, Mr. Sachs answered facetiously. “My concern is not that there are too many sweatshops but that there are too few,” he said.

Mr. Sachs, who has visited low-wage factories around the world, is opposed to child or prisoner labor and other outright abuses. But many nations, he says, have no better hope than plants paying mere subsistence wages. “Those are precisely the jobs that were the steppingstone for Singapore and Hong Kong,” he said, “and those are the jobs that have to come to Africa to get them out of their backbreaking rural poverty.”

Rising Stakes

The stakes in the battle over sweatshops are high and rising. Clinton Administration officials say commerce with the major developing nations like China, Indonesia and Mexico is crucial for America’s own continued prosperity. Corporate America’s manufacturing investments in developing nations more than tripled in 15 years to \$56 billion in 1995 – not including the vast numbers of plants there that contract with American companies.

In matters of trade and commerce, economists like Mr. Sachs, who has also worked with several Government agencies, are influential. A consensus among economists helped persuade President Clinton, who had campaigned against President Bush’s plan of lowered restrictions, to ram global and North American trade pacts through Congress.

Paradoxically, economists’ support of sweatshops represents a sort of optimism. Until the mid-1980’s, few thought that third world nations could graduate to first world status in a lifetime, if ever. “When I went to graduate school in the early to mid-1970’s,” Mr. Krugman said, “it looked like being a developed country was really a closed club.” Only Japan had made a convincing jump within the past century.

Those economists who believed that developing nations could advance often prescribed self-reliance and socialism, warning against foreign investment as a form of imperialism. Advanced nations invested in the developing world largely to extract oil, coffee, bananas and other resources but created few new jobs or industries. Developing nations, trying to lessen their reliance on manufactured imports, tried to bolster domestic industries for the home market. But these protected businesses were often inefficient and the local markets too small to sustain them.

From Wigs to Cars

Then the Four Tigers – Hong Kong, Singapore, South Korea and Taiwan – began to roar. They made apparel, toys, shoes and, at least in South Korea’s case, wigs and false teeth, mostly for export. Within a generation, their national incomes climbed from about 10 percent to 40 percent of American incomes. Singapore welcomed foreign plant owners while South Korea shunned them, building industrial conglomerates of its own. But the first stage of development had one constant. “It’s always been sweatshops,” Mr. Krugman said.

These same nations now export cars and computers, and the economists have revised their views of sweatshops. “The overwhelming mainstream view among economists is that the growth of this kind of employment is tremendous good news for the world’s poor,” Mr. Krugman said.

Unlike the corporate apologists, economists make no attempt to prettify the sweatshop picture. Mr. Krugman, who writes a column for Slate magazine called "The Dismal Scientist," describes sweatshop owners as "soul-less multinationals and rapacious local entrepreneurs, whose only concern was to take advantage of the profit opportunities offered by cheap labor." But even in a nation as corrupt as Indonesia, he says, industrialization has reduced the portion of malnourished children from more than half in 1975 to a third today.

In judging the issue of child labor also, Mr. Krugman is a pragmatist, asking what else is available. It often isn't education. In India, for example, destitute parents sometimes sell their children to Persian Gulf begging syndicates whose bosses mutilate them for a higher take, he says. "If that is the alternative, it is not so easy to say that children should not be working in factories," Mr. Krugman said.

Not that most economists argue for sweatshops at home. The United States, they say, can afford to set much higher labor standards than poor countries – though Europe's are so high, some say, that high unemployment results.

Labor leaders and politicians who challenge sweatshops abroad say that they harm American workers as well, stealing jobs and lowering wages – a point that some economists dispute. "It is especially galling when American workers lose jobs to places where workers are really being exploited," said Mark Levinson, chief economist at the Union of Needletrades, Industrial and Textile Employees, who argues for trade sanctions to enforce global labor rules.

Yet when corporations voluntarily cut their ties to sweatshops, the victims can be the very same people sweatshop opponents say they want to help. In Honduras, where the legal working age is 14, girls toiled 75 hours a week for the 31-cent hourly minimum to make the Kathie Lee Gifford clothing line for Wal-Mart. When Wal-Mart canceled its contract, the girls lost their jobs and blamed Mrs. Gifford.

No Jobs in Practice

Mr. Krugman blames American self-righteousness or guilt over Indonesian women and children sewing sneakers at 60 cents an hour. "A policy of good jobs in principle, but no jobs in practice, might assuage our consciences," he said, "but it is no favor to its alleged beneficiaries."

In Praise of the Maligned Sweatshop

Nicholas D. Kristof
New York Times. June 6, 2006.

