

GLOBALIZATION AND DEVELOPMENT

CURRENT TRENDS

EDITORS

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KNOWLEDGE WORLD

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The Court of Directors of the East India Company sent a despatch in July, 1854 to the Governor-General of India in Council, suggesting the establishment of the Universities of Calcutta, Madras and Bombay. In pursuance of that despatch, the University of Calcutta was founded on January 24, 1857. The University adopted in the first instance, the pattern of the University of London and gradually introduced modifications in its constitution.

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CONTENTS

List of Contributors	V
Introduction	Vii
<i>Shantanu Chakrabarti, Kingshuk Chatterjee</i>	
1. The Changing Concept of Nation-State and Strain on National Autonomy	1
<i>Divya Mishra</i>	
2. Globalisation, Development and The Question of Vulnerability	15
<i>Dipanwita Roy Ghatak</i>	
3. Interrelationship Between Development and Climate Change in The Globalised World	29
<i>Sudheer Singh Verma</i>	
4. Globalization, Health Security & The Aids Question: Relationship & Reality	45
<i>Adrija Chatterjee</i>	
5. Globalisation and Development: Relationship between Women and The Naxalite Movement in India	63
<i>Kshipra Sharma</i>	
6. Domesticating Globalization	83
<i>Ritwiza Asthana</i>	
7. South Asian Women in Global Factory: Their Possible Liberty from Virtual Slavery in EPZs and SEZs	93
<i>Bandana Upadhyay</i>	

8. Regional Integration vs National Interests:
Face of Globalization in Southeast Asia 109
Subhadeep Bhattacharya
9. Assessing Symbiotics: An Assessment of
The African Land Lease Policy within
The Context of Globalization and Development 125
Ahana BaNerjee
10. Globalization and its Trickle Down Effect on Poverty:
Fantasy or Reality 141
Eram Fatma
11. Liberalization of Legal Profession and Its Implication on
Legal Education: Indian Perspective 155
Faisal Fasih

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INTRODUCTION

□ SHANTANU CHAKRABARTI, KINGSHUK CHATTERJEE

This volume of essays comes out of a seminar organized by the Institute of Foreign Policy Studies, Calcutta University as a part of its UNAI program. The United Nations Academic Impact (UNAI), officially launched with a two-day conference in New York City, 18–19 November 2010, is a UN global initiative that seeks to align institutions of higher learning with the United Nations in actively supporting [ten universally accepted principles](#) in the areas of human rights, literacy, sustainability and conflict resolution. The Academic Impact also asks each participating college or university to actively demonstrate support of at least one of those principles each year. Academic Impact is a program of the Outreach Division of the Department of Public Information. It is open to all institutions of higher education granting degrees or their equivalent, as well as bodies whose substantive responsibilities relate to the conduct of research. It's essential frame of reference is:

- To bring into association with the United Nations, and with each other, institutions of higher learning throughout the world.
- To provide a mechanism for such institutions to commit themselves to the fundamental precepts driving the United Nations mandate, in particular the realization of the universally determined Millennium Development Goals.
- To serve as a viable point of contact for ideas and proposals relevant to the United Nations mandate.
- To promote the direct engagement of institutions of higher education in programs, projects and initiatives relevant to this mandate.

Academic Impact is informed by a commitment to support and advance ten basic principles:

1. A commitment to the principles inherent in the United Nations

- Charter as values that education seeks to promote and help fulfill;
2. A commitment to human rights, among them freedom of inquiry, opinion, and speech;
 3. A commitment to educational opportunity for all people regardless of gender, race, religion or ethnicity;
 4. A commitment to the opportunity for every interested individual to acquire the skills and knowledge necessary for the pursuit of higher education;
 5. A commitment to building capacity in higher education systems across the world;
 6. A commitment to encouraging global citizenship through education;
 7. A commitment to advancing peace and conflict resolution through education;
 8. A commitment to addressing issues of poverty through education;
 9. A commitment to promoting sustainability through education;
 10. A commitment to promoting inter-cultural dialogue and understanding, and the “unlearning” of intolerance, through education.

In essence the UNAI displays its commitment to the Millennium Development Goals (MDGs) contained in the Millennium Declaration that was adopted during the UN Millennium Summit in September 2000.

The University of Calcutta has been a founding partner of the UNAI initiative and has been designated as the UNAI global hub on peace and conflict studies. The initiative on behalf of the Calcutta University is principally being shouldered by the Institute of Foreign Policy Studies (IFPS), University of Calcutta.

As a part of the UNAI initiative, the IFPS held a one day seminar on 18 August 2011, on the theme of ***Globalization and Development: Current Trends*** at Kolkata for research scholars at various levels of their work participating from institutions of higher learning from all over India.

The theme was found to be relevant and appropriate as a part of

the UNAI program as the process of globalization has resulted in greater unevenness mainly benefiting the developed world, while in the developing world, the benefits have accrued only to a few developing countries. Even in the developing countries enjoying the benefits of globalization such impact has not necessarily been felt across the spectrum. The process of undertaking globalization has involved a combination of structural changes and shifting emphasis from the state to the market with the objective of closer interaction and interconnection between the domestic and the global economy. However, this has also not been a case of an unmixed blessing. Moreover, large sections of the already impoverished population have found themselves, most often, at the receiving end of such policies.

In essays compiled in this volume, the contributors have tried to grapple with the various dimensions of the phenomenon of globalization and its impact, both within national boundaries and across these. The essays can be broadly classified into those with a theoretical bent, and those that deal with specific issues, with a cluster of essays relating particularly the impact particularly to gender.

Among the essays dealing with theoretical perspectives, Divya Mishra deals with the changing nature of the nation state, and the changing connotations of sovereignty confronted with the leveling disposition of globalization. Mishra argues that the notion of sovereignty works as a major safeguard for forces or segments around the world that are powerless against the totalizing dynamics of globalization. Dipanwita Roy Ghatak's essay complements Mishra by raising the issue of vulnerability that is frequently smothered by the discourse on development championed by the forces of globalization. She argues that much of the sheen that globalization has come to acquire over the years happens to be the result of a one-dimensional understanding of globalization, predicated upon the experiences only of its beneficiaries. She tries instead to look at the seamier side of the phenomenon, dealing with the issue of vulnerability. Sudheer Singh Verma looks at the issue of vulnerability as well as its possible redressal with globalization functioning as a causative and facilitative agent. He argues that the

problem of climate change, perhaps the greatest among the long-term challenges facing mankind, has become aggravated by human activities cutting across national boundaries, hence, any attempts to stem further deterioration must necessarily involve transcending boundaries as well. Adrija Chatterjee's essay deals with the three pronged relationship of globalization, health security and the problem of HIV/AIDS. It explores the guidelines for a global order, visiting the various aspects of development globalization seeks to bring about. Then it argues that the realization of the aims would not be possible unless we view security from a much broader arena.

Among the essays dealing with the impact of globalization on gender, Kshipra Sharma tries to go beyond generalizations and examine the major consequential gender debates in order to highlight some of the underexplored aspects of globalization, in the context of the relationship between globalization, development and women in developing nations, particularly India. She argues that failed land reforms, exploitative development projects, draconian wildlife protection laws and forest reservation policies have added to the hardships of the marginalized sections, robbing them of their means of subsistence and even "dignity", resulting in mass movements like the Naxalite movement in India. Her paper highlights the growing connection between Indian women and the so called emancipatory mass movements, in the age of globalization. Ritwiza Asthana highlights on the impact globalization has on maid working as domestics. She looks at the issue not from the standpoint of "feminization" of the workforce, allowing women a certain agency, albeit in low-pay, low-status, often part-time jobs that perpetuates the devalorization of women's work. Asthana challenges the public-private dichotomy characterizing our views of working women, and presents a different perspective analyzing the class dynamic behind gender aspect of globalization. Bandana Upadhyay in her essay highlights the predicament of women working in the EPZ, SEZs that have come to characterize the globalized economy of the developing world.

The last cluster of essays deal with questions of security: political, economic and human. Subhadeep Bhattacharya looks at the phenomenon

of regional integration in the ASEAN, and argues that the dynamics of such processes frequently cut against the grain of national interests of the various states, undermining the security scenario. He argues that a truly cohesive integration would prove elusive in spite of globalization, till mutual suspicions in the realm of national security are addressed adequately. Ahana Banerjee's essay deals the quiet phenomenon of land acquisition and leasing in Africa as a way of land reclamation on a global scale to change the dynamics of food supply. As a number of fast growing LDCs like India, Bangladesh and China begin to participate in land deals in the sparsely populated and low growth countries of Africa, Banerjee concentrates on the question whether such involvements are symbiotic or quintessentially symbiotic. Eram Fatma's essay on the so-called filtration theory of prosperity in the arena of globalization takes a hard look at the efficacy of the theory. Looking at the particular case of Orissa, she argues that there is no reason to believe that globalization inevitably results in reduction of poverty. Faisal Fasih's essay on the impact of globalization on the legal profession in India addresses the new challenges and opportunities for legal professionals. Fasih argues that the standard of legal education is deteriorating, and explores the ways in which the force of globalization has made an impact on the legal profession and legal education in India. The essay is rounded off with a roadmap which law universities may adopt for providing better legal education for a globalized era.

THE CHANGING CONCEPT OF NATION-STATE AND STRAIN ON NATIONAL AUTONOMY

□ DIVYA MISHRA

Introduction

The present world is witness to an age of dilemma; and we are standing on the threshold of extraordinary transformation and new challenges. This is a landmark age in the life of the nation-state. The cohesiveness and authority that the nation-state acquired since its birth has been put at stake by the forces of globalization. My paper is about *the changing nature of nation state in the era of globalization* and the related challenge confronting the state as to *how to embrace globalization without the loss of sovereignty*. The sphere of state activity has changed. We find the present governments facing considerable constraints on their freedom of action. The fall-out of globalization extends beyond the reach of even the most powerful states, challenging the capacity of national institutions for effective governance. Many of the key areas of state activity have slipped out of their domain and policy decisions of vital concern are being made by regional, international and transnational bodies beyond their reach. At the same time there has been an addition in the global responsibilities of the state. Hence, there is a need to reconstruct the classical connotations of sovereignty and nation-state to the exigencies of the global age.

Understanding the Concepts: Nation-state, Sovereignty and Globalization

The state is a political and geographical entity while the nation is a cultural and ethnic entity, or what Weber calls a “community of sentiments”. Their hyphenation produces a “tyrannically rigid” concept of nation-

state based on authority, unity and sanctity. The concept of sovereignty developed within the context of consolidation of the nation-state. It refers to the ultimate source of legitimate authority inside a state and non-interference by any external body. The nation-states as juridically independent territorial entities which mutually recognize each other did not emerge full-blown out of any specific historical event, like the Peace of Westphalia. The rules of sovereignty have emerged over time and have been observed with varying degrees of fidelity. It started with the Roman notion of *imperium* signifying supreme executive command. The medieval arrangements weakened the concept due to overlapping structures of authority. But ultimately the nation-states triumphed over other institutional forms as they were better able to promote economic development, fight wars, and extract resources. Historian Raymond Grew says that nation-states emerged at the end of 19th century through movements of national unification or secession, as well as through strengthening of ties between the individuals and the state.¹ This continued even to the absolutist period, as the German historical school points out, that states continued to expand their power, if necessary by way of war. At present sovereignty has traversed from the Austinian sense to a more popular and representative form; and again further diluted by the forces of globalization.

The term globalization summarizes a variety of processes that together increase the scale, speed, and effectiveness of social interactions across political, economic, cultural, and geographic borders. The result is that activities and events in one region of the globe may have transcontinental effects, potentially reaching the far corners of the earth. Globalization is associated with some major processes. The most remarkable one is the integration and expansion of world economy boosted by liberalization, capital flows, especially, FDIs spearheaded by MNCs, and reduction of tariff barriers. The globalization of technology has led to explosive growth of information exchange and awareness about the world. This in turn has led to new social movements and spread of global values and standards. Globalization as a process is rearranging the ordering of nations in the theatre of world politics. At the micro-level it has transformed the life of

individual because the state is no longer the sole authority for protecting the poor and the disadvantaged. Responding to these globalization processes is an enormous challenge to the state; challenge to its authority as well as its capacity. It would require a massive change in the institution of the state itself—its form, policies, institutions, and functionaries. Hence, the concept of nation-state definitely gets transformed but not eroded. Globalization in fact should not be understood as a simple zero-sum game for state sovereignty. Neither is the sovereign state a hindrance to globalization, nor globalization a threat to sovereignty in absolute terms.

David Held and Anthony McGrew have divided this debate over globalization into three positions: the *hyperglobalists* take the extreme view that globalization will spell the end of the nation-state.² Its proponent, Eric Hobsbawm says that this spectre of globalization has changed the entire economic scenario and the salience of the nation-states has come to be tested in a very severe way, putting a question mark on their role and relevance now.³ The days of the old nation-states are numbered. The old order failed to uplift the masses from the morass of hunger and destitution and globalization is today perceived as the method of quicker upward economic mobility. The *skeptics* argue that there is nothing unprecedented about current levels of national interdependence, and the nation-states will remain the primary political and economic actors in international affairs for the foreseeable future. Finally, the *transformationalists* take the middle view. They reject the claim that globalization will render the sovereign state obsolete but accept that states will not remain as strong as ever. Since the state forms change, the future remains unpredictable and in contest.

The Retreating State

Those who predict that the nation-state will breathe its last in the era of globalization are partially right in their claims. The “supra-national”, borderless global economy has subordinated the domestic economies and has reduced national governments into municipalities. James Rosenau says that new issues have emerged such as atmospheric pollution,

terrorism, drug trafficking, the financial ripple effects, currency crises, and AIDS that are a product of interdependence or new technologies and are transnational rather than national. States cannot provide solutions to these and other issues. Ronald Axtmann⁴ has mentioned the “hollowing out” of the national state apparatus as the states capacities are reorganized-“upward”: to supra-regional and international bodies; “downward”: to regional, urban, and local levels and; “outward”: as a result of trans-border cooperation.⁴ This has caused the territorial dispersion of nation-state’s activities.

First, we shall discuss the *loss of economic autonomy* of the nation-state. States cannot conduct an effective monetary policy because of international capital flows. A domestic economic move has ramifications over the entire world. Manuel Castells terms this as the “network effect”.⁵ The weaker states are the most vulnerable as they cannot pursue autonomous monetary policies and have given up control over this arena. The most extreme example is the “phenomena of dollarization”, with countries adopting a foreign currency and giving up any effort to maintain their own national monetary supply. Ecuador abandoned Sucre and chose Dollar as its national currency in 2000 to dampen its high rate of inflation. Now the monetary decisions for Ecuador are taken several miles away by the Federal Reserve of the US. This is an outright surrender of macro-economic authority. The imposition of *Structural Adjustment Programmes (SAPs)* by the IMF and World Bank on many LDCs is another example. Organizations such as WTO set global rules which the nations are supposed to internalize in their domestic policy making. In the name of promoting exchange stability and currency adjustment among trading nations of the world, it dictates strictly technical and uniform advice to nations in economic trouble. They also impose binding multilateral instruments such as the GATT, TRIPS, and TRIMS with their own enforcement mechanism leading to direct foreign intervention in domestic decision making.

Loss of cultural autonomy is the second area of concern. Complementary cultural practices within a nation help to strengthen sovereignty by appealing to national loyalties. But homogenization

of culture destroys the distinct national culture and poses threat to the cohesiveness of the nation-state. We come across terms such as the Americanization and McDonalidization of local cultures. These are the Western consumerist culture which threaten the nations with dead uniformity and lead us to what we call Fukuyama's *End of History*. Globalization has connected people with common ethnicities and culture across the territorial limits of states. This has fuelled the politics of identity and legitimacy within certain groups. Disappearance of a single national identity in favor of local identities leads to competing demands, which vitiate state sovereignty. There is both fragmentation and integration of culture, what James Rosenau has termed as "frangmentation."⁶ Huntington's *Clash of Civilization* has rightly predicted that people's cultural and religious identities will be the primary source of conflict in the post Cold War world.

New social movements and the transnational NGOs challenge the state authority. The state is unable to cope single handedly with new social issues like human rights, terrorist, and secessionist activities, environmental issues, etc. These issues challenge the nation state's status as the final authority within its territorial boundaries. International human right norms are a direct threat to sovereignty. Individuals can appeal to these norms over and above the laws of their own country. Global intervention has been legitimated on pretext of minority rights and human rights. Apart from intervention by international organizations and NGOs there are cases of direct state-to-state military intervention, like Clinton's dispatch of American troops to Haiti. The transnational NGOs can challenge not only specific policies but also the authority of the state by demanding accountability or shaming political leaders. For instance, Argentine military stepped back from its policy of "disappearing" individuals under the pressure of NGOs. Margaret Keck and Kathryn Sikkink describe this as the "boomerang pattern."⁷ When a social movement or NGO finds its own government unresponsive to its demands, it turns to the international community for help.

Another social issue is the increased terrorist and secessionist events around the globe. Globalization has strengthened the hand of resistance

movements, leaving no place isolated and augmenting people's power as a political force outside the state institutions. Globalization has even facilitated the terrorist networks to operate easily due to improved communication and technological links worldwide. We have seen instances of terror groups from various countries collaborate to carry out an attack in a far away destination. Thus, the states are failing utterly even in carrying out its primary responsibility of protection of its citizens. Its security role is increasingly being transferred to international defense coalitions like NATO.

Globalization propelled by information technology has resulted in the mass mobilization of people which in turn makes popular revolt possible. We are witness to the recent crises in West Asia and Africa. The movement for the overthrow of tyrannical regimes started in Tunisia through the social network sites on internet.

Demise of the welfare state is one other area of concern. Globalization has turned the state into a profit making institution. The famous "retreat of state" is a retreat mainly from the realm of welfare and social entitlement. Globalization is leading the civilization to "greatest happiness but to the smallest number of people". Due to the withdrawal of states from the core sectors of social life the marginalized section of society has been exposed to the atrocities of market. The national governments are supposed to protect its people from the pressures of intensifying international competition. Ulrich Beck has rightly remarked that the premises of the welfare state, pension system, income support, state expenditure, all are melting under globalization.

The state has lost its control over the flow of people and ideas within its territory. Globalization has led to greater movement of people across borders. People are migrating to foreign destinations for better education and job prospects. Thus state is losing control over its human resources, particularly its skilled labor force.

