

## Communication, globalization and human rights

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## COMMUNICATION, GLOBALIZATION AND HUMAN RIGHTS

By

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The topic - Communication, Globalization and Human Rights - would suggest a nexus between these three. The nexus between Communication and Globalization has now come to be acknowledged some may even contend that Communication (by way of Internet) has been instrumental in bringing about Globalization.

The Internet has affected television, radio and telephone. In fact the Internet has helped to converge these technologies. This convergence has resulted in information being instantaneously transmitted and received, not only by media personnel but also by anyone who has access to these technologies, which is already widespread and becoming more so. In order to proceed further it may be best to state a few words about how the system functions.

“The Internet is not a physical or tangible entity, but rather a giant network which interconnects numerable smaller groups or linked computer networks. It is thus a network of networks. This is best understood if one considers what a linked group of computers – referred to here as a ‘network’ – is, and what it does ... Some networks are ‘closed’ networks, not linked to other computers or networks. Many networks, however, are connected to other networks, which are in turn connected to other networks in a manner which permits each computer in any network to communicate with computers on any

other network in the system. This global Web of linked networks and computers is referred to as the Internet.” (ACLU v RENO, US District Court of Pennsylvania June 1996 – full text available at <http://www.access.digex.net/~epic/cda/cda-opinion.html>).

“The nature of the Internet is such that it is very difficult, if not impossible, to determine its size at a given moment. It is indisputable, however, that the Internet has experienced extraordinary growth in recent years. Today (1996), over 9,400,000 host computers worldwide are estimated to be linked to the Internet. This count does not include the personal computers people use to access the Internet using modems. In all, reasonable estimates are that as many as 40 million people around the world can and do access the enormously flexible communication Internet medium. The figure is expected to grow to 200 million Internet users by the year 1999.”

“The resulting whole is a decentralised, global medium of communications – or ‘cyberspace’ – that links people, institutions, corporations, and governments around the world.”

What, however, is not easily determinable is the connection between Communication and Globalization on the one hand and Human Rights on the other or to put it another way whether Human Rights violations that occur around the world have been reduced, increased or have not been impacted upon by this new technology. The Human Rights violations which are being contemplated here are those of a more serious nature, such as

war or the forceful subjugation of a people, perpetration of sustained (systematic or otherwise) murder, rape, pillage, displacement, and every such type of depravity.

As far as other kinds of Human Rights such as the Freedom of Expression are concerned there is little doubt that the Internet has had a positive impact on the situation. Take for instance the Freedom of Expression as enshrined in the European Convention of Human Rights (1951). Article 10(1) of the Convention, provides, that: *Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.* “Given the ease of accessing information which originates in another jurisdiction, is it possible to control the propagation of such material or to enforce national laws on a medium which does not recognise national boundaries?” (*Information Technology Law*, Diane Rowland & Elizabeth Macdonald). Milton may not have had to utter his cry for press freedom (the *Areopagitica*) in today’s Age of Information - “Give me the liberty to know, to utter and to argue freely according to conscience, above all liberties.”

The right of a ‘public hearing’ is another Human Right which is generally accepted. “One reason for the open-justice principle is to keep the judges themselves up to mark. As Jeremy Bentham put it, in a passage that has been approved in leading cases: *Publicity is the very soul of justice. It is the keenest spur to exertion and the surest of all guards against improbity. It keeps the judge himself, while trying, under trial*” (*Media Law*, Geoffery Robertson and Andrew Nicol) . Information technologies have contributed to



the dissemination of legal issues and judgments, and thus resulting criticism and probity into the judicial processes.

Returning now to the graver Human Rights infringements taking place around the world at this very instance. “For weeks, Russia has dropped hundreds of bombs and fired artillery shells, levelling villages, and forcing hundreds of thousands of people to flee and killing hundreds, if not thousands, of civilians throughout the breakaway republic of Chechnya. Those interviewed said Russia’s offensive has managed to destroy everything in sight – except large number of guerrillas” (*Russian soldiers tell a different Chechnya Story*, Michael Slackburn).