Africa desperately needs Western help in the form of schools, clinics and sweatshops. Oops, don't spill your coffee. We in the West mostly despise sweatshops as exploiters of the poor, while the poor themselves tend to see sweatshops as opportunities.

On a street here in the capital of Namibia, in the southwestern corner of Africa, I spoke to a group of young men who were trying to get hired as day laborers on construction sites. "I come here every day," said Naftal Shaanika, a 20-year-old. "I actually find work only about once a week."

Mr. Shaanika and the other young men noted that the construction jobs were dangerous and arduous, and that they would vastly prefer steady jobs in, yes, sweatshops. Sure, sweatshop work is tedious, grueling and sometimes dangerous. But over all, sewing clothes is considerably less dangerous or arduous -- or sweaty -- than most alternatives in poor countries.

Well-meaning American university students regularly campaign against sweatshops. But instead, anyone who cares about fighting poverty should campaign in favor of sweatshops, demanding that companies set up factories in Africa. If Africa could establish a clothing export industry, that would fight poverty far more effectively than any foreign aid program.

Namibia was supposed to be a pioneer in Africa's garment industry, for it is stable, pleasant and safe, and its government has tried hard to entice foreign investors. On the edge of Windhoek are a series of low factories set up to produce garments for the American marketplace. The biggest is the Ramatex Textile Factory, a Malaysian investment that employs 6,000 people. But the owners say they are losing money and will pull out, and other factories have stopped operating as well.

In Windhoek's Chinatown, I met Sun Zhimei, a Chinese woman who operates a small factory employing Namibians. "I'd like to help this country, by boosting its garment industry," she said. But on the day I visited, her factory was deserted. "It's cheaper to import goods all the way from China than to make them here," she complained.

The problem is that it's still costly to manufacture in Africa. The headaches across much of the continent include red tape, corruption, political instability, unreliable electricity and ports, and an inexperienced labor force that leads to low productivity and quality. The anti-sweatshop movement isn't a prime obstacle, but it's one more reason not to manufacture in Africa.

Imagine that a Nike vice president proposed manufacturing cheap T-shirts in Ethiopia: "Look, boss, it would be tough to operate there, but a factory would be a godsend to one of the poorest countries in the world. And if we kept a tight eye on costs and paid 25 cents an hour, we might be able to make a go of it." The boss would reply: "You're crazy! We'd be boycotted on every campus in the country."

So companies like Nike, itself once a target of sweatshop critics, tend not to have highly labor-intensive factories in the very poorest countries, but rather more capital-intensive factories (in which machines do more of the work) in better-off nations like

Malaysia or Indonesia. And the real losers are the world's poorest people. Some of those who campaign against sweatshops respond to my arguments by noting that they aren't against factories in Africa, but only demand a "living wage" in them. After all, if labor costs amount to only \$1 per shirt, then doubling wages would barely make a difference in the final cost.

One problem -- as the closure of the Namibian factories suggests -- is that it already isn't profitable to pay respectable salaries, and so any pressure to raise them becomes one more reason to avoid Africa altogether. Moreover, when Western companies do pay above-market wages, in places like Cambodia, local managers extort huge bribes in exchange for jobs. So the workers themselves don't get the benefit.

One of the best U.S. initiatives in Africa has been the African Growth and Opportunity Act, which allows duty-free imports from Africa -- and thus has stimulated manufacturing there. But last year, partly because of competition from China, textile and clothing imports under the initiative fell by 12 percent.

The Congo Republic's president, Denis Sassou-Nguesso, told me that he would love to have more factories. It's incredibly frustrating, he noted, to see African countries export cotton, timber and other raw materials but rarely have the chance to process them. The American initiative "is a step in the right direction," he said. "But it needs more of a push."

One push needs to come from African countries themselves: a crackdown on corruption and red tape. But another useful step would be for American students to stop trying to ban sweatshops, and instead campaign to bring them to the most desperately poor countries.

Defending Sweatshops

Richard Rothstein
Dissent Magazine. Spring 2005.

Nicholas Kristof is a great humanitarian journalist. He rails against those who seek to improve the wages and working conditions of young women and children who toil in African and Asian sewing factories for interminable hours and meager pay, manufacturing Westerners' apparel. Kristof's view is that sweatshops are the best possible alternatives for these women and children. Were it not for such jobs, these laborers might starve in the rural communities from which they were recruited, work as prostitutes, beg on the streets, or pick through garbage. Third world workers want to toil in sweatshops, recognizing that it improves their prospects. It is arrogant (or worse) for Westerners to try to prevent them from exercising their judgment about what is in their own best interests. Campaigns against sweatshops, Kristof writes, "are often counterproductive, harming the very Third World citizens that they are intended to help."