The flow of ideas due to the revolutionized means of communication threatens the iron grip of sovereign rulers. Not to speak of communist nations like China, which tries to control the flow of information by imposing restrictions on Google. Even much open economies like

Singapore dabbles in free expression. In the event of the Revolution in West Asia, China was quick to ban social networking sites to prevent outside ideas entering in.

There is also *substantial loss of sovereignty in public policy formulations*. The foreign and domestic capitalist firms lobby the decision making institutions to take favorable decisions especially in the form of tax reforms, disinvestment, export-import policy, etc.

Mortgage of national resources with the MNCs is a dangerous trend. For capital and technology the states put for sale their own natural resources. States may argue that it would generate employment and capital in the area but the reality is different. Morris Szeftle is right in saying that MNCs have created as many problems as they have solved.⁸ The MNCs in search for less expensive locations are relocating their plants to the low-wage, poor nations. The people are exploited and displaced, their local culture is lost and environment degraded. Thus, the state is said to have surrendered to capitalist forces.

The issue here is not one of authority but rather of control. The right of states to manage their borders is not challenged, but globalization has eroded their ability to actually do so.

Globalization: Nothing New

States have never been able to perfectly regulate trans-border flows. Since the European discovery of the new world and the sea passage to Asia around the Cape of Good Hope, especially since the beginning of 19th century, no political entity in any part of the globe has been able to isolate itself from international and transnational, ideational and material forces. European states were more dependent on international borrowings to finance public activities before 19th century. The period before First World War saw net capital flows on a larger scale than ever before or since. It was only later that they developed sophisticated national systems of finance. The argument that there is nothing new in the phenomena of globalization can be substantiated further. The proliferation of ideas as a result of globalization is a bit exaggerated. It is true that the internet has provided with very rapid and cheap means of communication, but

the most dramatic increase in the speed of communication took place not with globalization but after the reformation and laying of the first transatlantic telegraph cables in 1860s. Even the globalization of diseases is not new. The spread of AIDS, Avian Flu, etc., today and the resultant deaths is nothing as compared to the earlier pandemics like bubonic plague, smallpox which the Europeans brought to the New World. Thus, all the supposed threat to nation-state and sovereignty by the global forces seems to be fake.

Resurgence of Nation-state

According to the general systems theory though the nation state is a system in itself, it is in fact also a sub-system within the larger international system with well delineated boundaries. This international system is always open and moving and hence also keeps its constituent parts in a state of continuous flux. The nation state adopts various mechanisms for its equilibrium and stability to prevent disintegration. As changes are occurring on a global scale, states are developing a variety of means to regulate, administer and mitigate them. We are perplexed by the complex, decentered, and multilayered system of governance that has arrived at our doorsteps. It retreats and reinforces itself simultaneously according to the demands of the market and realist considerations of national interest. States still remain the predominant rational actors in the international arena. Contrary to Marx, it is the political edifice which is controlling the economic and not the vice-versa. The state has been a necessary prerequisite to globalization. It is not only the nodal authority that permits the entry of forces of globalization within its territorial premises but also create conditions for its success. It creates a favorable environment to attract foreign investment. The state has to do its part in the process of opening up. State is employing its soft infrastructure like independent judiciary, rule of law, acceptable accounting standards, functioning stock exchanges, and corporate practices; as well as hard infrastructure—roads, airports, railways, etc., to integrate with the global economy and reap its benefits. IOs and TNGOs can operate within a country only when the government chooses not to regulate them, or indeed when they actively

support them. Shedding claims to authority over macro-economic policy enhances, and not diminishes the stability of their regimes and reduces the chances to seek new institutional arrangements that might challenge or supplant some element of sovereignty. Today, even the World Bank no longer supports the minimalist state. Rather it focuses on building the State capacity to foster development and implement changes. So we see many developing nations climbing up the economic ladder in recent times.

Kevin P. Clements says nation-states are indispensable to the peace building process in international relations.⁹ States, in fact remain the only institution with the legitimacy to enforce compliance with the law. Only sovereign states have authority to deal with crucial matters such as concluding treaties, accrediting diplomats, exchange of protocols, signing MOUs, etc. Such functions cannot be delegated to any non-state actor.

To prove that *state sovereignty is still very much intact and nation-state still alive and assertive*, some recent instances may be cited.

Nations are increasingly using tariff and non-tariff barriers to protect their domestic industries. The rich agricultural countries fear that agricultural trade liberalization will prove harmful to their highly protected agriculture. The EU, US, and Japan are reluctant to open up their markets for agricultural products. They have been constantly increasing the rate of subsidies in their own countries to protect their production and exports. The EU shields its industry with numerous non-tariff barriers under the garb of issues such as violation of human rights, child labor, international quality standards, etc. Nations also use anti-dumping laws as a protectionist

measure. And finally nations can limit the outsourcing of jobs as we saw that the US President, Barack Obama concerned with the rising unemployment among his people, refused incentives to the US companies which outsource their business abroad. Thus, the states are still able to regulate flow of goods and services.

Secondly, developed countries are protesting against the increased inflow of skilled immigrants as they fear the loss of jobs in their own

countries. For the same reason the countries are formulating stringent immigration policies and visa rules, like the H1B1 visa of the US. The EU has imposed FTA visa curbs on India which means that it welcomes Indian investment but not Indian professionals to work there. So we find the states regaining their control over the flow of people across territories.

Thirdly, multinational instruments do not deter any nation from exercising its sovereignty. Most of such instruments have exit provisions which the nations use whenever the issue of national interest crops up. India has so far refused to sign the NPT despite tremendous international pressure. The developing nations (BASIC) refuse to accept legally binding agreement on reducing carbon emissions because of their development concerns.

Finally, today's neo-liberalism has not consumed the welfare state. Governments have to manage the unequal benefits of economic globalization so they are increasingly providing social safety nets.

India's Case Study

The assertion that globalization causes loss of national autonomy has been proved wrong in Indian case. Baldev Raj Nayar has tried to prove that erosion of India's economic autonomy took place during the 1960s, i.e., the years prior to globalization.¹⁰ As India shed-off its closed, regulatory economic policy, the situation has improved. Economic empowerment has enhanced its autonomy and capability of independent and effective action in all spheres.

Soon after independence India devised a plan of heavy industrialization which was simply beyond the means of her economy. This made her dependent on foreign aid which inevitably brought in its train deep foreign intrusion into India's economic decision-making. The US created a vast foreign aid apparatus in New Delhi with its advisors posted to every economic and social sector ministry. In the mid 1960s the World Bank and the US imposed a wide ranging liberalization program on India as a condition of further aid. In 1965, US cancelled this aid in the wake of Indo-Pakistan war and made renewal of aid conditionality.

India's neglect of agriculture caused heavy food deficit. It had to again go begging to the US which obliged it with its PL-480 food aid. As a consequence of the food dependency America pressurized India to change its foreign policy, in respect of its stand on the American war in Vietnam. So we see the period of 1960s to be the hallmark of foreign intervention and erosion of sovereignty.

In the period of 1975 onwards, India progressively began to open up. After the collapse of Bretton Woods arrangement in 1971 India quietly linked the rupee with a weak foreign currency the pound sterling. This move made for a more realist exchange rate for the Rupee, and boosted our exports. Furthermore, the rise of Middle East due to the OPEC oil price hike in 1973 created a huge market for Indian exports. The outward flow of Indian migrant labor to the Middle East and elsewhere pushed India's integration in to the world economy. Finally, in the face of a severe balance of payment crises, it was forced to adopt economic liberalization in 1991. Kieth Griffin says that the reforms reflect not arm-twisting by the World Bank and the IMF but the lessons of bitter economic experience in India itself.¹¹ Liberalization opened several channels of external commercial borrowings for India. FDI's poured in from various MNCs across the globe. India no longer had to face political blackmailing by the US for the Official Development Assistance (ODA) provided by it. Post 1991, India is continuously climbing up the economic ladder touching the 9% growth rate. It now asserts itself strongly at the international forum and the great powers are eager to cultivate special friendly relations with it. Thus, India's tryst with globalization has been marked by the augmentation of national autonomy rather than erosion of it.

At the Crossroads

Those who predict the demise of nation-state and sovereignty, will get stuck into their own arguments. This is because the concept of post nation-state era is still a utopia. There is no alternative arrangement in sight which can take the place of nation-state. A few theorists like Habermas and David Held have attempted to provide cosmopolitan responses to

the challenges of globalization. Habermas's view in the "Postnational Constellation" represents an attempt to develop a model of democratic practice capable of bridging the distance between globalizing present and cosmopolitan future.¹² Some other scholars have come up with the idea of *transnational popular sovereignty and Global Parliament*. They argue that the concept of popular sovereignty must be relocated beyond the confines of nation-state. This stand seems to support the neo-liberal tradition which intends to empower the individual vis-à-vis state. Even the neo-realist thinkers like Robert Keohane points that in the era of complex interdependence the supreme authority of the state will wane but sovereignty will enable it to exercise legal grip on aspects of transnational process like multinational investments, movement of migrants, world's ecology, etc. All these projections for future arrangements are still under-theorized and will take some time to convince the academic scholars.

Conclusion

Globalization is not bad. The threat to the cohesiveness of nation-state is mainly due to the systemic constraints and socio-economic weaknesses within the nation itself. Integration and cooperation with the outside world is an inescapable phenomenon. Developing Asian economies realized the futility of the Dependency model. Earlier, they avoided associating themselves with the world capitalist system. But the rise of the "Asian tigers" proved that economic insulation is a wrong policy. Different forms of cooperation enabled by globalization have paid rich dividends to the global world. We must keep in mind the Rousseau's game of "Stag hunt". To get a stag (greater reward) one has to let the rabbit (smaller reward) go. Similarly, nation-states must not be concerned with a small loss of authority in certain areas. Ultimately they shall gain larger autonomy by integrating into the globalization process and reaping economic benefits. But while the "Stag hunt" game guarantees equal reward for all, the benefits of globalization are highly unequal. Here the richer and powerful nations remain the masters of their own house, but the weaker ones become prone to external vulnerabilities.

It will be prudent then to describe globalization as "a necessary

evil”. To quote William Arthur Ward: “The pessimist complains about the wind; the optimist expects it to change; the realist adjusts the sails.” Similarly nation-states should adjust themselves to the winds of globalization if they have to remain afloat.

Notes

1. Hannes Lacher, 2006. *Beyond Globalisation: Capitalism, Territoriality and the International Relations of Modernity*, See particularly ‘Incongruent Spaces’ by Raymond Grew, p. 99, London: Routledge Publications.
2. Adam Lupel, 2009. *Globalization and Popular Sovereignty*, p. 6, London: Routledge.
3. B.C. Upreti (ed.), *Globalisation and South Asia: Responses and Alternatives*, See particularly Olive Peacock, ‘Globalisation and Developing Countries’ p. 42.
4. Ronald Axtmann, ‘The State of the State’, *International Political Science Review*, New Delhi: Sage Publication, p. 269.
5. Tony Schirato and Jen Webb, 2003. *Understanding Globalization*, p. 110. New Delhi: Sage Publications.
6. Adam Lupel, 2009. *Globalization and Popular Sovereignty*, p. 41, London: Routledge.
7. *Ibid.* p. 42.
8. B.C. Upreti (ed.), *Globalisation and South Asia: Responses and Alternatives*, See particularly Prem R. Bhardwaj, ‘Globalisation and Problems of Governance in South Asia’ p. 52.
9. B.C. Upreti (ed.), *Globalisation and South Asia: Responses and Alternatives*, See particularly B.M Jain, ‘Globalization and Regionalization in International Relations and Foreign Policy’ pp 64–65.
10. Baldev Raj Nayar, 2010. *Globalization and Politics in India*, pp 346–383. New York: Oxford University Press.
11. *Ibid.*
12. Adam Lupel, 2009, *Globalisation and Popular Sovereignty: Democracy’s Transnational Dilemma*, See particularly Chps.-Responses to Globalization I, II, London: Routledge.

GLOBALISATION, DEVELOPMENT AND THE QUESTION OF VULNERABILITY

□ DIPANWITA ROY GHATAK,

Globalisation is a complex and multifaceted phenomenon that has been credited with a wide range of powers and effects. For a long time it has not only been a field of scholarly debate but also a site of political struggle. The term ‘globalisation’ has been in use, very vibrantly, particularly for the last half century, to describe a wide range of social, cultural, economic political issues. Many would opine that globalisation can be aptly defined as a form of capitalist expansion which entails the integration of local and national economies into the unregulated, even chaotic international economy. However, true this might be, there are other facets of globalisation as well. The socio-cultural domain of globalisation is a wider spectrum in which the economic ramifications are only a part. What makes it difficult to study and assess this aspect of globalisation is that the indices in this arena are not as assessable as indices of measuring economic progress as they are not as quantifiable or precise. Although economic in its structure, globalisation is also a political phenomenon, shaped by negotiations and interactions between institutions of transnational capital, nation states, and international institutions. Its main driving forces are institutions of global capitalism—especially transnational corporations—but it also needs the firm hand of states to create enabling environments for it to take root.

Although there are different facets of globalisation, with equally contestable opinions, going by the views of analysts the flowing aspects distinguish the process of globalisation.

- There’s a spread of international trade in goods and ‘commodities’ in the Marxian sense.

- Migration of people from country or region to another takes place.
- Money or means of payment are exchanged on an increasing scale between different countries or regions (when different regions within the same country have different media of exchange, as happened in India under British rule until the eve of the First World War).
- Capital flows from one country to another to aid the production of goods and services.
- Finance flows between countries, not necessarily linked to the production of goods and services.
- The emergence of transnational companies that increasingly engage in the above listed activities.
- Technology is traded as between different countries.
- The next aspect of globalisation is the spread of print and electronic media.
- The last one is the growth in international trade and production of services of all kinds—shipping, insurance, banking, and healthcare and, of course, finance.

The exact periodisation of the process of globalisation has also been a matter of dispute. One opinion is that the concept of globalisation dates back to the voyage of discovery in the 15th century. According to Imanuel Wallerstein, the capitalist economic foundation of globalisation was laid as early as in 16th century. Ronald Robertson traced the historical path of globalisation to the present complex structure of global system through five phases: (i) the germinal (1400–1750) phase of dissolution of Christendom and emergence of nationalism in Europe; (ii) the incipient (1750–1875) phase of nation state and the initial phase of inter-nationalism and universalism in Europe; (iii) the take off (1875–1925) phase of conceptualisation of the world as a single international society, global calendar, first world war, mass international migration and inclusion of non-Europeans in the international club of nation states; (iv) the struggle for hegemony (1925–1969) phase of cold war, the emergence of League of Nations and the UN, and the emergence of third world, and (v) the uncertainty (1969–1992) phase of space exploration,

recognition of global environmental problem and global mass media, via space technology.

The roots of newly emerging forces of globalisation however, have been traced in specific economic and political developments in the late 1980s or early 1990s. These events include the end of cold war, dismantling of state socialism in the USSR and the collapse of the Berlin Wall: all of which marked the victory of the western liberal economic thoughts. “As a result” argues G Thompson, “in the early 1990s, everyone wanted to imitate the west, adopt its institutions and its philosophy, privatise state industries, deregulate and reduce government expenditures. In the 10 years from 1988 to 1998 almost all governments in the world, regardless of ideology, downsized their activities while private sector expanded their, thus gradually replacing governments as major economic players on the world scene”.

All this has given rise to new markets (service, financial and consumer), new actors (MNCs, WTO and international NGOs, regional blocks and policy coordination groups such as G-7, G- 10, G-22 and OECD), new rules and norms (individualised liberalism, democracy, human rights movements, consensus on global environment and peace and multilateral agreements such as Intellectual Property Rights) and new faster and cheaper means of communication channels such as internet, cellular phones, fax, computer-aided design, etc. Regardless of the problem of its conceptual construction and debates over its novel nature, globalisation is increasingly viewed as the only explanatory tool for the analysis of almost all the current social and economic issues, especially as it envelops almost every aspect of today’s life. While there are groups that are sharply divided over the banal and bounteous effects of globalisation, many are willing to recognise the strength and opportunities of globalisation in terms of human advancement as well as its threats to social disintegration and human insecurity and vulnerability.

For those in favour of viewing globalisation as a beacon of hope, the link between development and globalisation is supreme. Some of the most powerful actors in the globalisation arena are members of the mainstream development establishment. These include the IFIs,

UN specialised agencies, academics, research institutions, think tanks, civil-society organisations (CSOs), and private consultants and consulting firms, all of whom devise the applications by which economic globalisation is operationalised. Central here are the World Bank, IMF, and regional development banks, who control much of the financing for development, and are instrumental in entrenching globalisation as the only development model available to developing countries. From its very inception, development was conceptualised as a modernising endeavour through which people in the South could consume, think, and act like their counterparts in the North. The euphoria over new technology ignored the deep structural inequalities left behind by colonialism and instead preached that ‘economic backwardness’ and ‘underdevelopment’ could be solved by a fixed formula. Cold War struggles to establish spheres of influence provided incentives for massive aid transfers from wealthy Northern countries to poor Southern nations, and the purpose behind it all was greater market openings in aid-recipient countries for Northern products, capital, and services. The explosion of the debt crisis in the 1980s provided opportunities for the developed North to seal the fates of the Southern less developed countries through SAPs designed by the IFIs. SAPs were packages of ‘economic reforms’ aimed at establishing market economies and hastening economic growth in indebted countries, bringing in development regardless of costs and consequences. Diverse economic, social, legal, and administrative systems are hindrances to the free play of markets and economic integration that characterise globalisation. SAPs killed this diversity. The economies of developing countries become ever more closely tied to international markets controlled by corporate powers from the traditional North. Thus, in turn, making them doubly vulnerable to the rude shocks of the often unpredictable international market. SAPs did not, however, deliver the promised economic growth, export revenues, and freedom from debt and poverty. Instead, they led to economic stagnation and increased unemployment, income poverty, economic vulnerability, and environmental destruction. They increased the economic vulnerability of national economies by exposing them to externally trigger economic and

financial shocks, and making them dependent on export markets over which they had no control.

In its 1999 Human Development Report on the subject of globalisation, the UN Development Programme (UNDP) states that ‘people everywhere are more vulnerable’: Changing labour markets are making people insecure in their jobs and livelihoods. The erosion of the welfare state removes safety nets. And the financial crisis is now a social crisis. All this is happening as globalization erodes the fiscal base of countries, particularly developing countries, shrinking the public resources and institutions to protect people.