In Kashmir half a million Indian armed forces personnel are amassed keeping a hostile populace under check. The people of Kashmir are denied the right of self-determination. The right to choose their destiny. Two nuclear powers are staring each other down. The threat of nuclear holocaust is real.

Afghanistan emerges from the ashes left behind by the Russian invasion and the civil war that followed. Sanctions are slapped on because of the intransigent attitude of the Taliban rulers and their refusal to hand over Osama bin Laden, who the Americans suspect of having masterminded certain terrorist attacks against American people and property. The pathetically poor and war ravaged people of Afghanistan will now have to pay the price of what their rulers have decided. It is expected that the sanctions will hit

the weaker segments of Afghan society hardest – the children, the women, the poorest and the sick.

In each one of these ~~three~~ conflicts the propaganda machinery has been resorted to, respectively by the Russians, Indians and the Americans. The *independent* media of these countries is transmitting what its citizens want to see and hear. “The Russian public is visibly joyful, uplifted by its military command performance, its leader’s steely resolve and a chance to flex its atrophied national pride” (supra, Michael Slackburn). The same statement may well be made about the citizens of the other two countries. Since the Chechens, Kashmiris or Afghans do not have access to transmission technologies or systems their respective point of view gets no airing. This is the world we had known till very recently. All this has changed and is continuing to change at a furious pace.

Before the advent of the Internet what one heard or saw on television and radio and what one read was respectively determined by broadcasters and publishers. A few multinational corporations controlled global radio and television broadcasts whilst those owning and operating printing presses controlled the written word. This inflow of news and entertainment was further controlled by the censorship, which a particular State may have imposed.

With the spread of the Internet and its concomitants, the computer and digitalization, for the first time news can be created by anyone having access to a simple computer and the

Net. Dependency upon reporters to gather news on the grounds has ended. News can also now slip smoothly through the barriers of censorship.

Pictures and moving images are also now being transmitted through the Internet. It is said, that. "While the Industrial Revolution herded people into a gigantic social institution- big cooperation, big union, big government – the Information Revolution is breaking up this giant." (*To Renew America*, Newt Gingrich).

Today every computer that is connected to the Net is a printing press which its owner can use to write what he or she chooses and sends it off to the world. With the costs of such technology plummeting virtually anyone can become a publisher. "Electronic books cost next to nothing to produce and distribute, striking a blow for the freedom of information. They are harder to track down and eliminate, striking blow against censorship. They can never go out of print and their permanent storage in Cyberspace incurs no warehouse cost risk, no mildew or yellowing pages." (*Sex Laws and Cyberspace*, Jonathan Wallace and Mark Mangan).

With the availability of this technology, every incident or violation of human rights can be brought on to the world stage. The most oppressive governments have failed to devise effective enough means to ensure that such news does not get transmitted. This technology is also not dependent upon the goodwill of the media broadcasters and publishers to pick up and broadcast or publish. Journalists need no longer expose



themselves to threats. Those having access to the Net and a computer in any area of the world are the new journalists, reporting for free.

“No single entity – academic, corporate, governmental, or non-profit – administers the Internet. There is no centralised storage location, control point, or communications channel for the Internet, and it would not be technically feasible for a single entity to control all of the information conveyed on the Internet. It is no exaggeration to conclude that the Internet has achieved, and continues to achieve what has been correctly described as the ‘democratising’ effects of the Internet communication: individual citizens of limited means can speak to a worldwide audience on issues of concern to them.” (ACLU v RENO, *supra*).

One would have expected that with this kind of exposure, violations of human rights would have subsided, on the logic that even the worst criminal does not want his crime to be exposed and that fear of exposure makes him behave. Unfortunately such reason does not prevail when dealing with countries in the prevailing political-legal environment. The rules of international law and relations acknowledges the sovereign right of nations to draw an iron curtain over their *internal* dirty affairs. Chechnya is the internal affair of the Russian Federation. End of Human Rights discussion.

The issue of Kashmir is *bilateral*. Kashmir may one-day result in millions suffering nuclear devastation because the problem cannot be resolved *bilaterally* between India and Pakistan.. Such a so-called bilateralism flies in the face of reason. It is like two

individuals fighting, each canvassing a different viewpoint, but those around them insisting that should they resolve their differences themselves. Such a negative attitude perpetuates intransigent behaviour by the adversaries. It also rewards the stronger because a bilateral approach will eventually ensure victory for the one who can deliver the knockout punch.