Kristof assures us that the sweatshop work is only temporary. Every nation has to go through a sweatshop phase on the way to industrialization. We did; they must. If Asian and African factories can only be permitted, without liberals' interference, to exploit young women and children, someday these workers (or their offspring) will be prosperous.

Sewing plants locate in places like Indonesia, Kristof explains, only because their labor costs are low. Competition is fierce among countries for this industry, and if Western activists succeed in forcing firms to raise wages, limit hours, or reject children as laborers, production would cease and be replaced in the global marketplace by those not bound by Western standards. If a nation enforced minimum wages or working conditions, industry would move to one where there was no enforcement. The result would be destruction of the hopes and dreams, indeed the lives, of workers in these plants.

For Western activists, Kristof has only contempt. He denounces "child labor hawks" who would keep children from working and so impoverish their families. Americans, he says, "get on their high horses about child labor," without sharing Kristof's own insights about its necessity and inevitability.

The topic seems to demand such condescension. Paul Krugman, another Times columnist who is also right about almost every other issue, can't comprehend why any rational person would oppose miserable working conditions, so he takes refuge in pop psychology: women and children "are working at slave wages for our benefit-and this makes us feel unclean. And so there are self-righteous demands for international labor standards. . . . A policy of good jobs in principle, but no jobs in practice, might assuage our consciences, but it is no favor to its alleged beneficiaries."

BUT IT IS ACTUALLY these conventional economists, blinded by theory to experience, who have not thought things through. Of course, it is generally true that if the price of something goes up, demand for it will fall. If manufacturers must pay more for labor, they will hire less of it. But the logic applies rigidly only in perfect markets, with perfect information, flexibility, liquidity, and substitutability. Thinking things through requires more than simple logic or even than random encounters with garbage pickers or teenage prostitutes. It also requires common sense and empirical data.

Nowhere, for example, does Kristof question the wide disparity in sweatshop wages paid to workers in different third world countries. Why would an Indonesian contractor like Nike, for example, contract also in Mexico, where wages are at least four times higher? Kristof's logic would require that worker productivity in Indonesia be precisely 25 percent of that in Mexico, or that the cost of other factors be lower in Mexico than in Indonesia, offsetting higher labor costs. Otherwise, he could not claim that if Indonesian wages rose even a tiny bit closer to Mexican levels, seamstresses would be expelled to the garbage dump. But he has no basis for making such assumptions. While labor standards vary from country to country, technology for assembling apparel does not-that is dictated from New York, for all countries. Apparel manufacturers consider many issues in deciding where to site facilities; labor costs are one, but relatively small differences in labor costs are not.

Another incomprehensible assumption made by Kristof and his allies is that Western do-gooders ("warm and fuzzy humanitarians," Kristof calls them) want labor standards only in a single country-whichever Kristof happens to be visiting at the moment. Even if a modest increase in Indonesia's minimum wage tempted manufacturers to move their facilities to, say, Mexico, the temptation would be frustrated if Mexico simultaneously enforced a comparable increase in its minimum. The fear that labor standards would cause manufacturers to flee only makes sense if some countries were exempt from global regulation. Kristof never explores why he thinks this is likely.

SURELY, Kristof and his allies are right that imposition of first world wage and hours standards on Asian and African workers would destroy jobs. Cost increases that are too great would cause rising prices and falling demand. But wages can be increased significantly without big price impacts. Sweatshop workers in Asia earn something like \$2 a day, perhaps for twelve hours of work. Tratiwoon would love the opportunity for her son to earn that much. But does Kristof have any reason for assuming that, if Indonesian employers were forced to raise pay to, say, \$2.25 or even \$2.50 a day-leading to a big boost in workers' living standards-this requirement would be so burdensome that sweatshop workers would lose jobs and join Tratiwoon in the garbage dump? Does he have any basis for thinking that manufacturers in Indonesia have already explored every opportunity for productivity improvements and would be unable to make more efficient use of employees if given a financial reason to do so? Can he be certain that, if such an increase caused a shirt's cost to manufacturers to increase by even 10 cents per shirt in New York City, demand would fall or retail prices would rise to such an extent that investment capital would drain away from the apparel industry? He knows answers to none of these questions and can't learn them only by interviewing Jakarta's garbage pickers.

But let's imagine that the cost of a shirt did increase by a few cents as a result of reformers' agitation. What's so bad about that? Nicholas Kristof would be the first to support using tax revenues to increase U.S. foreign humanitarian aid, now only a small fraction of the rate of other industrialized nations. A price increase for shirts, resulting from international labor standards reforms, would also be a sort of tax-on consumers to support higher third world living standards. It is hard to fathom an argument that finds such a tax not only bad economics, but immoral.