The dangers of neo-liberal economics and globalisation were resurrected in July 1997, when a financial crisis exploded in Indonesia, South Korea, and Thailand and rapidly spread across the region, forcing the collapse of many of the economies of East Asia. The crisis was triggered by currency speculation and sudden massive capital flight, but its foundations had been laid several years earlier, when countries bowed to pressures from the IMF to free speculative capital from the constraints of national regulation. In less than a year, tens of millions of people were plunged into sudden, abject poverty. Although IMF, World Bank, and Washington Consensus experts tried to blame the crisis on Asian ‘crony capitalism’, the eruption of similar crises in Turkey, Russia, and Argentina clearly showed that not only were Bank-funded economic reform packages to blame, but also that their ‘rescue packages’ were intended to save foreign banks, investors, and corporations, and not the crisis hit countries. By contrast, strict capital controls in Malaysia and China during the crisis protected their economies from unravelling. The past few decades show that countries that maintained financial controls and regulated the market to build up infrastructure and agricultural capacity and protect employment (such as China, India, Malaysia, Taiwan, Thailand, and South Korea) did better economically than those that followed the World Bank-IMF development model.

In the real picture of globalisation as is well known it is the private corporations, national elites, and those able to access higher education have reaped benefits. But for hundreds of millions across the world,

the actual effects of neo-liberal policies have been inequality, poverty, hunger, increased susceptibility to disease and sickness, and economic and political marginalisation. Peasants, small-scale farmers and fishers, small and medium entrepreneurs, workers, pastoralists, and indigenous communities have faced deep and shattering livelihood crises as a result of free trade and investment, and the depredations of speculative capital. Public goods and services that once were and should still be within equal reach of all those living within a common territory are now being offered as private goods and services accessible only to solvent consumers. Non-state and supra-state actors, such as private corporations and multilateral organisations, often perform the political functions of states, but without being under effective, sovereign control, adding a certain edge to the degree of uncertainty.

“Globalisation expands the opportunities for unprecedented human advance for some but shrinks those opportunities for others and erodes human security. It is integrating economy, culture and governance but fragmenting societies. Driven by commercial market forces, globalisation in this era seeks to promote economic efficiency, generate growth and yield profits. But it misses out on the goals of equity, poverty eradication and enhanced human security”¹

The growing imbalances in the world are making it more and more insecure and unstable. Report of the World Commission on Social Dimension of Globalisation (formally released 24 February 2004) states that the income gap between the world’s richest and poorest countries has gone from US\$ 212 and US\$ 11,417 in 1960–61 to US\$ 267 and US\$ 32,339. Twenty two industrialised countries with a 14% share of world population dominate about half of the world’s trade and more than half of its foreign direct investment. Unemployment is increasing, reaching 185 million job seekers in 2003, that is, and 6.2% of the total labour force. Youth in developing countries are hard hit, with an unemployment rate of more than 14%. Globalisation, thus, to my mind, has not delivered and cannot deliver on its promises of ‘development’.

The patrons of globalisation however, harp on the so called fact that since the third wave of globalisation, that is, since the 1980s,

the number of poor people has indeed started decreasing. This they say can be explained by the increased participation that in turn has decreased poverty and inequality. The frequently propagated opinion is that countries that have participated, which are globalised to quite a degree (their measure of participation in the global flows of trade and investment) have effectively seen their per capita income rise and poverty decrease to such an extent that it is shown to be almost catching up to the growth rates of the developed countries. Frequent examples cited are India, China, Brazil, Mexico and Hungary. As opposed to the countries of Africa and former Soviet Union which are not participating in these global flows are going poorer and falling further behind. This opinion is being propagated through channels like *The Financial Times* and *The Economist*. In assessing the impact of globalisation in a more concrete and holistic manner the concepts of poverty and inequality, fall short on many accounts. The first problem would inevitably be of measurement. Yet, even if there were reliable measures of poverty and inequality over a long enough time period to allow credible trends be discerned, other more substantive difficulties remain since it is far from clear what distributional concepts tell us about people's lives. Another major difficulty in relying on distributional concepts to capture globalisation's social impact derives from debates about the definition of poverty. What forms the core of this dilemma is the often understated underlying implications of uncertainty and vulnerability that form the essence of the state of poverty. Two such aspects of poverty which are often missed out in conventional surveys were highlighted by the World Bank in its 2000–2001 World Development Report on poverty.

One is a concern with risk and volatility of incomes, and is often expressed as a feeling of vulnerability. In talking about their situation, the poor detailed the ways in which fluctuations, seasons, and crises affected their well-being. From these descriptions, we come to understand the particular importance of poverty not just as a state of having little, but also of being vulnerable to losing the little one has. The poor also described their interactions with government employees and institutions, revealing another important aspect of life in poverty: lack of political power.

Concentration on distributional concepts of poverty and inequality, therefore runs the risk of failing to capture important dimensions of how people's well-being is being damaged by processes associated with globalisation, namely the increased risks that people face of losing what they have. Every day the social impact of globalisation is bringing people on the street and is being debated continuously, there is very little credible index to actually study and answer this question, 'what exactly is troubling so many people'. Here the concept of *vulnerability* offers the potential to capture in a unique way the distinctive impact that globalisation is having on society and on humanity in general, and it also helps explain the instinctive reaction it is fuelling among social groups in many parts of the world. This concept was first introduced in International Relations Theory by Robert Keohane and Joseph Nye in their classic work 'Power and Interdependence'. Their path breaking contribution was the notion of 'complex interdependence' among nation-states, to essentially challenge the supremacy of the nation state in the international domain, chiefly by distinguishing interdependence from interconnectedness. The former entails costs and requires actions to avoid incurring those costs while the latter does not necessarily. To properly analyse the costs incurred, they introduced two dimensions: sensitivity and vulnerability. While the first is indicative of the threats faced by a country whether economic or political the second talks about the ability of that country to formulate such policies as to minimise the damages from those threats. In other words, it entails the degree of control in the coping strategy that the government is capable of employing. For example if two countries are facing threats or are increasingly sensitive to the rising oil prices in the global market the degree of vulnerability will be proven by the ability of either country to devise coping strategies; decrease consumption or the discovery of a new domestic source of oil. This shows that two countries can have similar levels of sensitivity to external threats but their measure of vulnerability could always be different. While in today's world globalisation has intensified interconnectedness and in turn interdependence, vulnerability too has increased manifold. Since the popularisation of the phenomenon of globalisation, the concept of vulnerability has been often used by

IGOs to better understand the impact of shifts in power of human life and security. In essence, therefore, vulnerability refers to two dimensions: an increase in threats coupled with a weakening of coping mechanisms.

The United Nations Department of Economic and Social Affairs offers the following definition: 'In essence, vulnerability can be seen as a state of high exposure to certain risks and uncertainties, in combination with a reduced ability to protect or defend oneself against those risks and uncertainties and cope with their negative consequences. It exists at all levels and dimensions of society and forms an integral part of the human condition, affecting both individuals and society as a whole'. The UN Department of Economic and Social Affairs devoted its Report on the World Social Situation in 2003 to the topic of vulnerability. It wrote: While vulnerability, uncertainty and insecurity in the life of people are not new, what is new is that their causes and manifestations have multiplied and changed profoundly over the last decade. Examples include civil strife and the proliferation of conflicts, growing inequalities within and among countries further accentuated by globalization, mixed outcomes of poverty reduction efforts, increased mobility of populations and changes in family structures.²

Why does the concept of vulnerability have such resonance in today's globalised world specifically? The answer to it is that it is the pervasive and cumulative nature of risk that makes today's world what it is. As Giddens puts it 'there is a new riskiness to risk' associated with globalisation. The financial system is one great example as it's tangible and assessable. It has become increasingly volatile and unpredictable with stocks originating in one part of the world swiftly flowing into another in, a situation being termed as 'financial contagion'. The likeness to a disease can be noticed in this description, which is again indicative of the interdependent nature of the extent of vulnerability to economic threats of a country. Financial risks have been always a part of capitalism but it's been observed that for the past two decades they have been more frequent and increasingly harsh. The ever greater intensification of competition is generating greater risks in the economic system that are manifesting themselves in the growing vulnerability of employment, company

mergers and takeovers, and the marginalisation of whole regions of the world's economy as they fail to compete. This is happening not just in the developing world but through out the developed world also.

Changing dependency ratios in different parts of the world are resulting in two very different trends, both of them associated with growing vulnerability for those involved. In those countries with the fastest population growth, the percentage of the population aged under 15 remains very high which puts added social and economic pressures on those countries least able to bear them, while countries with low levels of population growth are seeing a big growth in the percentage of those aged over 65 which is putting increased pressure on pension systems.

Economic and social risks result in a new riskiness in political life which has become evident over the 1990s. This derives from two major shifts in the nature of organised political systems: on the one hand there is a growing disenchantment with the consensus-oriented moderate centre ground of established democratic systems while, on the other, support is shifting to more extremist parties within these systems or is ebbing away from such systems altogether. Most disturbingly, we are witnessing the emergence of a new and ruthless form of violent power politics that shows no interest in institutionalised systems. Through attacks such as those in New York and Washington, DC, on 11 September 2001, in Madrid on 11 March 2004 and in London on 7 July 2005, this form of power struggle has greatly increased the sense of risk felt by citizens in large cities throughout the world. While there has been a general decline in the global magnitude of armed conflict, following a peak in the early 1990s; it is true that high-casualty terrorist acts increased very sharply after September 2001.

The increased frenzy for developing and honing one's comparative advantage in order to basically survive in the globalised world has definitely increased the abuse of the environment. Its irreversible effects are being finally noticed and discussed. What humanity faces now is the eminence of drastic climate change, erratic crop produce with far reaching impacts because of interconnected markets and livelihoods.

However, increased risks do not in themselves result in damage to individual or social wellbeing, though they certainly threaten such

damage. To assess whether damage is likely to occur requires determining how well prepared people are to manage and survive the threats posed by increased risks, their coping mechanisms.

Of the impact of globalisation on society over the 1990s, Joseph Stiglitz writes: 'Even many of those who are better off feel more vulnerable'. This refers not only to the increased risks they have faced but also to the erosion of people's ability to manage those risks. This is what constitutes vulnerability.

Globalisation is not an inclusive form of internationalism. It is rather a successful worldwide expansion of a few localisms, economic, political and social. The mix of material and ideological elements that make this expansion possible makes globalisation a hegemonic process. It has integrated rich, affluent, and educated classes, but has fractured working classes and marginalised the poor, who do not have the skills and economic clout to profit from open markets. Thus rendering them incapable of dealing with the harsh terms of fair trade. The logic of comparative advantage that forms the rationale behind today's globalised economy stands corrected. To my mind if the advantage is not comparable by degree it cannot be comparative by quality. If this requirement is not met it can no longer be termed as the natural process of free and 'fair' trade; an element of hegemony, of compulsion is present here. It is this cumulative growth of inequality that leads to a state of no control and which in turn exacerbates vulnerability and insecurity in human livelihood. Here, I think Amartya Sen's contribution to capability theory is quite relevant. Although it has more to do with human development, the crucial aspects that he has contributed to the understanding of capability are very much applicable in a macro level analysis. Sen argued for the importance of real freedoms in the assessment of a person's advantage. Thus capability is more of a practical choice to not only function but function properly. The absence of the freedom to make that choice is what constitutes the core of increased vulnerability in today's world, at all levels.

While the above mentioned facts and analyses do not constitute empirical evidence pointing to the increase of vulnerability but it does highlight trends in that direction.

Notes

1. Ibid.
2. Ibid.

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INTERRELATIONSHIP BETWEEN DEVELOPMENT AND CLIMATE CHANGE IN THE GLOBALISED WORLD

□ SUDHEER SINGH VERMA

Introduction

[H]uman progress is neither automatic nor inevitable. We are faced now with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history there is such a thing as being too late...We may cry out desperately for time to pause in her passage, but time is deaf to every plea and rushes on. Over the bleached bones and jumbled residues of numerous civilizations are written the pathetic words: Too late.

— Martin Luther King Jr. ‘where do we go from here: chaos or community’

Climate change emerged as the most debatable issue among scientific community and policy-makers in the 21st century. It universally affects all people living around the globe. However, the irony is that its impact is not equal across the world. The world’s poorest people are on the front line. They stand most directly in harm’s way—and they have the least resources to cope. Climate change is considered a worldwide environmental, social, and economic challenge, which comes into contact on aspects of air pollution, land use, toxic waste, transportation, industry, energy, government policies, development strategies, individual freedoms and responsibilities.¹

Climate change has been defined by the Framework Convention on Climate Change (FCCC) as “a change of climate that is attributed directly

or indirectly to human activity, that alters the composition of the global atmosphere, and that is in addition to natural climate variability over comparable time periods". Intergovernmental Panel on Climate Change (IPCC), however, defines climate change as "any change in climate over time, whether due to natural variability or as a result of human activity". These definitions, to a large extent, have influenced the decisions about policy responses such as mitigation and adaptation to climate change.² In addition, these definitions became an evident that climate change is already happening, and is not a fairy tale.

Climate change is closely linked with development. What is development? According to Amartya Sen, development is concerned with the achievement of a better life.³ The better life is where people value their ability to do certain things and to achieve certain types of beings (such as being well nourished, being free from avoidable morbidity, being able to move about as desired, and so on). The purpose of development, in addition, is to create an environment in which all people can expand their capabilities, and opportunities can be enlarged for both present and future generations. In the 21st century, climate change emerged as the biggest hurdle before achieving economic development. It has the potential to reverse the hard-earned development gains of the past decades and the progress toward achieving the Millennium Development Goals (MDGs). It can cause mass migration and contribute to conflict.

Climate change impact will significantly affect national development, particularly amongst the world's poorest communities. In turn, alternative development pathways will determine future greenhouse gas⁴ (GHG) emissions and influence the capacity of communities and countries to adapt to climate change.⁵ Societies have always depended on the climate but are only now coming to grips with the fact that the climate depends on their actions. The steep increase in green-house gases since the Industrial Revolution has transformed the relationship between people and the environment. In other words, not only does climate affect development but development affects the climate.⁶ How does climate change linked with the concept of

development? How has the idea of development been taken in the analysis of global climate change? What progress has been done at the global level to tackle the problem? In the context of the elaborating interrelationships between climate change and development, all the possible questions would be taken into consideration.

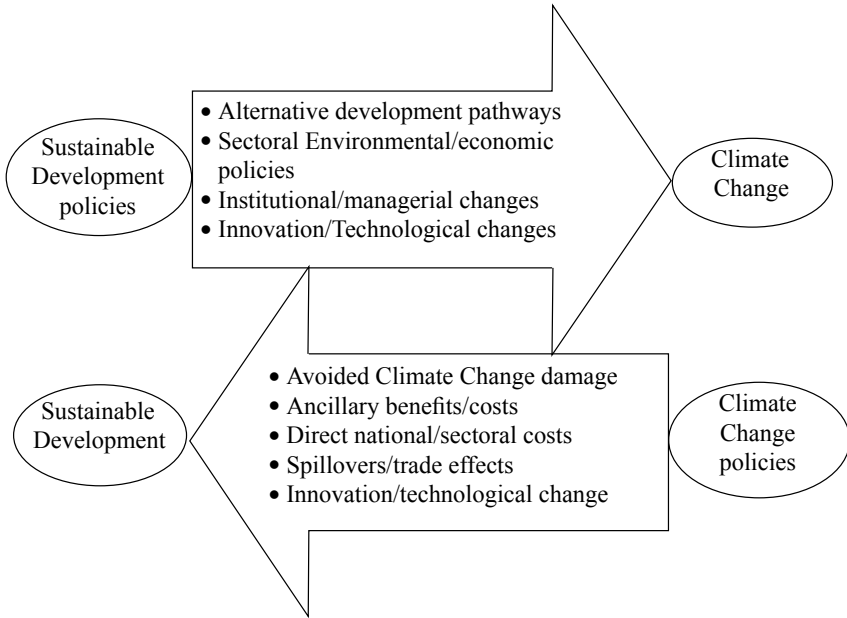
Elaborating Linkages between Development and Climate Change

Development and climate change are inextricably linked to each other. Both affect each other. Human existence essentially depends on other forms of life. All humans need Earth's flora, fauna, and micro-organisms for sustenance, materials, energy, and even the air they breathe. Human being has the capacity to learn from and enjoy life on Earth through its diverse beauty, complexity, and invention. Some humans, particularly scientists dedicate themselves in exploring the secrets of the incredible array of biota on our small, blue planet. Through the deeper understanding that their work provides, all humans can directly or indirectly derive benefits.⁷ Where humans desire to explore earth's secret derived benefits to societies, but another the climate of earth put in danger. Now the climate reached at 'the tipping point'.

Since, the Industrial Revolution, the concentration of green-house gas (GHG, hereafter) emissions in the atmosphere increased steeply. The geological history of the Earth tells us that the climate change is a natural phenomenon, but humans' economic activities have accelerated it. Anthropogenic climate change is the result of increasing GHG emissions caused by development factors such as economic growth, technology, population, and governance.⁸ Man-made climate change has changed the relationships between societies and environment. Climate change threatens development goals with the heaviest impacts on poor countries and people. Rich and poor countries cannot control climate change unless growth becomes less GHG emissions intensive in both countries.⁹ The idea of uncertainty on climate impacts always affects the formulation of development policies. As, Ronald Prinn, director of the MIT Centre for Global Change Science, observed in his testimony before the house Science Committee that "the needed policy responses

to global warming are uncertain because the science is uncertain". He recommended the development of improved climate modeling capacity to provide the certainty for policy.

The impacts of climate change are already being felt everywhere, with more droughts, more floods, more strong storms, and more heat waves—taxing individuals, firms, and governments, drawing resources away from development.¹⁰ Continuing climate change, at current rates, will pose increasingly severe challenges to development that is socially, economically, and sustainable. In addition, the climate change affected running poverty alleviation programs in the developing countries. To make well-being of poor people in the developing countries, there is need of economic growth, but growth alone is not enough if it does not reduce poverty and increase the equality of opportunity. Economic growth and the quality of environment should be in equilibrium. Modern economic activities degraded the quality of the atmosphere where people live. It threatens a survival of the modern civilizations. Poor countries have fewer resources to cope it. Millions of people from Bangladesh to Florida will suffer as the sea level rises, inundating settlements and contaminating freshwater. It threatens the development program particularly climate sensitive activities like agriculture, etc. in all countries. A glacial lake, for example, outburst in Nepal destroyed a newly completed World Bank-funded hydropower dam in 1985. Such incidents indicate the necessity of considering the impacts and vulnerability of climate change on current and planned development programs. Figure 1 shows a development policies impact on climate change and climate change policies affect development process.