To placate the American ego *sanctions* on the poor of Afghanistan have to be imposed.

The lesson that is sent out is that only the strong are to be heard and that too by flexing their economic or military muscle. There is little place for justice where such rules are laid down. Innumerable international statements and treaties have been signed, unfortunately not one is resolution oriented. Most tell us <sup>how</sup> not to conduct war, which again in a perverse sort of way, works against those technologically inferior or poor. The rich and powerful states can afford to kill by ensuring compliance with the text of a particular treaty, the poorer nations may not have the requisite technology to compete. Attached is a list cited under the title Major International Humanitarian Law (*Crimes of War*, Roy Gutman & David Rieff) of international treaties and protocols on the stated subject.

It is significant to note that not a single one of these treaties concerns itself with the prevention of war or the gross violation of human rights. No mechanism has been evolved to ensure against this. No method whereby the resolution of a problem, which gives rise to war or human rights being violated, is not left to be whimsically determined

by the perpetrator. The world by adopting such an indifferent attitude becomes an accomplice to the crimes being committed.

This indifference coupled with the fact that the world now knows virtually everything that is taking place will make the world a very dangerous place to live in years to come. Despair and despondency will give way to hatred, anger and violence. The powerful will equip themselves with ever more sophisticated weaponry to resolve matters by force. The poor and weaker elements will resort to ever greater and more extreme deprivations to get back at their perceived enemies.

The Information Revolution has taken place, now the time has come for a revolution of ideas to resolve conflicts. The artificial distinction of internal and external conflicts must be done away with, which seems to send the message that you can kill in your backyard but not in mine. There is a need for a world court, to which any state or government can be taken under certain stipulated conditions. The doors of The International Court of Justice at The Hague can only be knocked if both parties wish to enter therein. The all powerful Presidency of the United States of America may find it demeaning to plead its cause standing next to the rag tag Talibans of Afghanistan. But should they have an option and thus inflict misery on millions.

Unfortunately, the powers that be fear this unknown world of equality. An equality without which the Information Age would remain stunted in its growth. They remain fearful of the liberalising pervasiveness of truth because they would lose control of *their*



world, the fear of a world they may not understand. "And fear engenders hatred only too easily, even when a mere direct denial of the uncomprehended truth is adopted as a means of escape from fear; indeed some such denials are like real screams of rage" (*The Reign of Quantity and the Signs of the Time*, René Guénon).

Now let us imagine a world where everyone is accountable. Where governments can be commanded to appear before any international court for the resolution of a life threatening matter. Their failure to do so would not prevent the court from deciding the issue. Now let us see whether any of the said three conflicts, Chechnya, Afghanistan and Kashmir, could have been resolved.

The war in Chechnya and the gross human violations taking place there, could have been avoided if this war of attrition was not considered an *internal affair* of the Russian Federation. Either of the representatives of Chechnya or Russia could have taken their case to such an international tribunal for determination rather than taking their present extreme positions. This court would have given a ruling which would have the weight of the entire world behind it and as such impossible to ignore.

Presently no face saving device exists which permits rulers or governments to come out from their publicly stated prior positions. The Russian government may not be politically strong to go against Russian public opinion and suggest for instance withdrawal from Chechnya or grant autonomy or for that matter independence to Chechens, who do not

appear to want to live in the same country as Russians. An international court's decision would free the Russian government from a popularity contest at home.

In the case of Kashmir any of the three parties, Pakistan, India or the Kashmiris, could have approached the world court. A 52 year old simmering dispute is heard, adjudicated upon and decided once and for all. The governments of both India and Pakistan, even if wanting to resolve the issue, can never even be perceived to relinquishing their claim to Kashmir, without facing a severe public backlash. If the decision is taken out of their hands they could come to live with it and very happily. The massive amounts spent on stockpiling of weapons could be better diverted for the development of one of the poorest regions of the world. Eventually the two countries may even come to like, if not love, one another.