Kristof should, as he does, beseech readers to send contributions to buy school lunches for children in Chad. In his inimitable and admirable style, Kristof concluded a column in which he accused labor rights activists of impoverishing families in that country by putting their ten-year-old children out of work: "I spoke with officials at the World Food Program, and they'd be thrilled to have private groups or individuals help sponsor school feedings. . . . Children in Africa will be much better off with a hot meal and an education than with your self-righteous indignation [at their sweatshop employment]." But it can't be immoral to insist that those same readers pay a little more for apparel so parents of children in Chad can themselves provide lunches for their children.

IN INTERNATIONAL labor affairs, we are now at a stage more analogous to the Progressive Era in American history than to the New Deal. The possibilities are remote that transnational regulation can improve conditions under which third world workers toil. The prevailing free-trade consensus and power of financial institutions make it inconceivable that, say, the International Trade Organization will permit first world nations to require imports to be manufactured in accordance with minimum, but developmentally appropriate, standards that raise real compensation of workers without overreaching so that a nation's comparative advantage is compromised.

Instead, agitation similar to that of Edward Filene's Consumers League is now in order, precisely the sort of warm and fuzzy humanitarianism that earns Nicholas Kristof's contempt. As Ross's *Slaves to Fashion* describes, college students have organized a "sweat-free" movement, but it so far finds little resonance among consumers generally. Some retailers and manufacturers have responded to public embarrassment (like Kathie Lee Gifford's tearful acknowledgment that her clothing line was the product of Salvadoran workers' exploitation) by adopting their own codes of conduct for third world manufacturing plants, but how to monitor these plants and enforce the codes remains a major problem.

Can retailers or manufacturers be trusted to monitor their own codes of conduct? If not, how and by what groups will monitoring be done? How much emphasis should reformers place on advancing the right of workers themselves to organize for self-protection? How much should consumer pressure insist on "top down" reform-requiring higher wages, fewer hours, and safer conditions even when workers themselves are not sufficiently organized to demand these? This debate, too, has antecedents. The American Federation of Labor, in the first decades of this century, staunchly opposed minimum-wage regulation because it might give workers less reason to organize and might encourage employers to resist paying more than the minimum. Regulation, Samuel Gompers said, "will result in a long era of industrial slavery." The AFL was willing to tolerate a minimum wage applied only to women because women were not permitted to join its member unions anyway.

Today, organizational and financial support for student and consumer organizing comes from the labor movement itself. This gives rise to the charge that the demand for labor standards is not only self-indulgent on the part of spoiled, affluent college students, but is also protectionist, an attempt to keep investment and jobs from migrating to the third world. This charge is silly because the modest wage increases that might result from an effective international standards regime would not cause manufacturers to rethink their global sourcing strategies. No clothing assembler will move back from Jakarta to New York because of a requirement to raise wages from \$2 to \$2.50 a day.

But while silly, the labor movement invites this charge because it and the student and consumer organizers it sponsors have failed to make sufficiently clear that they do not propose that third world wages be raised to first world standards. Little or no intellectual work has been done to investigate precisely how much a fair but developmentally appropriate minimum wage should be for each of the nations that export to the West. Surely, we need not accept Nicholas Kristof's view that this is the best of all possible worlds when it comes to sweatshops. But just as surely, there is an alternative between utopia and unrestrained exploitation of the world's most powerless workers.

A Worthwhile Ideal

Source: "Different Rules for Different Rulers." Canada and the World Backgrounder. September 1999.

The United Nations Universal Declaration of Human Rights asserts that, "All human beings are born free and equal in dignity and right." The Declaration was adopted unanimously by the United Nations General Assembly on 10 December 1948 (the Soviet Union, the nations of Eastern Europe, South Africa, and Saudi Arabia abstained).

In 30 brief articles, the Declaration states the right of humans to:

- Be free from any discrimination;
- Enjoy equality before the law;
- Have access to unhindered travel;
- A nationality and the right to change a nationality;
- Work;
- Equal pay for equal work;
- Rest and leisure;
- Adequate medical care and security in the event of unemployment, sickness or disability;
- Education;
- "A social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

Human Rights: Questions and Answers

Source: "Human Rights: Questions and Answers." United Nations Association in Canada.
<<http://www.unac.org/rights/actguide/questions.html>>

What are human rights?