Figure 1: Link between Development and Climate Change

The figure adopted from Huq *et al.* (2006).

Climate change is likely to exacerbate inequalities due to the uneven distribution of the costs of damage, necessary adaptation and mitigation efforts.¹¹ Climatic changes could lead to environmental scarcity in certain regions, which could harm people's livelihoods and lead to migration or, in extreme situations, conflict between social groups. Conflict over trans-boundary water sharing, for instance, between Sudan and Egypt (Huq *et al.* 2006), and between India and Pakistan has been observed.

Climate change is considered as an issue that comes under the domain of science. So, scientific community agreed to search a viable solution of the existing or emerging problem through scientific way. As time passed, the new evidence came in light about the nature of the problem that it is not only related to science, but also to humans' economic activities. Then, scientists (natural as well as social) came to an agreement for the need of interdisciplinary research for understanding of the nature of the problem and to search a viable

solution to cope it. How did the concept of development and climate change originate in the academic literature? How did they link to each other? Why have not both started working together for searching the solution of the problem? Huq answered the question by saying that there are two reasons for it: first, the domination by two separate disciplines; and second, the different scales (both temporal and geographic) at which the problem perceived.¹²

Two different disciplines: Climate change and development communities operated by and large independently of one another, in both research and policy until recently. The reason behind this was the conceptual. Because both are dominated by separate discipline—climate change by natural science and development by social science.¹³ Of late 1980s, scientists shed light on climate change as a problem before human being and it would get worse in future if no action would be taken regarding it. Since then, political process surrounds it through the United Nations Framework Convention on Climate Change (UNFCCC) constantly rely on scientific community for information to it for formulating policy.

In contrast, the development communities were busy continuously to identify and describe the social, political, economic, and environmental (such as natural resource scarcity, land degradation, and pollution) obstacles to development besides climate change that never considered as hurdle to development. The reason behind it is that climate change was considered as science problem, not a social one. Those involved in the climate change discourse were climate scientists or modelers.

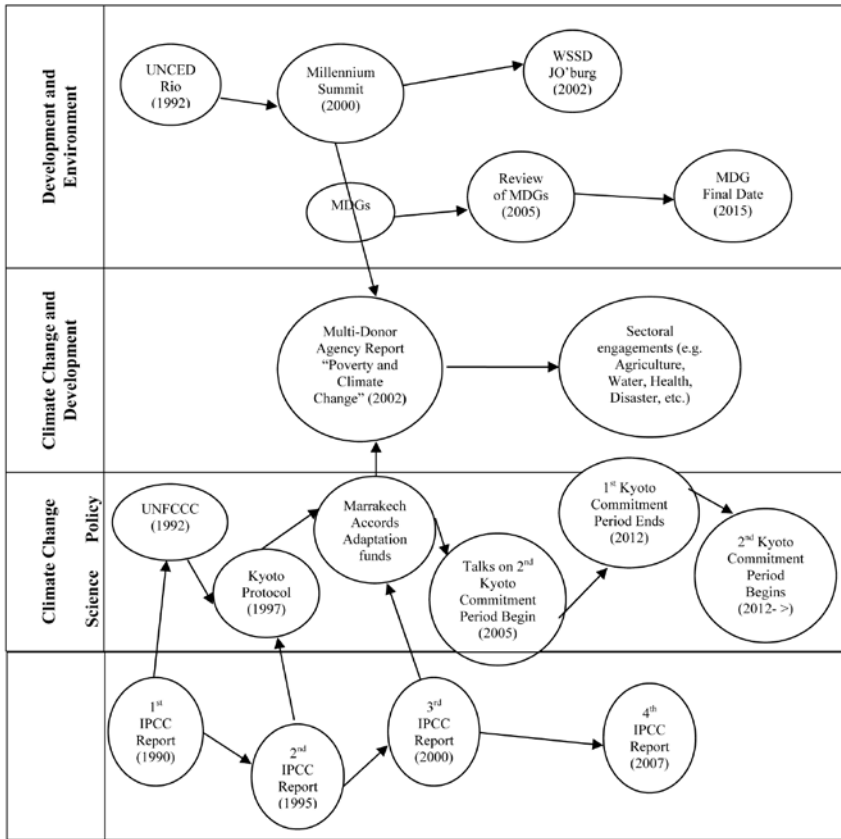
The Brundtland Report, '*Our Common Future*' published in 1987 cited climate change as a major environmental challenge facing development. The Intergovernmental Panel on Climate Change (IPCC), a scientific body formed in 1988, regards climate change as a man-made problem. It is related human being's day-to-day life style. Agenda 21¹⁴ and Rio Declaration on Sustainable Development¹⁵ and Environment, an outcome of the United Nations Conference on Environment and Development (UNCED) held in 1992, also known

as the Earth Summit, made explicit the intractable connection between climate change and sustainable development. Figure 2 shows co-evolution of climate change (science and policy) and development and their inter-linkages.

Scale of the problem: Climate change is viewed as a long-term problem that does not compare with more urgent concerns such as Food security, HIV/AIDS or pollution by the development policy-makers. The Global Circulation Model (GCM) has projected the impact of climate change over sea level rise which runs several 100 years. However, most development scenarios are much shorter term. For instance, the United Nations has set the time (2015) for achieving Millennium Development Goals to all nations. At the geographical scale, it differs. Until now, climate science has, unfortunately, failed to produce the clear prediction of climate impacts at the regional and local level. While the regional models are increasingly robust, development program requires more certainty (Huq et al. 2006) at the regional and local scales.

Thus, the uncertainty of the equal distribution of the impacts of climate change at the regional, national, and local level has discouraged the development communities to consider climate change as an impediment before development goals. But, it is now evident that climate change and development are explicitly inter-linked to one another. The question of mitigation and adaptation of climate change before society is a big challenge.

Figure 2: Co-evolution of the Climate Change (Science and Policy Making) and Development/Environment Domains and their Linkages

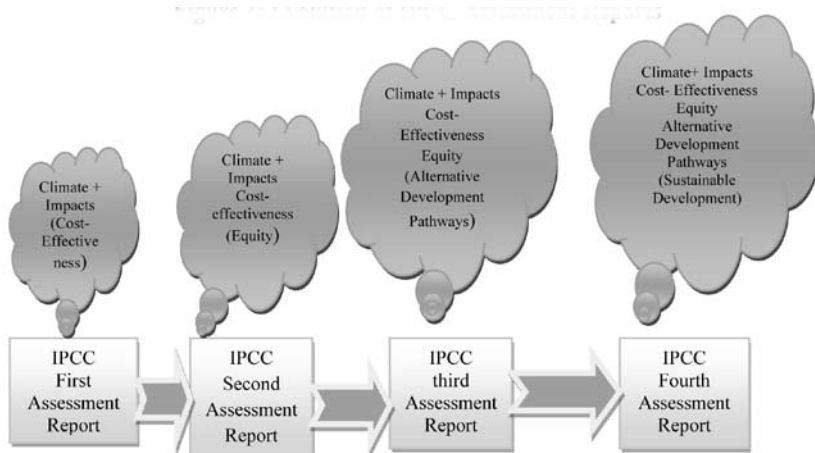


Source: Huq et al. (2006)

How did policy-makers integrate climate change policy with development issue? The politicians want to solve the climate change problem by linking with development issue. The world organization (the UN) established the UNFCCC and the Kyoto Protocol that seek to be tackled climate change within the wider context of sustainable development. However, the research community has been slower to explore these wider linkages between the issues than the political arena.¹⁶ The mitigation of GHGs emissions and adaptation of climate change amongst the world political leaders still dominate climate change

negotiations. But, a few attempts have been made to operationalize climate change into the wider development agenda. The IPCC acknowledges that development may be the most effective policy framework to reduce GHGs emissions (mitigation) and is critical to the success of adaptation strategies. The IPCC is responsible to study climate change scientifically. However, the IPCC assessments gradually moved to integrate climate change with development issues. It is described as the socio-economic problem facing society. Figure 3 shows gradual integration of development with climate change in the IPCC Assessments Reports.

Figure 3: Evolution of IPCC Assessment Reports



Source: Najam et al., (2003) "Integrating Sustainable Development into the Fourth Assessment Report of the Intergovernmental Panel on Climate Change", S11. in Huq et al. (2006).

How can policy-makers resolve trade-off between climate change and development? Development pathways can either increase or diminish the impacts and vulnerability of households and communities to climate change particularly in the world's poorest countries. Therefore, climate research should include development policies of nations when assessing their vulnerability to climate. For instance, diversified sources of livelihood, improved infrastructure and awareness in people about the nature of climate change help to reduce vulnerability to climate change

as well as encouraging socio-economic development. In addition, both (climate change adaptation and development) have same goal to reduce social and environmental vulnerability.

Social and economic gains are now become more vulnerable due to the (adopted) development pathways since industrial revolution. Not all development outcomes are 'win-win' for development and climate change. While agendas of both development and climate change have conflicting interests, difficult trade-offs will need to be addressed. There is the need to prepare such a development plan that would be beneficial to people with resisting power against climate change. State should encourage the sustainable culture in the economic activities.

The concept of 'winner-looser' is now used by scholars related to climate change research to indicate negative or positive impacts of climate change on certain sectors at the global, regional, and local levels.¹⁷ This is evident in agricultural sectors, where changes in rainfall distribution may favor certain agricultural sectors and harm others, depending on the region and specific crops/live-stock. Sustainable development could resolve effectively trade-off between development and climate change. People should change their life-style; because, individual's day-to-day careless activities at the end of create a big problem that demands more resources to resolve them.

Assessment Climate Change and Development in the Context of Globalization

Climate change and development are explicitly related to globalization. Globalization effect both climate change and development in near and short term. What is globalization? Globalization is defined as the emergence of a complex web of interconnectedness which means that our lives are increasingly shaped by events that occur, and decisions that are made at a great distance from us.¹⁸ The process of globalization has been intensified by several factors such as technological change, especially in communication and transportation technologies; changes in production processes involving both increased use of information technologies and a shift from large scale, mass production to more flexible production

methods; and changes in the nature and intensity of competition between firms as a result of the general slow-down in global economic growth since approximately 1970; growing international competition has pushed firms to broaden their search for new markets and cheaper production sites and has generated new types of cross-national inter-firm collaborative behavior.¹⁹

Economic globalization influences growth process of a country's economy which is intrinsically related to other developmental goals. Furthermore, development and climate change are closely inter-linked, and both affect one another. The concept of 'winner and loser' belongs to both climate change and economic globalization. What is the meaning of the concept of 'winner and loser' in the context of climate change and economic globalization? In terms of climate change, a win might refer to any net benefit from changes in temperature, rainfall, or climate variability. Such benefits may be measured by increased productivity (e.g., agriculture), increased re-source availability (e.g., water), decreased hazards (e.g., frequency of floods), or decreased climate-related expenditures (e.g., heating expenses, snow removal costs). A loss could refer to any adverse effects that result from climate change, such as decreased agricultural productivity, increased water scarcity, or increased climate-related mortality.

In terms of economic globalization, a win is often associated with an improvement in economic performance, as measured by gross domestic product (GDP), foreign direct investment (FDI), employment, trade balance, and so forth. A win can also refer to improvements in social well-being, as represented by various indicators of health, education and access to services. A loss may be defined by economic hardships influenced by globalization processes, such as higher levels of unemployment, increased income inequality, and reductions in social services.

Climate change and economic globalization, occurring simultaneously, will result in new or modified sets of winners and losers. Brien and Leichenko applied the notion of 'double exposure' to explore the interactions between climate change and economic globalization.²⁰ Double exposure has been considered the important policy implications,

especially for those that are likely to experience the negative consequences of both globalization and climate change. Double exposure refers to cases where a particular region, sector, ecosystem, or social group is confronted by the impacts of both climate change and economic globalization. It recognizes that climate impacts are influenced not only by current socio-economic trends, but also by structural economic changes that are reorganizing economic activities at the global scale.

In some cases, the consequences of globalization may offset the impacts of climate change, or vice versa. In other cases, exposure to both globalization and climate change may result in “double winners” or “double losers”.²¹ ‘Double winners’ are those countries or regions or communities are getting benefits from globalization and climate change simultaneously; and ‘double losers’ are those countries or regions or communities are facing negative impacts of globalization and climate change. The notion of double winners and double loser raise important questions about equity and the effect development has on vulnerability and adaptive capacity. Negative climate change impacts can often put an additional burden on those communities and sectors that are already marginalized. Likewise, the negative impacts of climate change can potentially offset the benefits enjoyed in certain areas due to economic globalization.²²

The economic globalization increased the growth in international trade and foreign direct investment relative to levels of economic output. For example, the international trade grew by a factor of 14, whereas world output increased by a factor of five between 1950 and the middle 1990s.²³ In addition, since 1970, foreign direct investment grew more rapidly in proportion to world output.

Introduction of changes in the production process derived the growth in trade and investment. Now, production in many industrial sectors occurs across international borders. Mostly, the multinational corporations continue to locate their headquarters and research and development facilities in their home country, but are increasingly able to shift lower-skill, lower wage components of the production process to other regions of the world.²⁴ All these phenomena have changed the traditional nature

of economic activities among countries; they created an opportunities of development to native people, but another side degraded the quality of environment where they live. That means the degraded environment has pushed them into worse condition than before economic growth.

Economic globalization has introduced another key change in the world economy that is the integration of financial markets. The integrated financial markets are beyond control of State power. It might influence the policy-formation that is related to sustainable development, and adaptation to climate change through drawing back money from that country. Epstein has rightly pointed out:

....financial capital moves around the globe at such an amazing speed that national governments seem helpless in its wake. Legislatures and citizens who want to buck the trend and achieve goals of high employment, egalitarian development and sustainable growth, are paralyzed by the threat that any policy which lowers the rate of profit will cause capital to be moved to more profitable environs, thereby reducing investment and lowering the community's standard of living.²⁵

As concentrated economic activities in certain areas such as coastal zones led by economic globalization made natural ecosystem more vulnerable to climate change. Economic globalization may also lead to the restructuring or demise of local industries, such as fisheries or forestry. Consequently, the bios-physical impacts of climate change may be exacerbated by an expansion of economic activity, or they may be reduced by the alleviation of anthropogenic influences, brought about through local economic changes.²⁶ In such a scenario, the question is not just how to make development more resilient to climate change. It is how to pursue growth and prosperity without causing “dangerous” climate change.²⁷

Conclusion

Climate change is an ever existing inevitable reality. It's a natural

phenomenon; human intervention has however accelerated this process to the level which has upset the ecological balance. Development and climate change are related such that one affects the other. In addition, ‘globalization’ has contributed to the situation of ‘double loser’ for some while making others ‘double winner’ in the context of climate change and development.

It is a global problem and collective action is an imperative to nations to cope climate change. It’s evident from the available research that increase of 2°C is maximum limit to make human survival on this planet. And keeping such a limit would require stalling of the present process of development. This may require policy change ensuring shift in lifestyle, energy revolution, and management of land and forest resources. Furthermore, it is essentially needed that such a policy should promote sustainable development.

When Benjamin Franklin signed the American Declaration of Independence in 1776, he is said to have commented: “We must all hang together, or most assuredly, we shall all hang separately.” In our unequal world, some people, notably poor people might hang sooner than others in the event of a failure to develop collective solutions. But ultimately, this is a preventable crisis that threatens all people and all countries. We too have the choice between hanging together and forging collective solutions to a shared problem, or hanging separately.

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9. The World Development Report, 2010.
10. Ibid.
11. Paavola and Adger, in Huq et al. op. cit.
12. Ibid.
13. Cohen et al. 1998 in Huq et al. op. cit.
14. Agenda 21 is a comprehensive plan of action to be taken globally, nationally, and locally by organizations of the United Nations System to address human impacts on environment.
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GLOBALIZATION, HEALTH SECURITY & THE AIDS QUESTION: RELATIONSHIP & REALITY

□ ADRIJA CHATTERJEE

Background

The paper deals with the three pronged relationship of globalization, Health security, and the problem of HIV/AIDS. It explores the guidelines for a global order, visiting the various aspects of development globalization seeks to bring about. Then it argues, that the realization of the aims would not be possible unless we view security from a much broader arena. While expanding the scope of defining security in it's non traditional aspects, Health security forms a crucial dimension of human security in the broader sense, which is however, even in the world of global commitments towards development for all, is mired with legal, hierarchical inconsistencies. To explore it better we take up the very universal problem of HIV/AIDS and see through various aspects of it as to how the differences exist, persist despite positive efforts. The aim of the paper is to build upon the contention that development being inextricably linked with an equitable human community, and health being the foundation of human resource's well being, globalization's current trend has been more inequitable towards it when viewed from different aspects.

The Essence of Globalization

It is difficult to define Globalization. Not because of any perceived lack of definition but owing to the variegated contexts in which it can be conceived. This is best summed up when one looks up the United

Nations Economic and Social Commission for West Asia's definition of globalization that states "*Globalization is a widely used term that can be defined in a number of different ways...*"¹ As Kelley Lee states, to conceptualize Globalization, one needs to explore few fields of query within the rather broad-based concept. Queries, pertaining to the timeframe, historical roots of globalization or the lack of it, causes behind the process and also the Impacts of Globalization.² Nevertheless irrespective of the nebulous nature of the concept, what is essential is to formulate the distinction between the concepts of Globalization and Internationalization. The latter concentrating on the international trade, treaties, alliances, never does shift 'away' the focus from NATION-STATE as the primary referent point. Globalization, on the other hand harps on the integration of economies at the primary level and beyond that the integrative processes continue to affect and remold other sectors as well. With its connotations being spread across spatial, temporal, and cognitive dimensions.³ Globalization is much beyond the mere economic proximity of national economies, cultural porosity, and the much relaxed tautness of rigid national boundaries. It is in fact each of the above and encompasses more beyond the parochial intention of internationalization. David Held in fact mapped a complex picture of globalization stating that it is a "*stretching of social, political and economic activities across frontiers such that events, decisions and activities in one region of the world can come to have significance for individuals and communities in distant regions of the globe.*"⁴

Globalization & Development Objectives at a Glance

The United Nations Millennium Declaration stated that it was "*to ensure that globalization becomes a positive force for all world's people.*"⁵ Given that this forms the international aim with respect to the 'end's' formulation of globalization, one is tempted to look forth at the objectives which the international community wish to adhere to realize the above. The most essential aim which the global community seeks to achieve is the provision of certain UNIVERSAL GLOBAL GOODS. Promotion of civil, political liberty, inception of a mechanism to deliver

international justice, sustainable environment, peace, building defense against global pandemics, human security, economic stability all these and the establishment of a system governing economic integration among the various world economies. The uphill task therefore isn't expected to be achieved by the efforts of a single body or organization. The complexity of the task calls for the invitation of international institutions, regional organizations, micro-level groups inclusive of the concerted and coordinated dint of each one of them. By the same logic, the ever increasing importance of non-governmental organizations as well as non-state actors in the context of globalization becomes certain and indispensable.