Again the rulers of Afghanistan may want to hand over Osama bin Laden to the Americans but may find it impossible to do so without a total loss of face amongst their local supporters. It would have been a different scenario if they could have pleaded or asked to appear before an international tribunal for determination of the issue. Such a tribunal after hearing both the parties would have decided the matter. Under such circumstances if the decision went against the Talibans of Afghanistan they would have had the requisite face saving to hand over Osama bin Laden to the international tribunal (or the Interpol) without being stigmatized at home. They would also have received the benefit of having been heard.



The challenge for the future therefore is to start thinking of just such type of a treaty which would help set up an international court for resolution of disputes. The human spirit, which yearns for justice, has long been denied this opportunity. If this denial to a judicious resolution of conflicts continues in the next millennium it will rub against the technologies of the Information Age. These technologies will give a voice to every violation of human right. It is time to rise to the challenges which this Age presents.

## **MAJOR INTERNATIONAL HUMANITARIAN LAW**

(*Crimes of War*, Roy Gutman & David Rieff)

- Instructions for the Government of Armies of the United States in the Field. April 24, 1863. *Lieber Code*.
- Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. Geneva, August 22, 1864. *1864 Geneva Convention*.
- Declaration Renouncing the Use, in Time of War, of Certain Explosive Projectiles. St. Petersburg, November 29 – December 1868. *St. Petersburg Declaration of 1868*.
- Convention II with Respect to the Laws and Customs of War on Land and its annex: Regulation concerning the Laws and Customs of War on Land. The Hague, July 29, 1899. *1899 Hague Convention or 1899 Hague Regulations*.
- Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. Geneva, July 6, 1906. *1906 Geneva Convention*.
- Convention IV respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, October 18, 1907. *1907 Hague Conventions or 1907 Hague Regulations*.
- Protocol for the prohibition of the Use of Asphyxiating, poisonous or Other Gases, and of Bacteriological Methods of Warfare. Geneva, June 17, 1925. *1925 Geneva Protocol*.
- Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. Geneva, July 27, 1929. *1929 Geneva Convention*.
- Agreement for the prosecution and punishment of the Major War Criminals of the European Axis, and Charter of the International Military Tribunal, London, August 8, 1945. *Nuremberg Charter*.
- Convention on the Prevention and Punishment of the Crime of Genocide. United Nations, December 9, 1948. *Genocide Convention*.
- Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, August 12, 1949. *First Geneva Convention (of 1949) or GCI*.
- Convention II for the Amelioration of the Conditions of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, August 12, 1949. *Second Geneva Convention (of 1949) or GCII*.

- Convention III Relative to the Treatment of Prisoners of War. Geneva, August 12, 1949. *Third Geneva Convention (of 1949)* or *GCIII*.
- Convention IV Relative to the Protection of Civilian Persons in Time of War. Geneva, August 12, 1949. *Fourth Geneva Convention (of 1949)* or *GCIV*.
- Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict. The Hague, May 14, 1954. *1954 Convention on Cultural Property*.
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological Biological and Toxic Weapons and on their Destruction. Opened for Signature at London, Moscow, and Washington. April 10, 1972. *Biological Weapons Convention* or *BWC*.
- Protocol I Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts. Geneva, June 8, 1977. *Additional Protocol I* or *API*.
- Protocol II Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts. Geneva, June 8, 1977. *Additional Protocol II* or *APII*.
- 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons That May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. United Nations, October 10, 1980. *1980 Conventional Weapons Convention* or *CCW*.
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. Paris, January 13, 1993. *1993 Chemical Weapons Convention*.
- Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991. United Nations, May 25, 1993. *Yugoslavia Tribunal Statute* or *ICTY*.
- Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States between January 1, 1994 and December 31, 1994. United Nations, November 8, 1994. *Rwanda Tribunal Statute* or *ICTR*.
- Protocol on prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices. United Nations, as amended May 3, 1996. *Protocol II of the 1980 Conventional Weapons Convention*.

- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. United Nations. September 18, 1997. *Ottawa Treaty*.
- Rome Statute of the International Criminal Court. United Nation, July 17, 1998. *Rome Statute* or *ICC Statute*.