Human rights are those rights that are necessary in order for us to live as human beings. Human rights give us dignity and equality. Human rights ensure that we all have adequate access to basic needs such as food and shelter. Human rights protect us from violence and abuse and work against ignorance and hatred. Human rights are inherent in all human beings and they should never be denied.

Human rights are universal. They transcend borders, cultures, political ideologies, and religious beliefs. No matter where you live in the world, who your parents are, or what kind of government you have, human rights are your rights.

Human rights allow us to fully develop our human abilities. They protect our right to participate in society, to work and provide for ourselves, to practice our culture and speak our language, to live in peace, and to be free from harm.

Most importantly, human rights are about respecting one another. They are about fulfilling our responsibility to ensure that no one's human rights are violated. For example, it is your right to be free from discrimination and it is your duty to not discriminate against others. When any person is denied human rights we are all affected.

Recognizing that human rights are only as strong as our willingness to treat one another as equals is the first step in achieving "freedom, justice and peace in the world".

Why is the Universal Declaration of Human Rights important?

The Universal Declaration of Human Rights is a symbol of freedom, equality, and justice in the world. It was the first international agreement aimed solely at protecting and promoting human rights. Nations with diverse political, religious and cultural backgrounds joined together to make a statement against injustice and inequality. They created a standard of achievement that all nations thereafter would be morally obligated to respect.

The Universal Declaration of Human Rights was a ground-breaking document that paved the way for the future of international justice and human rights. Many international human rights agreements have emerged since 1948. Thousands of non-governmental human rights organizations have been established in the past 50 years. These organizations have often used the Universal Declaration of Human Rights as a way to measure their governments' human rights performance. It is an instrument used to prompt democratic reform and to demand adherence to international human rights laws.

The Universal Declaration of Human Rights is also important to you. It is the foundation of your freedom, your rights, and your responsibilities. Student and teacher demonstrations, non-governmental organizations, community groups and individuals have struggled to ensure that our rights as human beings are protected. We all have an obligation to do the same. Just as the Universal Declaration of Human Rights can be used to measure a government's performance, it can also be used to measure our own performance in respecting and promoting human rights. How do you measure up? Do you treat others equally? Do you respect diversity? Are you working against human rights violations? These are important questions you must ask yourself. If the Universal Declaration of Human Rights is to continue to be a strong influence in our lives, we must act on it!

Is the Universal Declaration of Human Rights upheld universally?

Every human being should be able to read a copy of the Universal Declaration of Human Rights and say, "Yes, my human rights are respected". Similarly, everyone should be able to say, "Yes, I respect the rights of others". Unfortunately, fifty years after the creation of the Universal Declaration of Human Rights, this is still not the case.

In order for the Universal Declaration of Human Rights to meet its full purpose, every person must fulfill his/her responsibility to respect human rights. At an international level, many countries have taken steps to ensure that human rights are a priority in their states. By signing the Universal Declaration of Human Rights, a country commits itself to protecting the rights of its citizens and respecting the rights of all human beings. Even countries that have not signed the Universal Declaration of Human Rights are morally obligated to abide by its principles. The Universal Declaration of Human Rights has become so entrenched in international law that to disregard the importance of human rights is considered unacceptable by international standards.

Many individuals and many governments, however, still fail to uphold human rights. Despite diplomatic pressure, multilateral agreements, and national laws, human rights continue to be violated, and not just in wars or by corrupt governments in far away places. Human rights violations are occurring in homes, in schools, and in communities across Canada. In order for these violations to end and human rights to be protected, it is up to us to take action. Eleanor Roosevelt, Chair of the first United Nations Human Rights Commission, once said that human rights begin "in small places, close to home". What is your role in protecting human rights in your school? How can you help others in your community? What more can Canada do about human rights violations here and abroad? These are difficult questions but they must be addressed. The Universal Declaration of Human Rights can become a universally respected document if we work together.

Criticism and debate

Source: Wikipedia <http://en.wikipedia.org/wiki/Human_rights>

One of the arguments made against the concept of human rights is that it suffers from cultural imperialism. In particular, the concept of human rights is fundamentally rooted in a politically liberal outlook which, although generally accepted in Western Europe and North America, is not necessarily taken as standard elsewhere. An appeal is often made to the fact that influential human rights thinkers, such as John Locke and John Stuart Mill, have all been Western and indeed that some were involved in the running of Empires themselves. The cultural imperialism argument achieves even greater potency when it is made on the basis of religion. Some histories of human rights emphasize the Judeo-Christian influence on the agenda and then question whether this is in keeping with the tenets of other world religions.