At the core of any given accomplishment of *Global agenda* for the distribution of public good, there lays the necessity to bring every country on a relatively equal playing podium. This in turn would see to it that the process of trickling of global reforms in terms of trade, technical transfer, financial improvisation, labor and capital mobility takes place in an expedient manner. However, given that the existing system is much listed towards the hierarchical organization, any coordinated effort by a network of these organizations, both state and non-state, would at the first hand, call for the inception of a right's based system with the focus upon individuals. Political, civil and legal rights ascribed to the people, assumes much relevance for this matter. Democratic governance based on the parity of human rights therefore being the objective.

Therefore, it is comprehensible from the above parameters that formulating a globalized order per se would foremost require the reformulation of existing social policies operating at various levels, which in turn are enmeshed in the broader spectrum of transnational processes. In other words, integration would first require the sorting out and re-ordering of the individual agents that make up any given sector. Social dialogues, in operation beyond the government bureaucratic parlance through non-governmental agents, influence the government level dialogues while the reverse also assumes another dimension of reality. Therefore, concepts such as identity, ethnicity, human security, rights are now to be understood in a much complicated perspective of a

heterogeneous system comprising of the interplay of community, society, state and the world.

The development inducing objectives of Globalization also initiates the dictates of fair participation and governance. The preponderance of schemes involving collective decision making by active participants (preferably the developing countries), necessitates a system of democratic governance and thereby the improvisation of the credibility of functioning institutions. The impartial institutional governance demands the upholding of the rights of the minorities in a way that transparency and accountability is protected and the governing agents subject themselves to external scrutinizing measures so as to promote confidence within the institution.⁶

The promotion of democracy then assumes a much significant role than it had at any earlier point of time. A cosmopolitan society of the globalized world cannot be durably sustained for development to take place with the negation of basic civil rights, intrinsic to the realization of global integration. Nevertheless, recognizing the fact that coercing sovereign states to alter their functioning political culture would be a much officious task, therefore, the Official Development Assistance design accepted the principle of Diversity. Going by this feature, there is *no one way* towards the building of the common good of a cosmopolitan society. However, in most cases, this principle was far from being abided to. As the International Monetary Fund [IMF] introduced the Structural Adjustment Programs [SAP] in the developing countries, of Africa, Latin America, and Asia, this SAP was marked by the imposition of policies that advocated for reduced government expenditure, a concentration on privatization, devaluation of local currency, emphasis upon exports, the level playing by MNC's, reduction of tariffs and duties on imports. Needless to say, the penetration of such forcible policies did not produce the desired outcomes of social development. For example, Somalia was ravaged by a policy induced famine with health investment cut-off's of 78% between 1975 and 1989.⁷

Nicola Yeates has rightly pointed out that “*while global social democratic reform movement is to forge a credible political alliance*

*that is capable of exerting great leverage within global institutions, the feasibility of a single social model of global level must be questioned.*⁷⁸

Conceptualizing non-state centric Security dimensions in a globalized world

The Covenant on Economic, Social, Cultural Rights stated that the signatories were conferred with the responsibility to distribute goods and services to lead decent lives. Given that all members are considered to be equal as global citizens having equal rights, this distribution of goods and services form the merit goods required for welfare. Given that there is the existing lack of a mechanism to ensure rights by nation states, therefore, the international community ought to take upon the obligation to promote a Right-based democracy. Therefore it is much understandable that rights are intrinsic to development and appropriate public policies are those which are in harmony. From whatever little that has been talked about globalization and the development objectives, it is easy to comprehend that in order to secure the objectives of development, the necessary framework is not present in the extant scheme of international order. Especially there is much to be done in order to achieve an equal overarching global community. Reliance upon military industry complex alone, to conceive the purpose of ‘security’, would render not more than the parochial limits of the border defense while the more universal priorities of a RIGHT-BASED approach to rectify global maladies would remain unattended to. It is accepted that the concept of security alike the concept of Globalization is problematic. To somewhat demystify this, what we need to comprehend is security in the sense of its referent subject.

If security is about survival then there possibly cannot be an universal standard of what endangers human life. The design of the threat then varies according to the sector. Sector as defined by Barry Buzan is, “*views of the international system through a lens that highlights on particular aspect of the relationship and intersection among all of it’s constituent units.*”⁷⁹ In order to be presented as a security concern, Waevar says that the extrapolation of priority is of foremost importance and priority in

turn is qualified upon the existence and extent of threat. In that case, when security is dependant upon threat, then the hitch arise when the profile of threat itself is dubitable and the existence of urgency isn't paid out. The existing institutions, within the political context then continue to dominate a scenario where the referent subjects are clearly different from the sphere of reference of the existing institutions.¹⁰

The late Mahbub ul Haq coining the dynamic concept of human security based his assertion upon human development and individual security as the bedrock to understand security.¹¹ Even Emma Rothschild stated that the central focus of security has perennially been the people. Security thus conceived under the human frame of reference thus encompasses various human aspects. It is then community, ethnicity, society, human right specific and possibly every other dimension that touches the border of human beings at the individual level as well as at the collective level.

In fact, the UNDP Human development report of 1994 underscored the exigency of this need. It enunciated that, *“The concept of security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interest in foreign policy or as global security from the threat of nuclear holocaust. It has been related to nation states more than people...forgotten were the legitimate concerns of ordinary people who sought security in their daily lives for many of them, security symbolized protection from the threat of disease, hunger, unemployment, crime(or terrorism), social conflict, political repression and environmental hazards. With the dark shadows of the cold war receding, one can see that many conflicts are within nations rather than between nations”*.¹²

Global Health Security and Concerns

There have been findings that show the correlation of disease and conflict, underscoring the relationship of infant/maternal mortality and the likelihood of failed states in façade democracies in Africa. Unmitigated infection across borders has been argues to give rise to social disturbances and resultant escalation of identity-based conflicts.

This, in turn has positive influence on the decrease of productivity on which a stable society is founded. As Labonte and Gagnon have argued in their article, a national conflict induced by epidemics can run the risk to become regional. Besides, epidemic affected regions can in turn provide the hotbeds for terrorist activities. Empirical evidence, in fact has been less, BUT, examples confirming the similar correlation do exist. Finally, epidemic associated conflicts can have adverse effect upon the peace keeping forces with a threat generated to citizens and military abroad. There has been the spill over effect wherein economic growth is dampened by reduced size of potential market and increased levels of poverty.¹³

According to Harley Feldbaum, thus, the concept of global Health security is an area where national security and global health concerns overlap. Although the overlapping remains highly contended, with the traditional agents questioning whether or not global health questions threaten the core security of state, yet without a doubt health issues that adversely affects a large section of population inclusive of strategic sections including armed forces, cross border population, such issues do pose a security threat. Thus, the Commission on Human Security concluded that good health is both essential and instrumental to achieving human security as the maladies associated with health abnormalities pose an immense threat to the realm of human security.¹⁴ The same objective was re affirmed even by the OECD Developmental Goals and the United Nations Millennium Developmental Goals. The WHO Commission on Macro Economic and Health System comprised of health experts concluded that economic rewards can be a direct outcome of public health care investments.

At the same time an irony prevails in the field of social epidemiology which has concatenated patterns of diseases to the societal organization, based upon unequal employment, educational practices. The UN committee on economic, social and cultural rights does state that the conditions of health are influenced by factors like discrimination, poverty, exclusion. Given that globalization harps on a right-based approach to any particular field, the adherents of the same approach would argue that

suffering out of ill-health is determined, besides, natural biological roots, by human choices of policies, priorities, cultural norms. While Right to Health merely constitutes the “*Right to highest attainable standard of physical, mental health*”, according to International Covenant on Economic, Social and Cultural Rights, the Rights Based Approach acknowledge the setting up of conditions to realize the same.¹⁵ As understandable, without the preconditions realization of the rights is remotely possible.

An essential attribute of the right-based approach is to consider the human population as effective participants in decisions that has bearing on their well being. This stems from the fact that equity and non discrimination is the arch-stone of the right-based approach which applies to any health-oriented system. Disparity, in the social standards of population acts as significant blockade for the attainment of the same. Hunt and Backman argue that health system is to be understood as a core social institution alike a judicial system or a fair political system and not as the mere service delivery approach for goods and services. Right-based approach therefore encompasses an inter segmented approach where the interplay of the various segments including health, education, capacity building within civil society and government and the establishment of effective accountability play an equal and decisive role.¹⁶

Opposed to this ideal approach when we take note of the global health aid disbursement scenario it has been described by Sridhar as “complex”, “anarchic”, “unruly”. Global Health governance assumption has also been much complicated. The problem lies in the fact that at the helm of the process of globalization is at present the leaders who with their vantage positions in terms of resources also enjoy formal power positions. While in Afghanistan, the probability to die between ages 15 to 19 is 348 per 1000 males, in Kenya it is 591, in USA it is 148.¹⁷ The social goods and their distribution in most countries continue to be a façade affair rather than a genuine or substantial one. There is a need for the inclusion of the right to treatment on an urgent basis within the prevalent health care system. Given that the state’s national resources

cannot be the sole object of reliance, efforts are ought to be directed to supply technology even across the borders.

The rather misplaced expansion of the World Trade Organization in the form of extension of the Western Intellectual Property law into the sphere of pharmaceutical research and development, the notion of attainment of good health for all as a core policy for development has come under much pressure. As Mark Heywood has shown in his article, through a discussion of M. P. Ryan's, "Knowledge Diplomacy: Global Competition and the Politics of Intellectual Property" that, the two US companies Pfizer and IBM did develop enough capacity to promote their interest in Washington and Geneva within 1986–1990. Their concerted effort went on to generate Intellectual Property rights as the most crucial trade related priority of the US government. According to Ryan, pharmaceutical companies created this so as to enhance their profitability vis-a-vis the countries which did not establish patent on their medicines. Thus the design formulates, enhanced the hands of the large pharmaceutical companies and made Trade Related Intellectual Property Rights as an obligatory standard which was expected to be achieved by every country regardless of their economic and political share of burden.

There has been, therefore, much hub-bub over the TRIPS arrangement especially by non profitable organization. The argument is valid since while for the First World it implies that medical assurance and public health comes at the cost of individual's own money, for the Developing world the effect is more disparaging—that life saving drugs then is often unaffordable. Owing to the large scale opposition, this trend was altered. At the 2011 Ministerial Declaration, it was said that Members had the right to grant compulsory licenses and even had the discretion to determine the grounds for such grant and members had the freedom to determine as to what consisted of a national emergency as public health crisis including HIV/AIDS, tuberculosis, malaria, and other epidemics could represent a national emergency.¹⁸ Although the unofficial rules of trade of drugs do persist yet, this agreement does acknowledge the vulnerability of nations in response to the high priced patent drugs.¹⁹

HIV/AIDS as the index of Health Security in the Globalized Era: Issues and Projections

Keeping in mind what we have deliberated upon till now, the inequality issue is further highlighted when viewed in the backdrop of the HIV/AIDS crisis. Exclusion and disparity has necessarily marked this deadly disease when taken up as an index to assess the situation of Health security.

As Lincoln Chou asserted, HIV/AIDS has necessarily been a disease of Globalization, with its inception being traced back in a section of North American gay population who, were diagnosed with, in 1980s, a rare condition of dual existence of tumor and infections. Investigations led to the finding that they suffered from immuno deficiency syndrome, a condition which was not innate but 'acquired'.²⁰

According to World Health Organization estimates, the number of reported AIDS cases now range from less than 10% to more than 90% in others.²¹ To monitor the HIV/AIDS situation, surveillance is a necessary sector, whereby inadequacies in the given sector aren't detected by any existing surveillance mechanism.

As Stefan Elbe has projected, HIV/AIDS has significant security concerns. The foremost being the concern of human security. As we have seen earlier, the notion of human security remaining much debated, freedom from want and fear assumes the focal point for any consideration of human security. UNDP identified HEALTH as a human security component besides other factors like food and economy.²²

Thus it is given that the proliferation of HIV/AIDS cannot be relegated to a non security aspect especially in large areas infested by its scourge. For example, in Africa, HIV/AIDS is projected as the cause of death ten times more than any armed conflict. HIV/AIDS affecting the population at a mostly productive age thus hinders the progression of families with burden of the disease infected patients. Negatively affecting education, income generation capacities, it lingers on to promote the bane of poverty.²³

With respect to National Security dimension, Elbe depicts that armed groups affected by HIV/AIDS pose a strategic threat to the concerned

country. The high prevalence of HIV/AIDS among combat forces attributed to their relatively productive age, lifestyle stress which leads them into having offhand partner preference. There is also an added factor of the use of non sterilized needles for blood transfusion or treatment in remote places. These factors, besides leading to the higher frequency of military deaths also make it difficult for the countries to send non willing personnel in HIV prevalent areas.

Besides the armed forces, countries with a severe burden of AIDS patients face serious crunch of resources, which in turn generates the probability for struggle between diverse groups in the society for the ownership and utilization of scarce resources. For example, in mid 1990s over a quarter of health budget of Zimbabwe were spent for treating people with HIV.²⁴ Such a trend also points out that, in the struggle to control HIV/AIDS, other illnesses are often remised in terms of resource allocation. Besides, there is the problem of manning government services with a high mortality rate among public servants which makes it difficult to deliver upon public goods. In Kenya, for example, between 1999 and 2000 AIDS was expectantly the cause of 75% deaths in the police force.²⁵ Martim Schoitech of the institute of Security Studies came up with an intriguing co-relation, linking the number of orphans due to HIV/AIDS to the rising crime rate. He argued that, this section being susceptible to radical forces might turn to militia to survive in their struggle for existence.²⁶

At the International level, Elbe points out proliferation of HIV/AIDS at the peacekeeping force level makes the international community face an abashing truth that summed up by Richard Hellbrooke as “*AIDS is spread by UN peacekeepers*”. Further the UNDP report of 2010 projects a link between high HIV prevalence and a markedly low human development index in countries like Zambia and Zimbabwe.²⁷

In Cambodia, an UN transition force introduced a new subtype of HIV in the country otherwise found only in South East Asia and Central Africa, thus further strengthening the ties between migration and HIV susceptibility.²⁸

The security concerns which HIV/AIDS pose are therefore too costly for globalization to achieve its developmental aims. For the realist

scope of argument, a rather well founded guide was forwarded by USA that HIV/AIDS negatively affecting sub-Saharan Africa, could harm US strategic interest there and even the global stability owing to the affected markets in those areas.²⁹

The globalized world could achieve not much when it came to the partial pattern of HIV predominance. While in 2009, the number of adults and children living with HIV was 22.5 million in sub-Saharan Africa, 4.1 million in south and south-east Asia, it was 8,20,000 in Western and Central Europe while 1.5 million only in North America. AIDS-related death in North America was a mere 26,000; in Europe it was 8,500 as opposed to 1.3 million in sub-Saharan Africa and 2,60,000 in Asia and south-east Asia. In 2009, out of the estimated people living with HIV standing at 3.3 million, out of them 2.3 million alone belonged to sub-Saharan Africa. This trend has almost remained constant since 2001.³⁰

HIV/AIDS Treatment and Reality in a World of Globalization

A rather unfortunate story is set out when one is exposed to the UN assertion that “*while their demands for treatment grow louder by the day, millions of Africans living with HIV remain deprived of care, treatment and support including antiretroviral therapy....*”³¹ While the WHO undertaken 3 by 5 initiative envisaged to put 3 million people with HIV/AIDS in the Developing Countries, on anti-retroviral (ARV) therapy, out of 90% of HIV-infected children residing in sub-Saharan Africa alone, just 26% of them had the access to the ARV therapy.³²

The dilemma lies as the international bodies like WHO does recognize the increasing onus on the health system of the countries struggling with a high HIV-affected population, with acute shortage of health workers, centralized programs, fragmented service delivery, YET, the reality depicts that in sub-Saharan Africa, with the highest predominance of AIDS, there is only 3% of world’s health care facility.

The Trade Related Intellectual Property Rights or the TRIPS stipulating patent as an obligatory standard for medicines, has made conditions worse for the treatment scenario especially with respect to AIDS. The provisions of exception granted by the Doha Ministerial Conference

(issue discussed in the sub section ‘Global health security and concerns’) has been less exploited by most countries. Especially countries with a large scale dependence upon private healthcare system, the medicines have to be bought at a much higher price than that prevailing in US or Europe, resulting in the almost blanketing of ARV drugs by patents and the almost zero affordability of the same.³³

Recognizing the fact that TRIPS could take longer to be adopted by several countries than others although the implementation regime was permitted to follow a staggered process yet it only added to the existing complexities. Developing Countries that required to import a generically produced ARV drug, had to go through a detailed process including the creation of license, for stipulated amounts, making a formal notice for the same to the WTO, documenting the need and finally the process had to be repeated at both ends. In order to achieve this, every country was expected to have a TRIPS compliant legislation. Thus, as Baker stated, countries with modicum resources did not have the required legal expertise to follow this. It takes less to comprehend that the present system has been much fraught with a highly bureaucratic flavor. As rightly pointed out by Roy Love in his article, these measures were intended to protect the concerns of chief Trans National Corporations like Pfizer, Hoffman, and La-Roche.³⁴ The time required for the same administrative work-outs, then, becomes too high a cost for the patient in dire need of the medicine.

Few Other Concerns

An appended malaise persists in the proliferation of AIDS in the form of injection of drug use, with the result that such a trend is far less appreciated at the global level. Migration issues becoming more of a norm than exception in a world marked by cross border movement, it has also been associated with the large scale clandestine movement of drugs across the national borders. The risk drug users face in sharing contaminated needles and other drug appurtenances, adds to the threat posed by infection through blood sharing. The threat is multiplied by the fact that most drug users remaining disparate from mainstream

socialization, is also restrained from access to proper health care. In Russia, about 80% of HIV positive people were infected with the IDU's³⁵ while barring few countries, needle exchange awareness was virtually non-existent in most countries of Latin America, Caribbean, and Africa as of 2009–2010.³⁶

There has also been a rather intimate association between the currency of HIV/AIDS and Tuberculosis (TB). In 2009, there was an estimated 3,80,000 deaths from tuberculosis among people living with HIV/AIDS. Sub-Saharan Africa has 80% of its HIV population surviving with TB. Yet although WHO guidelines sets out that HIV patients with TB is to receive ARV therapy, yet statistics from UNAIDS reveal that only a fraction of the same group of HIV with TB patients did have an access to the ARV treatment.³⁷

Conclusion

The above study however should not be read with an entire bleak approach. It is not that the global community and institutions haven't had the success to deal with HIV/AIDS. There are regions in Central and West Africa where HIV/AIDS prevalence has been stabilized while many regions of South, south-east Asia and Africa has been experiencing a declining trend of HIV/AIDS. On the other hand, there has been a growth of 82% in the overall investment of AIDS response between the years 2006 and 2008.³⁸

There has also been a reassessment by the WHO on the guidelines governing the ARV therapy. It includes significant changes ranging from an early initiation of the ARV therapy, patient amicable options, and promotion of the strategic use of laboratory monitoring. Besides there has been a significant growth in terms of global commitment for the prevention of AIDS that started off with the Global AIDS strategy being unanimously adopted by the World Health Assembly.³⁹ The present Global Health Sector Strategy in a nutshell aims to advise health ministers on core components of effective health sector response, supporting respective ministries to develop policy, planning, priority-setting, and promote comparative advantages.⁴⁰

With such magnanimous volume of effort being invested in the prevention, treatment and care for AIDS, it is EXPECTED that in the fair sense of the term, such efforts would be articulated in an effective manner. There in fact lie the lapses between expectation and realization. In a world marked by free movement of goods, services and labor, countries still enact policies that impede access to modes of HIV preventing treatment, care, and support service. Assessing the investment aspect, there is till date (2010 data) US\$ 10 billion short of what is required in the aggregate HIV investment. With a disparity between donor fair share and actual share responsibility, there is more the donor countries can contribute in this universally affecting battle.⁴¹

The data dealt with at every stage apart from being self revealing takes us to the moot question as to what exactly health security has been able to achieve when we looked through the rather narrow isolated lens of the HIV condition. Health in itself is too broad an area to be dealt with in its minute detail, owing to the constraint of space and formality associated with writing a paper. HIV/AIDS isn't just a health issue, It IS a concern that affects humankind at large, which makes it a more apt lens to study the Health security situation. Thus pondering over a considerable detail, one can easily determine that globalization with its original objectives of development, has achieved much less than expected. When viewed from a Rights-based perspective, globalization would mean a substantial remodeling of the existing system where human beings are a central object of reference to be entitled as a Security object. While conceding that globalization has been generous to bring about a wider commitment towards the dissipation and effectuation of awareness of rights and information, the same has been fraught by the wide disparity between the 'knowledge' of the ideal and the 'implementation' of it.

When looked at this aspect from the HIV/AIDS problem, we see, that the disease having direct health security and international security bearing, still generates inequity at the various level of the hierarchy of the international order. The import of health security lies in the fact that with each section of population, lying in the grips of ill-health, any nation loses out on the effective realization of it's human resource power.

Ultimately, children dying of ill health, adults succumbing to the same leads to the loss of income generation capacity an otherwise healthy segment of population would have contributed.

It is understandable that the fight to combat serious health threats isn't to be realized in a quick-fix mode. However, it can be suggested that de politicization of health facility provisioning in terms of the hierarchical organization of states; detangling of extraneous bureaucratic measures to secure health care logistics and most essentially a change in the social mindset to ascribe a far greater import to health security is what is needed of the present system. For development in the primordial sense of the term, the pre requisite is a 'just' approach and health being a global concern touching every life; one need to secure it on fair terms.

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GLOBALISATION AND DEVELOPMENT: RELATIONSHIP BETWEEN WOMEN AND THE NAXALITE MOVEMENT IN INDIA

□ KSHIPRA SHARMA

Introduction

Globalisation continues to be one of the most contested topics of modern times owing to its multifaceted nature and endless interpretations. Often termed as an umbrella phenomenon, it remains vaguely defined, without a single universal theory. Even today, debates on globalisation range from its origins, nature, implications making it extremely difficult for any kind of generalisation. The idea behind this paper is to move beyond such generalisations and examine the major consequential gender debates. It is an attempt to highlight some of the underexplored aspects of globalisation in context of the relationship between globalisation, development and women in developing nations, particularly India. Greater disparities are witnessed in such nations where prosperity for a minority contrasts with poverty and exclusion for the majority. Amidst such penetrative disorders, women's question seems lost somewhere. In India, worsening conditions are partly credited to its blind race for fast growth since independence. Today, failed land reforms, exploitative development projects, draconian wildlife protection laws and forest reservation policies have added to the hardships of the marginalised sections, robbing them of their means of subsistence and even 'dignity'. Mounting discontent after having lost access to traditional resources along with other insecurities like displacement and unemployment are driving more and more people including women towards mass movements like Naxalite movement in India. The paper highlights this growing connection between Indian

women and the so called emancipatory mass movements, in the age of globalisation. Conscious attempt is made to surpass facts and figures, and concentrate more on the changing trends from the point of view of the affected, particularly women. For convenient understanding, the paper is broadly organised into two sections: the first section is the brief description of the nature and effects of globalisation in context of developing nations like India; and the second section explores the growing relationship between women, development and mass movements like Naxalite movement in India.

Relevance of this study can be weighed by the growing gender urgencies in India, posing a serious question mark on the desired path of ‘globalisation with development’.

Globalisation: Nature and Effects

As mentioned earlier, there is no universal theory on globalisation. It is far from easy to produce a compact, noncontroversial understanding of this collective phenomenon in a paper. Therefore, following section is only a brief sketch of the nature and effects of globalisation. The case of India is highlighted keeping in mind the central theme of the paper.

Fixation with the term ‘globalisation’ has been observed since the nineties of the last century, with the end of cold war and breakup of former Soviet Union. Although the origin of globalisation is a subject of on-going debate, one of the most popular theories links the visible contemporary patterns to the era of colonisation of Asia, Africa and America by the European powers. Impelled by the search for new markets and resources along with industrial revolution, colonialism facilitated mercantilist trade.¹ However, with time the major powers realised that they had “...more to gain from free trade than protectionism”.² This “...ascendance of liberalism over mercantilism...” paved way for a complex web of changes in world political economy—changes that are today identified as ‘globalisation’.³

Noticeably, after the Second World War, much of the world became interconnected and exchanges at all levels started to show. Globalisation since the era has been driven by trade negotiation, originally framed

under the General Agreement on Tariffs and Trade (GATT) which led to a series of agreements to facilitate free trade.⁴ One of the major innovations of the time was the introduction of Structural Adjustment Programmes (SAPs) by World Bank (WB) and International Monetary Funds (IMF).⁵

Popular image of globalisation today portrays it as a multidimensional, top–bottom process where a single global system connects local, national, regional activities. It refers to the increasing cross-border socio-political, cultural mobility within the backdrop of capitalism. Events in one part of the world affect people and societies in the other parts. Expressions like ‘global village’; ‘borderless world’; ‘McDonaldisation’; is synonymously used to describe this complex of change.⁶

Though various debates on globalisation have evolved over years, yet sharp differences continue to exist among scholars/experts on the issue of its implications for developing nations. Some debaters have even gone to the extent of calling this trend a ‘myth’.⁷ Keeping such controversies in mind, the coming paragraphs make a brief account of some of major debates concerning the relation between globalisation, development and the developing world.

Broadly speaking, globalisation and development are two concepts of ‘transformation’. Multidimensional in character, both these phenomena aim at change.

Just like the concept of ‘globalisation’, development has its share of debates and controversies. In simple terms, it connotes “...an increase, propagation, expansion, improvement or change for the better.”⁸ Some identify development purely with economic growth, while others identify development with quality of life indicators such as life expectancy, infant mortality, caloric intake, educational and literary levels, etc.⁹ The latter form of change is critical for developing nations where conducive socio-economic-political environment is the prime stipulation for people to utilise their potential for growth.

In recent decades, there is visible curiosity among scholars to weigh the capacity of globalisation to facilitate the concept of ‘growth with development’ particularly in case of developing nations like India. There

is growing concern over the emergence of new and deeply entrenched patterns of inequality that portrays globalisation as a game of winners and losers. Inevitably, losers are seen from amongst the developing nations. In these societies, conditions are distressing as wages are low, regulation is weak, and production is increasingly oriented towards global market rather than domestic needs. Tremendous opportunities for a handful coexist with endless hardships for the majority. Not surprising, constant struggle for survival in developing nations generate discontentment at various levels. In order to understand the dynamics of this rising discontentment, it's necessary to explore the relation between globalisation and development in terms of the major economic, socio-cultural and political effects of globalisation on the developing world.

The economic effects of globalisation can be understood as removal of limitations from the trinity of resources, markets and labour.¹⁰ These three components are identified as necessities for open accessibilities and growth. Some critics of globalisation however, contend that these three features are nothing but tool for a new kind of 'imperialism'.¹¹ For them, free trade is a process governed by elite interests and leading to the destruction of developing countries' indigenous industry, environment and jobs; international investment is criticised arguing acceptance of financial plans (as proposed by international organisations) leads to loss of economic sovereignty of developing countries; and finally, that free mobility of labour across borders inevitably disturbs the workers of the host and migrant country.¹² Coming to the cultural implications of globalisation, one witnesses the growing exchanges in terms of new ideas, foods, fashions, etc. Today global brands such as Coca Cola, Nike, serve as common reference for consumers all over the World.¹³ At the social level, advent of international newspapers, news channels have led to increasing awareness and improving general intellectual capital. Critics, in contrast, are of the view that this on-going process is more a socio-cultural imperialism than healthy interaction.

On the political front, the implications of globalisation are evident from the growing importance of international organisations. The world governments have come up with institutions like World Bank, IMF and

World Trade Organisation (WTO) which have developed super national governance policies to deal with the world affairs.¹⁴ Critics repeatedly argue that globalisation results in undermining of political sovereignty and democratization process in developing countries. On several past occasions, decisions of the developing countries have been manipulated by the developed counterparts.¹⁵

Coming to the case of India, right after the national independence, the Indian leaders took cautious steps for nation-building. Throughout the decades of the 1950s, 1960s and 1970s, India emphasised on the policy of self-reliance through indigenous efforts in a fully or semi-protected environment.¹⁶ Nevertheless, India took the giant step in the nineties in the form of a new policy regime that radically advocated a more open and market oriented economy. Globalisation, liberalisation and privatisation constituted the trinity that shaped the way forward.

Despite growing services and opportunities for wide ranging beneficiaries across the country, the phenomenon of globalisation is not saved from controversies. While proponents argue that globalisation has made an attempt to rationalise human skills and reward according to performance, the opponents point towards globalisation failing to deliver at various stages. Noteworthy, complexities creep in owing to a myriad of processes within globalisation - both overlapping and contradictory. One of the most serious features however, is in the form of a duality where on one side there is 'indigenization' of western values and images in developing societies, while on the other side there is growing impact of non-western religions, medicines, cultures on the developed societies.¹⁷ Such exchanges have different meaning for different people. Some feel these exchanges are a threat to indigenous identities while others feel these exchanges contribute to 'multiculturalism', providing equal recognition and opportunities to diverse groups.¹⁸ Thus, although globalisation brought positives for some, it ignited negatives for others.

Sunanda Sen argues that the missing link between growth and development are "...generally manifest in developed countries which are experiencing high growth rates".¹⁹ Despite fair Gross Domestic Product (GDP) growth over years, the standard indicators of human development

in India reflect a different picture altogether. In order to grasp the anomalies better, I shall now discuss the available recent statistics for major indicators. Noteworthy, life expectancy at birth (for both sexes) was 64.4 years in the year 2010, under-five mortality was 69 per 1,000 in the year 2008, maternal mortality ratio (death of women per 100,000 live births) was 450 in the year 2008, adult literacy rate (both sexes) was 68.3 in the year 2009. Not surprising, India ranks low in the composite human development index (HDI) of UNDP at 119 out of 169 countries with the comparable data in the year 2010.²⁰ Coming to the question of job opportunities and unemployment status, the unemployment rate in India in the year 2009–2010 was 20 for males and 23 for females (for rural and urban areas/‘usual status’ distribution).²¹ As far wages are concerned, statistics received by NSSO reveals that disparity exists not only across rural-urban areas but also on grounds of gender.

Looking at all the above indicators, statistics, and trends, India’s development appears lopsided. The benefits of globalisation seem to have been availed by only a limited few in India. Condition of Indian women especially those belonging to the poor, backward sections are the worst. Facing innumerable hardships on everyday basis, women are automatically drawn towards mass movements in hopes of emancipation, in hopes of change. The next section highlights this growing link between Indian women and mass movements like Naxalite movement.

Women, Development and the Naxalite Movements in India: Age of Globalisation

Globalisation has been a mixed bag for women. According to experts, intersecting factors like class, nationality, race, ability, religion, ethnicity, sexuality, age and education play a major role in defining the implication of globalisation on women.²² Rightly, an educated, skilled middle-class woman may not experience and view things as experienced and viewed by a woman from poor, backward community.

The overall effect of globalisation on women in developing world is seen as comparatively more damaging. A feudal-patriarchal society like India poses even greater challenges for women. Despite being legally and

constitutionally at par with men, women are subordinated and mistreated both in and out of home. They get the very little of deserved respect and position. A United Nations report in 1980 came to the conclusion that women perform nearly, “two-third of the work hours in the world.”²³ Most of this energy in India, is basically spent not on income-generating activities but on survival tasks like gathering firewood, fetching water, along with other everyday domestic chores such as sweeping, washing clothes, cleaning utensils, etc.²⁴

Government initiatives to address the wide-ranging disadvantages Indian women face have not made much of difference. Even the National Rural Employment Guarantee Act (NREGA), which is considered as a premium source of women empowerment is yet to overcome traditional mechanism of gender disparity. The economic and social disadvantages of women in Indian society reflect a whole gamut of “...patriarchal norms and practices such as patrilineal inheritance, patrilocal residence, the gender division of labour, the gender segregation of public spaces.”²⁵ According to 2006 UNDP report, out 136 countries for which data exist, India’s Gender Development Index rank was 96.²⁶

No doubt role of women in India has been changing. They are definitely more aware of what is happening around and making their presence felt in many sectors. However, position of women cannot alone be judged by the increasing number of women coming out of their households. According to some scholars, women are witnessed as suffering two fold. They work two full time jobs. One in a factory, where they are paid minimal, second is in the home where they are not paid at all.²⁷ With the establishment of international free trade policies, such as North America Free Trade Agreement (NAFTA) and General Agreement on Tariffs and Trades (GATT), transnational corporations used the profit motive to guide their factories toward developing nations in search of cheap, flexible female labour.²⁸ Women workers are essentially seen as more obedient to male authority, and easily administered due to their unorganised nature.

Regardless of whether they work in the formal or the informal/home-based sectors, women generally suffer from pay differential.

Informal sector are more exploitative because here women workers have neither contracts nor any social security. The large majority of Indian women in the informal sector work in conditions which give rise to health problems like menstrual disorders, acute chronic malnutrition, pelvic inflammatory disease, etc.²⁹ In the formal sector, amongst the other difficulties, increasing number of young female workers in corporations has meant deeper cultural implications in the form of everyday value adjustments.³⁰ Related to the employment, migration is yet another cause for anxiety. Evident by past surveys, there are a rising number of women migrant workers in the wake of globalisation. In states like Kerala, thousands of women migrate to Middle East every year in search of jobs.³¹ In exchange for a “well-paid” job and the economic independence and security that come from it, they seem ready to compromise on their human rights and even suppress their feeling of alienation.³² Globalisation has also had its effects on the Indian rural economy where despite patriarchy, women had a space since family units did much of the work of food grain production.³³ Growing demand for cash crops in place of food crops has attacked the family as well as the national economy. Growing number of suicides by farmers are actually a result of pressing demands for cash crops. Need for higher investments in technologies, new seeds are forcing them to borrow bank loans. Failing to repay these loans (due to falling prices in global market), farmers see no other alternative than to commit suicides.³⁴ Sudden loss of the sole earner of the house automatically pushes the woman into the arena of subsistence without any prior equipment. Moreover on the larger account, this shift from food crops to cash crops need greater labour at regular basis which is being filled in by male workers instead of women who earlier used to balance house and fieldwork flexibly. This kind of deprivation for women has amounted to “...higher wage gap...” between men and women.³⁵ Today, the shift from an agricultural to a non-agricultural economy is upsetting for rural population particularly “...women who lose much of their voice in family level decision making as men control the money”.³⁶

Tribals/Adivasis in India are probably the most affected by globalisation. Most of them have been displaced from their lands and hills without proper rehabilitation and resettlement under the patronage of liberalisation and globalisation.³⁷ The so called reformatory bodies like Joint Forest Management (under the Forest Conservation Act, 2008), with the claimed objectives of improving efficiency of governance and balanced conservation of resources are actually reversing state policies by their latent support for private use of forest produce.³⁸ The sufferings of the tribal sections as a consequence of deliberate state policies have been raised in a series of official reports down the years.³⁹ Expert group's report to the Planning Commission in 2008 is one such important publication that gives a detailed analysis of the conditions of Dalits, Adivasis, women and their increasing resortment to radicalism in the form of Naxalism.⁴⁰

Noticeably, the situation of women among these communities is pitiable in wake of diverse violations-whether its social, economic, cultural or political. Most of these women face greater challenges because they are equally responsible for their family livelihood and by being detached from their traditional resources i.e, land, forest, water, their very survival/existence is endangered. Situation is worsened when male members of the family migrate to cities in search of jobs. They have no choice but to bear the burden of family subsistence and reproduction. Even recent legislations like "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, (2006) claiming to recognise and vest forest rights to the dependent communities have failed to cater to diverse needs of these women. In words of social activist, Pushpa Toppo, the law is "...actually a step backward for women in tribes".⁴¹ According to her, the law crafted only provides for the "...issuance of deeds to single men or married couples. It is silent about the rights of single women, whether widowed, deserted or not yet married". Another criticism surrounds the "...law's failure to reserve an equal place for women on local councils..", which are responsible for deciding the kind of plantation in the forests.⁴²

Among all the above forms of violence, even worse is the rising

cases of human and sex- trafficking as significant number of tribal women have gone missing while looking for much-needed employment far away from the safety nets of their families and communities.⁴³

These trends are a sure indication that globalisation induced deprivations and even loss of human dignity are causing alienation and cementing the “conviction that relief can be obtained only outside the system by breaking the current order”.⁴⁴ Naxalite movement is one such political mass movement that promises to break the current order for a revolutionary new order based on equality and justice.