Yet, some feel that the cultural imperialism argument is not entirely factual. While Western political philosophers like Locke, Hobbes and Mill made important contributions to the development of modern notions of human rights, the concept of human rights itself has origins in many world cultures and religions, including Christian, Jewish and Islamic traditions. Additionally, this argument leads to absolute relativism if taken too far. If all viewpoints and moral frameworks are equally valid then one cannot condemn any behaviour, however outrageous or horrific. In practice, human rights offer a basis to criticism such behavior or conduct, including imperialism. As such, human rights can be a transformative tool for self-determination.

One way out of the cultural imperialism and relativism debate is to argue that the body of human rights exists in a hierarchy or can undergo derogation. The relationship between different rights is complex since it can be argued that some are mutually reinforcing or supportive. For example, political rights, such as the right to hold office, cannot be fully exercised without other social and cultural pre-requisites, such as a decent education. Whether the latter should therefore be included as a first-generation right is a debated point.

Another important philosophical criticism of human rights is their presumed basis in morality. If moral beliefs are fundamentally expressions of individuals' personally held preferences then the objective morality upon which human rights are founded is rejected. Richard Rorty has argued that human rights are not based upon the exercise of reason but a sentimental vision of humanity (even though he does support human rights in law on the basis of interests theory). Alasdair MacIntyre has written that a belief in rights is on a par with "belief in witches and unicorns". But without care this criticism can become an apology for all behaviour as it aligns closely with moral relativism. However, it is correct that moral beliefs are personally held preferences and that there are no objective criterion to deduce valid moral beliefs from.

A final set of debating points revolves around the question of who has the duty to uphold human rights. Human rights have historically arisen from the need to protect citizens from abuse by the state and this might suggest that all mankind has a duty to intervene and protect people wherever they are. Divisive national loyalties, which emphasize differences between people rather than their similarities, can thus be seen as a destructive influence on the human rights movement because they deny people's innately similar human qualities. But others argue that state sovereignty is paramount, not least because it is often the state that has signed up to human rights treaties in the first place. Commentators positions in the argument for and against intervention and the use of force by states are influenced by whether they believe human rights are largely a legal or moral duty and whether they are of more cosmopolitan or nationalist persuasion.

Are Human Rights Universal?

Shashi Tharoor

(Director of Communications and Special Projects in the Office of the Secretary General of the United Nations) – 1999
World Policy Journal 16.4 (1999/2000): 1-6.

The growing consensus in the West that human rights are universal has been fiercely opposed by critics in other parts of the world. At the very least, the idea may well pose as many questions as it answers. Beyond the more general, philosophical question of whether anything in our pluri-cultural, multipolar world is truly universal, the issue of whether human rights is an essentially Western concept – ignoring the very different cultural, economic, and political realities of the other parts of the world – cannot simply be dismissed. Can the values of the consumer society be applied to societies that have nothing to consume? Isn't talking about universal rights rather like saying that the rich and the poor both have the same right to fly first class and to sleep under bridges? Don't human rights as laid out in the international covenants ignore the traditions, the religions, and the socio-cultural patterns of what used to be called the Third World? And at the risk of sounding frivolous, when you stop a man in traditional dress from beating his wife, are you upholding her human rights or violating his?

This is anything but an abstract debate. To the contrary, ours is an era in which wars have been waged in the name of human rights, and in which many of the major developments in international law have presupposed the universality of the concept. By the same token, the perception that human rights as a universal discourse is increasingly serving as a flag of convenience for other, far more questionable political agendas, accounts for the degree to which the very idea of human rights is being questioned and resisted by both intellectuals and states. These objections need to be taken very seriously.

The philosophical objection asserts essentially that nothing can be universal; that all rights and values are defined and limited by cultural perceptions. If there is no universal culture, there can be no universal human rights. In fact, some philosophers have objected that the concept of human rights is founded on an anthropocentric, that is, a human-centered, view of the world, predicted upon an individualistic view of man as an autonomous being whose greatest need is to be free from interference by the state – free to enjoy what one Western writer summed up as the “right to private property, the right to freedom of contract, and the right to be left alone.” But this view would seem to clash with the communitarian one propounded by other ideologies and cultures where society is conceived of as far more than the sum of its individual members.

Who Defines Human Rights?

Implicit in this is a series of broad, culturally grounded objections. Historically, in a number of non-Western cultures, individuals are not accorded rights in the same way as they are in the West. Critics of the universal idea of human rights contend that in the Confucian or Vedic traditions, duties are considered more important than rights, while in Africa it is the community that protects and nurtures the individual. One African writer summed up the African philosophy of existence as: “I am because we are, and because we are therefore I am.” Some Africans have argued that they have a complex structure of communal entitlements and obligations grouped around what one might call four “r’s”: not “rights,” but respect, restraint, responsibility, and reciprocity. They argue that in most African societies group rights have always taken precedence over individual rights, and political decisions have been made through group consensus, not through individual assertions of rights.