Now, I shall briefly deal with the nature and effects of Naxalite Movement in order to explore the growing connection between women and mass movements in India.⁴⁵

Noticeably, 20th century has borne witness to several mass movements where participation of women has been phenomenal. In India, the radical peasant movements like Tebhaga and Naxalbari movement paved novel ways for women to assert their rights. First time, women seemed at par with men in their fight against injustice. The Naxalite movement basically is a product of communist ideology of Marxist–Leninist variety, which emerged in India as a revolutionary political phenomenon in the spring of 1967, at Naxalbari, West Bengal.⁴⁶ It is essentially a political movement with its ultimate aim at capturing state power and establishing an alternative regime. Its increasing area of influence is linked to their fundamental fight against the negative implications of globalisation in the form of persistent rural poverty, unemployment, ineffective state reforms and most importantly for securing the dignity of the citizens. Ideologically, the movement is anti-imperialist and anti-capitalist. It stands opposed to the whole concept of capitalism which stems from the accumulation of private property. According to their Marxist framework, it was the gradual increase in wealth that gave birth to the concept of patriarchal family and slowly manipulated entry of women into the labour market (capitalism).⁴⁷ Though their work made them more independent, women were equally struck by the inherent exploitative mechanism of capitalism and becoming more and more alienated.

Today, even after much churning, the movement appears to have

a large social base with a considerable presence of women population. Besides the increasing quantity of women in cadres (in different Naxalite groups), quality of their participation has also transformed tremendously.⁴⁸ Heavily armed in uniforms, they are seen as part of ranks and receiving formal military training.⁴⁹ The objective of this section is to examine this participation and support of women in the movement and find out if the movement has been truly liberatory and empowered/equipped Indian women against the alleged negative implications of globalisation.

I shall briefly discuss three issues central to the relationship between Globalisation, Women and Naxalite movement i.e, land, wages and dignity/identity.⁵⁰ Over the years despite the movement's repeated claims for revolutionizing the entire system, it seems incapable of putting to rest some of the major feminist anxieties. Feminists have repeatedly highlighted inadequacies within their revolutionary agendas saying the movement has not made efforts to coalesce gender question into their larger political model. Now, I shall briefly examine the above mentioned three concerns:

- Question of Land: Although access to land remains important for most of rural households, it is critical for women. As known, women's position in Indian families is no more than an unpaid worker; with hardly any inheritance claims, their social and political status is obviously compromised at every corner. Moreover, despite several land reforms initiated by Indian government, the situation looks unfavourable for the women. Though land has been distributed among the poor, landless labourers for agricultural purposes out of ceiling surplus land or bhoodan land or *gair majarua khas* land (common land), new beneficiaries in land do not get physical possession of the allotted to them, distribution of land is only on paper.⁵¹ Women in middle of such a situation are left with nothing much. Joint entitlement for husbands and wives, though often recommended, are useless as land is obviously controlled by the male of the patriarchal Indian family. Having lost their right over forest land and resources, tribal women are suffering as well. Rising disappointments is leaving these women with no option but to search

for alternatives that would guarantee them right to life and dignity. As mentioned earlier, Naxalite movement is one such political mass movement that recognizes such survival issues and proclaims to set a new revolutionary system.

However, looking at its record the Naxalite movement itself shows several loopholes. The male dominated movement seems to have failed to recognize women's plight due to non-ownership of land. On account of the past events like the Telangana struggle in 1940s and Gaya struggle in 1970s, the communist led movement (with male majority) itself appeared uncomfortable with the idea of entitlements of land in name of women.⁵² Often the argument, 'land to the 'real' tillers' was forwarded to the anticipating women population, without much explanation.

- Question of Wages: As mentioned earlier, wages for Indian women is generally lower than men for the same amount of work, particularly in unorganised sector. The Second Labour Commission points out that not only are women hired on a large scale in these sectors, but are "...exploited inhumanly...".⁵³ As far as the Naxalite movement is concerned, though it has raised issue of minimum wages over the years, on the question of equal wages it seems to lack the required seriousness. Naxalite groups like CPI-ML(Liberation) although has mentioned the need for equal wages in some of its party documents, but nothing concrete has come out of such efforts.⁵⁴
- Question of Dignity: In modern times, dignity must be identified as a condition devoid of any misrecognition, misdistribution and humiliation.⁵⁵ As mentioned earlier, with denial of own resources and increasing market orientations, globalisation has not only produced subsistence problems but has also robbed citizens off their dignity and identity. Deprived of their right to decent dignity and identity, women among all deprived sections are becoming increasingly alienated from their work, community, family or even themselves, and searching for liberatory outlets. If one closely examines the attitude of the Naxalite movement towards dignity/identity of women in society and within its working groups, one can locate some serious

shortcomings. Apparently, the phrase ‘dignity of women’ meant only physical security and honour of women for the movement. Probably this is the reason why all these years they concentrated more on the issue of sexual abuse of labouring class women by the upper caste landlords and chose to subordinate the economic rights of women in terms of land and wages where power play exists in the most strategic forms.⁵⁶

Interestingly, in spite of the movement’s changing gears, it has not really been able to address its own inner-party contradictions. Ironically, on the one hand the (male dominated) movement raises questions against the institution of private property, marriage, and family as agencies of gender oppression while on the other hand seems unable to shed their own feudal–patriarchal mindset. Available narratives by female ex-naxalites like Ajitha (Kerala) and Krishna Bandhyopadhyay (Bengal) clearly point towards a veiled life of women under the facade of revolution. Even today, besides few innovations in the form of women’s fronts, education departments, women’s magazines (as done by certain Naxalite groups (like CPI-ML/Liberation), there’s no consolidated pro-women long-term strategy to eradicate inequalities from the roots. The movement’s lack of attention to women’s issues is undoubtedly disheartening for those women who have for years identified themselves with it, in hopes of liberation (in the age of globalisation). It appears that the movement calls for unification of toiling women against all kinds of exploitative patterns of globalisation, without actually providing a long-term agenda for action. They apparently identify the causes and symptoms of women’s problems but fail to initiate an effective solution. Keeping all these points in mind, their alternative model appears lopsided and narrow, driven by dogmatic morality.

Conclusion

Globalisation today stands as a reality one can support or criticise but cannot afford to ignore. The real challenge however, is to move beyond the labels of globalism and anti-globalism, and realise the need to balance

the national policies vis-à-vis international trends without jeopardising country's sovereignty. Equality and dignity must be the force behind exchanges among and within nations.

Though nations, in modern times, have to be extra careful in view of the changing dynamics of globalisation but attributing all negative effects entirely to globalisation is a subjective error blindfold to parallel factors and ignoring major possibilities. Noticeably, convergence of the path of globalisation with development is a vital task for developing countries like India where growing disparities demand people-centric responses. Policies must generate growth with equity and social justice, creating space for diverse interests. Review and transformation of state policies and actions must be the path to tame the polarising effects of globalisation. As evident from the previous sections, a mixed picture emerges on the question of women's position in the globalised developing world, particularly India. Unfortunately, even today Indian women continue to face wide-ranging disadvantages, whether it is in terms of property rights, workforce participation, educational opportunities, and access to health care or political representation. In order to realise the dream of 'growth with development', India will have to mainstream such gender issues within its strategic developmental model. Silencing gender debates all these years has only multiplied the enormity of the problem. Goal must be to reach out to the alienated sections, including women, before their pool of anger and frustration engulfs the whole of India. Increasing equations between anti-SEZ, anti-globalisation local struggles with organised radical left in the form of Naxalite movement is not only a matter of internal urgency but a symbol of shame for India's so called socialist, democratic certification.

It is undoubtedly time to address the long marginalised voices and awaken India to the establishment of a participatory democratic, gender friendly environment for the composite progress of the country. Information and resource flow will have to be designed in a way to ensure maximum inclusion of citizens, both men and women, as producers as well as consumers of change.

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Notes

1. Shamali Guttal, (2007) .“Globalisation”, *Development in Practice*, Vol 17, No. 4/5, p. 525.
2. Joshua Goldstein, (2004) *International Relations*, Delhi: Pearson Education, p. 306.
3. Ibid.
4. Guttal, op. cit. p. 525.
5. Ibid.
6. Mcdonaldisation is a process whereby global commodities and commercial and marketing practices associated with the fast-food industry have come to dominate more and more economic sectors. See Andrew Heywood, (2005). *Politics*, New Delhi: Replika Press Pvt Ltd, p. 139.
7. A Few sceptics like Hirst and Thompson are of the view that globalisation is essentially a myth which conceals the reality of an international economy increasingly segmented into regional blocs in which national government remains very powerful. See Gbenga Lawal, (2006). “Globalisation and Development: Implications for the African Economy”, *Humanity and Social Sciences Journal*, 1, p. 67.
8. Lawal, p. 69.
9. James Petras and Henry Veltmeyer, (2001). *Globalization Unmasked: Imperialism in the 21st Century*, Delhi: Madhyam Books, p. 123.

10. Ibid. p., 47.
11. Imperialism is used by certain critics to define globalisation as an ideological tool used for prescription rather than accurate description. Here the new global economic system is viewed not in structural terms but as intentional, subject to the control of individuals who represent and seek to advance the interests of a new internationalist class. Ibid., p. 12.
12. See Heywood, 139 and Goldstein , pp. 308-319.
13. Heywood, pp. 139.
14. Ibid.
15. Ibid.
16. Kingshuk Adhikari, *Globalisation and Development in India: An Overview*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1624252. Accessed 30 July 2011, 3–4.
17. Heywood, pp. 138–139.
18. Multiculturalism is the celebration of multiple cultures-linguistic and religious diversity, extending equitable status to all. See Gordon Marshall, (1998). *Oxford Dictionary of Sociology*, Noida: Oxford University Press, pp. 434–435.
19. Sunanda Sen, (2007). *Globalisation and Development*, New Delhi: National Book Trust, p. 87. Sunanda Sen is a well known scholar for her contribution in politico-economic field. As a professor, she has been part of several prestigious universities like Jawaharlal Nehru University, Jamilia Milia University, Cambridge University.
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 30. Soma Marik, Radical Socialist, “Globalisation in India and Women”, October 2009, <http://www.radicalsocialist.in/articles/national-situation/86-globalisation-in-india-and-women>. Accessed 27 July 2011.
 31. Evangeline Anderson- Rajkumar.
 32. Ibid.
 33. Marik.
 34. Ibid.
 35. Ibid.
 36. Ibid.
 37. In spite of past government initiatives for rehabilitation and resettlement, there is no adequate database of persons displaced and rehabilitated. Moreover there’s not enough involvement of inhabitants for production of ‘impact appraisals’ before development projects commence. See Government of India, *Report of an Expert Group, Development Challenges in Extremist Affected Areas*, April, (2008), pp. 15–17.
 38. Ibid., p. 11.
 39. Some of the significant past publications are the National Commission on Scheduled Castes and Scheduled Tribes; the Government of India Report of the Expert Group on Prevention of Alienation of Tribal Land and Its Restoration (2004).
 40. See Government of India, *Report of an Expert Group, Development Challenges in Extremist Affected Areas*, April, (2008), p. 3.
 41. “India’s Forest Law and Women,” *Yojna*, September (2008), p. 44. Pushpa Toppo is a social activist fighting for tribal people’s forest rights in the eastern Indian state of Jharkhand.
 42. Ibid.
 43. Such cases have been reported regularly in news.
 44. Government of India, *Report of an Expert Group, Development Challenges in Extremist Affected Areas*, April, (2008), p. 3.
 45. I use the phrase, ‘Naxalite movement’ to broadly encompass all the major struggles inspired by Marxism in India, particularly after 1960s. However, instances from the preceding communist led struggles like that of telangana, tebhaga are also drawn upon for better positioning of gender in the Naxalite movement. The term

- ‘Naxalites’ is generally used for addressing members of different Naxalite groups who have their common history in Naxalbari, a place on the north-eastern tip of India, situated in the state of Bengal.
46. For detailed background on the Naxalite movement, See Sumanta Banerjee, (1984). *India’s Simmering Revolution: The Naxalite Uprising*, London: Zed Books and Rabintra Ray, (2002). *The Naxalites and Their Ideology*, New Delhi: Oxford University Press.
 47. “Women under Capitalism: Advancement and Retrogression”, *Women’s Movement and Communist Party: Ideology, Programme, Practice*, Delhi: CPI-ML Publication, 2008, p. 21.
 48. See Abhijit Dasgupta, (2009). “Equally Extreme”, *India Today*, Nov 9, pp. 32–35.
 49. Pictures supplemented in the articles of Arundhati and Navalakha clearly show women in uniforms and carrying guns. See the two articles: Gautam Navalakha, “Days and Nights in the Heartland of Rebellion-Maoist land” <http://indianvanguard.wordpress.com/2010/04/02/gautam-navlakha-days-and-nights-in-the-heartland-of-rebellion/>. Accessed 7 April 2010. and Arundhati Roy, (2010). “Walking With The Comrades”, <http://www.outlookindia.com/article.aspx?26473878>. Accessed 2 April 2010.
 50. The term ‘dignity’ is used in context of respect and recognition. Detailed explanation is given in the coming section ‘Question of Dignity’. Identity in general terms signifies unique character of one’s own that is linked to its existence, See *Oxford Dictionary of Sociology*, Oxford University Press, 1998, p. 296. I have used the two terms, dignity and identity interchangeably, in a some places (in general sense).
 51. D. Bandhyopadhyay, (2007). “Rural Unrest”, *Yojna*, a special issue on Naxalism, Vol. 51, p. 13.
 52. In spite of a tremendous support of women in Telangana struggle, communist leaders failed to evolve a long term policy for women’s upliftment. In terms of distribution of land, women were not counted as individuals. See Stree Shakti Sangathan, (1989). *We Were Making History: Life Stories of Women in the Telangana People’s Struggle*, New Delhi: Kali For Women, pp. 15–23. Bodhgaya movement was a movement led by Chhatra Yuva Sangharsh Vahini (a youth organisation) against the feudal order of Bodhgaya Math, (Bihar). Women constituted large part of this movement, whose main aim was to fight for equal rights of men and women. See Prakash Louis, (2002). *People’s Power: The Naxalite Movement in Central Bihar*, Delhi: Wordsmith, pp. 142–144.
 53. Government of India, (2008). *Report of an Expert Group, Development Challenges in Extremist Affected Areas*, April, p. 14.
 54. See Party Congress Report, CPI-ML Publication 1980–90.
 55. Though there are numerous interpretations of the concept of ‘dignity’, I have used

- it in context of works of Nancy Fraser and Avishai Margalit. See Nancy Fraser, (1997). *Justice Interruptus: Critical Reflections on the "Postsocialist" Conditions*, New York: Routledge, and Avishai Margalit and Naomi Goldblum, (1996). *The Decent Society*, Cambridge: Harvard University Press.
56. See the Congress reports of CPI-ML (Liberation) 1988–1990 and *The General Programme, The Party Constitution* adopted at different Party Congress, (CPI-ML Publication).

DOMESTICATING GLOBALIZATION

□ RITWIZA ASTHANA

Introduction

Kofi Annan once compared Globalization to gravity, Anthony Giddens feels that because of globalization “humankind in some respects becomes a ‘we, facing problems and opportunities where there are no ‘others’”¹, while Paul Virilio speaks of globalization as being akin to the speed of light. With such inevitability attached, it is hardly surprising that globalization has come to be seen as an invincible force that transforms everything it touches. Nonetheless, while seemingly admitting to this inevitability of the process, Ulrich Beck reminds us that globalization threatens just as much as it concerns us and it is needed that we keep our eyes open to its imminent aftereffect. And though there seems to be, at least on the surface, a sense of finality to the dominance of globalization but it is important at the same time to not discount the arguments that seek to find what Sassen terms as “narrative of eviction”.²

It is in these narratives that one finds most disturbing reminder of the disorder and disquiet that globalization brings. While one hails the economic and social revolution that globalization is thought to have heralded, it also raises pertinent questions of inequity, sense of cultural loss and environmental dangers, etc. Globalization has proven to be an uneven process that needs constant renegotiation, especially for the people who are left at the fringes by the remodeling that it necessitates. One such rather discriminated party in this renegotiation process is the domestic workers.

Though feminist literature has often debated the impact of globalization on women, with some feminist seeing it as a somewhat progressive process leading to “feminization” of the workforce that

allows women a certain agency while others question this feminization which, they contend, tends to offer women only a low-pay, low-status, often part-time jobs that perpetuates the devalorization of women's work. However, domestic workers are at the crossroad of both these debates. Not only do these workers (almost always women) challenge the public-private dichotomy but they also offer a different perspective to the general arguments made about globalization and women. Through this paper, one seeks to analyze the class dynamic, in addition to the gender aspect of globalization.

Understanding Globalization: A Feminist Perspective

When the feminist critique first emerged, pundits of International Politics were genuinely surprised with what they thought was unexplained criticism of the objectivity of the field. The Positivist turn in social science study meant that the supposed neutrality and need for empirical evidence came to occupy the prized position. And the feminist analysis revolted against this long held belief of value neutrality, attacking the key concepts such as state and power in the process. Not only did they manage to lay bare the inherent patriarchal nature of the stream but they also provided a scathing critique of the practice in the field.