These cultural differences, to the extent that they are real, have practical implications. Many in developing countries argue that some human rights are simply not relevant to their societies – the right, for instance, to political pluralism, the right to paid vacations (always a good laugh in the sweatshops of the Third World), and, inevitably, the rights of women. It is not just that some societies claim they are simply unable to provide certain rights to all their citizens, but rather that they see the “universal” conception of human rights as little more than an attempt to impose alien Western values on them.

Rights promoting the equality of the sexes are a contentious case in point. How, critics demand, can women's rights be universal in the face of widespread divergences of cultural practice, when in many societies, for example, marriage is not seen as a contract between individuals but as an alliance between lineages, and when the permissible behaviour of womenfolk is central to the society's perception of its honor?

And, inseparable from the issues of tradition, is the issue of religion. For religious critics of the universalist definition of human rights, nothing can be universal that is not founded on transcendent values, symbolized by God, and sanctioned by the guardians of the various faiths. They point out that the cardinal document of the contemporary human rights movement, the Universal Declaration of Human Rights, can claim no such heritage.

Recently, the fiftieth anniversary of the Universal Declaration was celebrated with much fanfare. But critics from countries that were still colonies in 1948 suggest that its provisions reflect the ethnocentric bias of the time. They go on to argue that the concept of human rights is really a cover for Western interventionism in the affairs of the developing world, and that “human rights” are merely an instrument of Western political neocolonialism. One critic in the 1970s wrote of his fear that “Human Rights might turn out to be a Trojan horse, surreptitiously introduced into other civilizations, which will then be obliged to accept those ways of living, thinking and feeling for which Human Rights is the proper solution in cases of conflict.”

In practice, this argument tends to be as much about development as about civilizational integrity. Critics argue that the developing countries often cannot afford human rights, since the tasks of nation building, economic development, and the consolidation of the state structure to these ends are still unfinished. Authoritarianism, they argue, is more efficient in promoting development and growth. This is the premise behind the so-called Asian values case, which attributes the economic growth of Southeast Asia to the Confucian virtues of obedience, order, and respect for authority. The argument is even a little more subtle than that, because the suspension or limiting of human rights is also portrayed as the sacrifice of the few for the benefit of the many. The human rights concept is understood, applied, and argued over only, critics say, by a small Westernized

minority in developing countries. Universality in these circumstances would be the universality of the privileged. Human rights is for the few who have the concerns of Westerners; it does not extend to the lowest rungs of the ladder.

The Case for the Defense

That is the case for the prosecution – the indictment of the assumption of the universality of human rights. There is, of course, a case for the defense. The philosophical objection is, perhaps surprisingly, the easiest to counter. After all, concepts of justice and law, the legitimacy of government, the dignity of the individual, protection from oppressive or arbitrary rule, and participation in the affairs of the community are found in every society on the face of this earth. Far from being difficult to identify, the number of philosophical common denominators between different cultures and political traditions makes universalism anything but a distortion of reality.

Historically, a number of developing countries – notably India, China, Chile, Cuba, Lebanon, and Panama – played an active and highly influential part in the drafting of the Universal Declaration of Human Rights. In the case of the human rights covenants, in the 1960s the developing world actually made the decisive contribution; it was the “new majority” of the Third World states emerging from colonialism – particularly Ghana and Nigeria – that broke the logjam, ending the East-West stalemate that had held up adoption of the covenants for nearly two decades. The principles of human rights have been widely adopted, imitated, and ratified by developing countries; the fact that therefore they were devised by less than a third of the states now in existence is really irrelevant.

In reality, many of the current objections to the universality of human rights reflect a false opposition between the primacy of the individual and the paramountcy of society. Many of the civil and political rights protect groups, while many of the social and economic rights protect individuals. Thus, crucially, the two sets of rights, and the two covenants that codify them, are like Siamese twins – inseparable and interdependent, sustaining and nourishing each other.

Still, while the conflict between group rights and individual rights may not be inevitable, it would be naïve to pretend that conflict would never occur. But while groups may collectively exercise rights, the individuals within them should also be permitted the exercise of their rights within the group, rights that the group may not infringe upon.

Do Corporations Have a Moral and Legal Obligation to Uphold Human Rights?

Source: “Think Again – Human Rights.” Richard Falk. *Foreign Policy* 141 (2004): 18-28.

Multinational corporations are essentially profit-making actors without established moral obligations beyond their duties to uphold the interests of their shareholders. In some cases, the constituencies of corporations have grown to encompass so-called “stakeholders,” including those groups affected by corporate activity. And to some extent, corporations have an interest in not alienating consumers and public interest groups by ignoring fundamental human rights concerns. Civil society leaders can organize boycotts against corporations with high-profile links to human rights violations, as has occurred with Shell, Nestle, and others. Campaigns by these and other corporations to improve their public image in relation to human rights are a matter of self-interest that does not reflect the existence or acceptance of a moral obligation. Of course, to the extent that a human rights culture takes hold, corporate officials and their shareholders will likely become more receptive to moral imperatives associated with treating workers decently, in accordance with human rights standards. In that respect, voluntary initiatives such as the United Nations’ recently established “Global Compact,” which certifies corporations as good global citizens if they agree to abide by a checklist of standards, may pay off. And if such voluntary processes go on for a long time and are widely practiced, they could ripen into a moral obligation at some point, but that is a long way off.

Also, virtually no legal obligations are effective outside the protection of property rights such as trademarks and copyrights in international business activity. Almost all human rights regulation of corporate actors is based on national laws and their implementation. Some countries, especially the United States, have tried to extend their standards to the foreign operations of corporations headquartered in their countries, but usually in the context of business activity (bribes, monopolies) rather than human rights. Efforts by U.S. state courts to ban business deals in response to severe human rights abuses in places such as Burma have been struck down by the U.S. Supreme Court as an interference with the foreign affairs powers of the Executive Branch. To the extent that U.S. corporations are legally restricted from dealing with certain foreign countries for human rights reasons, such as Cuba, the underlying motivation is political, reflecting ideological hostility. After all, why not restrict business with other countries that engage in severe violations, such as Saudi Arabia and Pakistan?

A framework of international legal obligations would doubtless help protect human rights, especially in countries with minimal or nonexistent human rights regulation. But to ensure that multinational corporations from some countries would not benefit from a competitive advantage, such a framework would require widely endorsed regional and global treaty regimes. And given the clear benefits of foreign investment in mitigating poverty, imposing international standards that reduce the economic attractiveness of countries with minimal regulation would, in the short term at least, likely accentuate human suffering.

Are Universal Human Rights an Unprecedented Challenge to Sovereignty?

Source: "Think Again – Sovereignty." Stephen D. Krasner. Foreign Policy 122 (2001): 20-26.

The struggle to establish international rules that compel leaders to treat their subjects in a certain way has been going on for a long time. Over the centuries the emphasis has shifted from religious toleration, to minority rights (often focusing on specific ethnic groups in specific countries), to human rights (emphasizing rights enjoyed by all or broad classes of individuals). In a few instances states have voluntarily embraced international supervision, but generally the weak have acceded to the preferences of the strong: The Vienna settlement following the Napoleonic wars guaranteed religious toleration for Catholics in the Netherlands. All of the successor states of the Ottoman Empire, beginning with Greece in 1832 and ending with Albania in 1913, had to accept provisions for civic and political equality for religious minorities as a condition for international recognition. The peace settlements following World War I included extensive provisions for the protection of minorities. Poland, for instance, agreed to refrain from holding elections on Saturday because such balloting would have violated the Jewish Sabbath. Individuals could bring complaints against governments through a minority rights bureau established within the League of Nations.

But as the Holocaust tragically demonstrated, interwar efforts at international constraints on domestic practices failed dismally. After World War II, human, rather than minority, rights became the focus of attention. The United Nations Charter endorsed both human rights and the classic sovereignty principle of nonintervention. The 20-plus human rights accords that have been signed during the last half century cover a wide range of issues including genocide, torture, slavery, refugees, stateless persons, women's rights, racial discrimination, children's rights, and forced labor. These U.N. agreements, however, have few enforcement mechanisms, and even their provisions for reporting violations are often ineffective.

The tragic and bloody disintegration of Yugoslavia in the 1990s revived earlier concerns with ethnic rights. International recognition of the Yugoslav successor states was conditional upon their acceptance of constitutional provisions guaranteeing minority rights. The Dayton accords established externally controlled authority structures in Bosnia, including a Human Rights Commission (a majority of whose members were appointed by the Western European states). NATO created a de facto protectorate in Kosovo.

The motivations for such interventions--humanitarianism and security--have hardly changed. Indeed, the considerations that brought the great powers into the Balkans following the wars of the 1870s were hardly different from those that engaged NATO and Russia in the 1990s.



In Indonesia every day is 'take your daughter to work day'.

Resources

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