It is in consonance with this feminist understanding that globalization needs to be analyzed as a process that is complex and subjective. Globalization is a force that localizes, fragments, and even renationalizes identities, as global forces interact with local economic and cultural forms to produce a heterogeneous array of different practices, arrangements, and subjectivities.³ Thus, the neoliberal global economy that has come to be recognized as the hallmark of globalization has been proven to be harbinger to greater inequality in economic and social sphere. As they say, the rich are getting richer while the poor continue to get poorer. It is in this situation that the gender angle needs further probing. The need is to engage in a multilayered understanding of this inequality and disturbance. And categories such as gender, cast, class, ethnicity, etc are significant player in determining ones position in the globalization paradigm. At each of these levels, the exploitation and disadvantage

increases exponentially and tragically, women are often found to be at the bottom of the rung owing to historical and material reasons.⁴

As understood, there are pertinent questions raised regarding “gender” exploitation in this global economy. The very general criticisms of globalization assume greater proportion when they are applied to women. In establishing a neoliberal economic setup, a globalized economy tends to take away control over capital and resources from people. The oft repeated concern regarding economic globalization breaking up the strong kinship ties can be seen to have severe impact on women. Traditionally bound to roles that kept them within their homes, women are forced to leave the “safety” of their homes to search for livelihood. In such way and many others, the capitalist enterprise is more likely to have a deeper impact on livelihood of women.⁵

Globalization also creates a situation where a chasm is created between women based on their class. While some women have gained work opportunity in terms of newly emerging forms of employment, and have thereby been able to enjoy agency and independence there are also the semi-skilled or the unskilled ones who have lost the control over their natural recourses (land etc.), resulting in the loss of traditional livelihood and sustainability. As has been rightly observed “...structural adjustments in the labour market and massive retrenchments have the key to casualisation of workforce where women are disproportionately targeted and victimized”.⁶

Though there is no denying the specific advantages of globalization with regard to norm making and norm implementation. The process by which women rights have come to be realized as human rights has been helped by the pace of the globalizing world. However, what plagues the globalization study is similar to one that hampers International Relations study per se. The general belief continues to be that the concepts involved are inherently value free, but as we know it is hardly the case. There is also a strand in the feminist circle that sees the accounts of globalization that remain partly inscribed within mainstream discourses of economic and political space as essentially problematic. The gender discourse on globalization that places state as a savior for women against the

uncertainty of the external caused by the globalized world re-emphasizes the state centric understanding of International Relations, state which has been shown as a masculine, patriarchal set up with entrenched sense of stereotypes.⁷ The need, however, is to allow women the space to establish themselves as independent agents in the globalization debate and to challenge this overpowering phenomenon of globalization.

Domestic Workers and the Globalized World

One of the most celebrated feature of globalization has been its success at getting a greater number of women to participate in the neo liberal economy. However, here too there is a clincher. Globalization might mean added agency for some women but it does so while further entrenching the rural–urban divide, especially in India with great regional inequality. With a neo liberal capitalist economy many rural women lose their means of livelihood and feel a sense of alienation. With no work and breaking up of the strong kinship ties that were to serve as a support framework for the people, men and women from rural areas are forced to leave their home and migrate in hope of some sense of employment. Industrialization and urbanization encourage the market for domestic workers, with a burgeoning urban middle class and a surplus of unskilled workers.

These two pointers, i.e., that of more women moving into the labor/service market and the increase in migration, then lead to a situation where the services of domestic workers become imperative and also easy to find. Almost inevitably then, most of the domestic workers are women. This then further accentuates the stereotypical role of a care giver/nurturing mother that is branded as womanhood. Observing the pattern in employment of domestic workers is evidence of how these stereotypes continue to thrive, with both the employment of the woman of the house (in the industry) and in the house (as a domestic worker) driving this stereotype.

Not only does such a situation reinforce the stereotypical image of a woman as a “natural” care giver, but it also demonstrates a battle of classes between women. On one hand are women who venture into the

public sphere and in the process gain agency as an individual while on the other are the helpers who filter in to do the traditional work assigned to women and thereby become prone to exploitation. In fact, with there being no clear and accepted definition of a domestic worker and no clarity around their duties these women often are overworked and underpaid. Also contributing to the increase in employment of domestic workers is the fact that the recruitment of domestic labor is an important expression of social relations, including social class and status, as well as a means of reproducing them.⁸

Another added facet of the impact of globalization on domestic workers is that of migration. Migration is the key to any study of domestic workers. The basic connection between the field of migration and domestic worker is the gendered nature of both of these concepts. The new accentuated Outsourcing of domestic labor usually involves migration, be it on an intra-country basis (rural–urban migration), or on a cross-border basis or on an international/trans-regional basis.⁹

It is migrants who are the basic providers of domestic work. Owing to their precarious situation, with no employment and away from their home, and their increased sense of vulnerability, migrants are easily absorbed as domestic workers with lowly wages and no real sense of social security. In fact, in a study done in India in 2003 it was found that 20% of female migrants were employed as domestic workers.¹⁰

The influx of workers from neighboring countries (such as Bangladesh) creates new dynamics in the already complex understanding of the position of the domestics. This globalization of international labor market has the propensity of putting the most vulnerable in a position that leaves them open to grave dependence and exploitation, particularly when most of the migrants are considered as illegal by the state.

One basic problem that any study on domestic workers suffers from is paucity of data. Somehow, there is a dearth of data on migration—more so, women migrants. The data collection exercise works on the belief that women are generally not independent migrants but are forced to move with their families. They are considered associational migrants and supplementary earners and therefore their numbers are not well

known. This is further complicated by the lack of statistical definition.

Nonetheless, with domestic service emerging as a prominent sector of employment, there are macro data that are emerging. According to one such figure produced by National Sample Survey Organization, in India the number of workers employed in private households are 4.75 million. The percentage of domestic workers in total female employment in service sector increased from 11.8% in 1999–2000 to 27.1% in 2004–05. Further in a study done by a Nongovernmental Organization Social Alert, it was found that 92% of the domestic workers are women, girls and children and 20% of these females are under 14 years of age.¹¹ Most of this increase has been found to be urban centric, with domestic service being seen as a largely all-migrant occupation. These migrants are desperate to join the army of domestic workers and are more than willing to work for much less than those who are already working. Being vulnerable, they are often victims of constant verbal and sexual abuse, working without any grievance redressal mechanism. Already suffering from the impact of the globalized economy, these migrant workers are further harmed with their dispossession of the Public Distribution System (PDS) cards and are hence forced to buy food grains and kerosene at higher market prices.

Regional disparity provides for constant influx of migrants who take up these services. Studies show most of the migrants working as domestic workers are from the economically underdeveloped areas of Bihar, Jharkhand, etc. Caste equations are also important players in migrants dominating domestic service. Neetha N. talks about shift in caste norms whereby people who owing to their caste would not opt for domestic work in their hometown are ready to do so in their migrated lands while the attitude of the employers also works favorably in relation to migrant workers.¹² The changing nature of the Indian economy, in addition to the change in the lifestyle and greater inequality contributes to these women being absorbed in a industry that offers them no social safeguard or contract and exploits their distress to increase the celebrated productivity of urban households.

Another dimension of importance here is the issue international

migration. In the case of India, though there is large scale interstate migration that contributes to domestic work but there is also a relatively new phenomenon of migrants coming from Bangladesh, Nepal, and Sri Lanka. Hope of a better future that drives most of this migration is then forced to face the process of governmentality. The need of the nation state to define itself necessitates the creation of the “other”. It is this other that gives state the much needed legitimacy. Meanwhile, the other experiences a deep sense of alienation and is prone to exploitation. International migrants fall in this very category. Globalization has in many cases made their journey from home easier and has also been the cause of this journey, but globalization fails to protect them when they face the test of nationality.

With reference to the increased gulf between the rich and the poor, Arlie Hochschild talks of the “Global care chain”, “a series of personal links between people across the globe based on the paid or unpaid work of caring”. Hochschild argues that global care chains are a mechanism for extracting “emotional surplus value” This “globalisation of love” associated with international migration of motherly labor reflects and reproduces spatially structured care inequalities—of maternal deprivation in poorer countries on the one hand and maternal abundance in richer countries on the other. The focus of the global care chain is on transnational transfer of “motherly” labor and often at the bottom end of this chain are the unpaid workers.¹³ Though this analysis was made for the western conditions, one can quite easily draw parallel in India as well where there are girls in their teens who are forced to look after their families as their mothers go out to work as domestic workers at the urban households. The lack of state sponsored facilities like crèches etc makes this more problematic. What it also means is that education for the girl child becomes the first casualty.

ILO and the Decent Work for Domestic Workers:

In what can be termed as the most significant step towards regulating the working conditions of the domestic workers and ensuring their welfare, the International Labor Organization adopted the Convention

Concerning Decent Work for Domestic Worker in June this year. The treaty extends key labor protections to domestic workers and will protect millions of people who have been without guarantees of their basic rights. The treaty is likely to affect 53 million to 100 million domestic workers worldwide.

The ILO data clearly states that over 56% of domestic workers the laws in place do not establish a limit on how long a working week can be. About 45% of all domestic workers are not entitled to at least one day off per week. About 36% of female domestic workers have no legal entitlement to maternity leave. Moreover, these people are often the most vulnerable with little to withstand the challenge of economic upturn that economic globalization produces.

Being considered a part of the informal labor force, domestic workers suffer two fold and have no refuge. The convention asks for employers to ensure workers are fully informed the terms and conditions of their work, ensures a weekly off, minimum wage coverage, social security, maternity leave and also provides for adequate provisions for specific sections of the workforce. The convention also seeks to regulate the private agencies that recruit domestic workers and asks for a mechanism to address the grievances of the workers. Importantly, the convention will allow for the underage domestic workers who comprise 30% of the workforce to seek refuge in the labor law clauses.¹⁴

During the initial part of the negotiation of the treaty, India was opposed to a legally binding convention but went on to express complete support later on. With huge number of the most vulnerable workforce, it was only necessary that such a regulation came into being. However, merely having a convention is not going to make much of a difference. Though it ensures international scrutiny and brings about some sense of accountability on the part of the state, but for the effect to trickle down to the affected populace it is imperative that steps be taken to make the convention public knowledge. India has formulated a National Policy for Domestic Workers but the fear of the employers against the possible union formation by the workers and a formal contract can mean further delay in a national legislation safeguarding rights of the Domestic workers.

Conclusion

Ostensibly, domestic work does not bear any sense of shame. However, in India that is hardly the case. With a deeply entrenched caste system and a classist society that was furthered by the globalist economy domestic work suffers from the worse of both the feudalist and capitalist system. The fate of a domestic worker is very much dependent on their employers, with no real state regulation that can guarantee their rights. In a deeply insightful analysis, Nivedita Menon compares the fate of domestic workers in feudal times with those of the globalised world and concludes that in many aspects they are rather worse off. Not only is there no sense of security that was the benchmark in the feudal system, nor is there the formal equality of the capitalist contract.

With increased liberalization and privatization, globalization has ensured a continuous inflow of migrants into the city. The economic, social, cultural change that accompanies globalization has the tendency to cause widespread disturbance. While this works to the advantage of some, it also means that some are left more vulnerable to social and economic pressures thus exerted. Domestic workers are quite easily one of the most affected people who are often exploited physically, economically, and mentally. Middle class women who employ them feel a deep sense of suspicion for the workers and tend to ignore the same sense of dignity of labor that they would expect for their work. This complete lack of empathy is shocking considering that some of these women are exponents of the erstwhile feminist struggle.

The cast-class underpinning in the work profile of domestic workers is also indicative of the aberration in the projected globalized world, which talks about one world. It is the racialised othered women who relocate to provide privatized, subsidized care. State needs to be more proactive in control the oppression of workers and to check the construction of vulnerability. The rising demand for domestic workers generally is attributed to a combination of socio-demographic, labor market and welfare factors. For those able to afford it, the purchase of domestic labor is convenient and easily available.

As per ILO estimates, 83% of domestic workers are women or

young girls. It is a great number which needs to be put into perspective. The feminist critique of gender stereotypes makes the process of social construction of gender rather evident. It also shows how women are conditioned to live these stereotypes which make them feel weaker, while also they come to see the role of care giver as a natural. Both of these come to play in ensuring that the women who seek employment as domestic workers start from a precarious position.

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SOUTH ASIAN WOMEN IN GLOBAL FACTORY: THEIR POSSIBLE LIBERTY FROM VIRTUAL SLAVERY IN EPZS AND SEZS

□ BANDANA UPADHYAY

Objective

The idea that women's subordinate position stem from lack of job opportunity, and can be ended by the provision of sufficient job opportunities, is deeply rooted and held by a wide spectrum of opinion from international development agencies, government bureau and Marxist to many women's organization. The paper I am presenting herein under the heading "*SOUTH ASIAN WOMEN IN GLOBAL FACTORY: Their possible liberty from virtual slavery in EPZs (Export Processing Zones), FTZs (Free Trade Zones)*", through citing the work experience of women workers in EPZs questions this very idea. It is at the same time presented with an objective to bring into light how women considered to be having natural feminine features of nimble fingers, docile and willing nature to accept tough work discipline, and less inclination to join trade unions, then men; and argued to be naturally more suited to tedious, repetitious, monotonous work, are exploited in various ways. So far a lot of work is been done bringing into light how these women is exploited in the EPZs. Very little attention is been paid on how can their given situation improve. Reading into the lines of the ways and means of their exploitation, the possible approach will be presented through which the lot of these women can improve.

Introduction

Since 1960s many developing countries have implemented export-oriented growth strategies through the establishment of EPZs (Export

Processing Zones), SEZs (Special Economic Zones) and FTZs (Free Trade Zones) in their country. EPZ is an industrial enclave that engages in export manufacturing with the assistance of foreign investment and enjoys preferential treatment by the host country. The first EPZ, Shannon Industrial Estate, was established in Ireland in 1959 in an attempt to revitalize the old Shannon Airport. The first Asian zone was the Kandla EPZ opened by the Indian government in 1965. EPZ strategy has become attractive to many developing countries in Asia because it offers certain key advantages. First, in a purely economic sense, it is the second best method (after a free trade regime) to attract FDI (Foreign Direct Investment) into export industry. But then for most countries in developing world, with low level of industrial capacity promotion of export is gained at the expense of the labor, most notably of women. One noteworthy feature of the EPZs in Asia, 70% to 80% of the total work force consists of women aged between 16–24.¹ This can be attributed to the fact that the industries in most of the above mentioned zones are electronics and textile and clothing manufacturing, fields in which production is dominated by female workers regardless of their location. These women are usually unskilled or semi-skilled production workers of the EPZs, SEZs, located throughout Asia and the Pacific, the Middle East, Africa, Latin America, and the Caribbean. The zones in Asia are the most numerous and active, with more than 80 of some 200 EPZs in the world located there (Malaysia alone has 11). By 1990 India, Indonesia, and Sri Lanka and Bangladesh experienced the fastest growth in EPZs.

Employment by sex in Sri Lanka's EPZs

Employment by sex August 1992

EPZ in Sri Lanka	Male	Percent	Female	Percent	Total
Katunamayake EPZs	7,293	14.06	44,592	85.94	51,885
Koggala EPZs	196	80.53	2,101	91.47	2,297
Outside	10,245	40.67	14,945	59.33	25,190
Total	21,667	21.58	78,742	78.42	1,00,409

Source: Bureau of Investigation (BOI) primary Data. Cited in Janaki Abeywardene, Romayane de Alwis, Asoka Jayasena, Swarna Jayaweera and Thana Sanmugam, (eds.) *Export Processing Zones in Sri Lanka: Economic Impact and Social Issues*, Center for Women's Research Sri Lanka, working paper no. 69,(Geneva: International Labour Office, 1994), p. 15.

Analyzing this Data one can see in the Koggala and Katunamayake EPZs where garment manufacturing is the main activity, women made up as much as 91.47 and 85.94% of the work force, respectively. Even in the Biyagama EPZs, where the product range was more diversified, women nevertheless composite 81% of all workers. This data is provided just to site an example how women workers constitute the bulk of the labor force in these factories. This is the case with almost all of the EPZs.

These transnational companies shifted to developing countries in search of cheap labor and high profit in the 1960s. Now conventional wisdom says that Foreign Direct Investment brings jobs and therefore prosperity and progress—for labor and especially for women who are recruited in majority in the EPZs. However, while the expansion of the export manufacturing sector through foreign capital investment does provide further opportunities to increase employment, it also involves excessive competition to attract and maintain foreign direct investment. Under this competition the host developing countries in order to attract the multinational companies provide them with special economic zones with exemption from normal labor legislation, tariff etc. Further as is been noted by *Angela Hale and Jane Wills* in the article *Women Working Worldwide: transnational networks, corporate social responsibility and action research*, the relocation of these factories were taking place in Asian countries with authoritarian regime that restricted union

movement, initially in Korea, Taiwan, Singapore, and later Sri Lanka and then Bangladesh. This is still the case today in most of the EPZs in Asia and elsewhere. This in turn creates a tendency towards increase in the level of labor exploitation, via lower wages and longer working hours, with very little job security. In some cases the minimum wage in the EPZs is lower than the national minimum wage, and many EPZs are excluded altogether from the scope of national labor laws.

The lack of protective tariffs allows corporations to take advantage of female workers. In developing nations certain types of work, such as garment assembly is considered to be an extension of female household roles. Aside from low wages, women are also subjected to work in hazardous conditions that can cause health problems. In this regard the case of the women workers of transnational companies like Bangladesh, Sri Lanka, India, Myanmar etc., is most glaring for here there had been most recent reports of labor unrest by women workers fighting for better wage, working conditions etc in recent times. Globalization has reduced the ability of women... [in developing nations]...to find paid work that offers security and dignity.” Although women’s roles in the labor force has changed from traditional agricultural and domestic roles, to manufacturing and assembly production, the overall effect of globalization (based on the literature used in this analysis) has proven to be negative. There are empirical claims of women gaining more autonomy over their own wages and a feeling of independence from traditional gender roles in society. The film entitled *The Hidden Face of Globalization* (2003), discusses the effects of globalization and free trade on women in Bangladesh. Citing some of such struggles by the women laborers working in the EPZs of the area under my study, I would show how and why these women are exploited. Then finally using it as a tool I would put forward the possible ways through which many of the grievances of these women can be meted.

Methods of Improving the Situation

In order to realize the ways that can pave the way for the emancipation of these women we need to understand in what ways these women

workers become a source of exploitation working in these factories. Understanding the extent, the means and the ways of exploitation we in the process would relies the possible routes, if followed, may with time, leads to a healthy working condition of these women.

Instances of Suffering of these Women

Reasons of their exploitation:

The conditions within the zone are not publicly disclosed due to the lack of humanitarian treatment towards workers. Wages in the world market factories are often, *“ten times lower than in comparable factories in developed countries, while working hours per year are up to 50 per cent higher”*.² Not just low wages paid and long working hours that is a cause of concern for these women. They also suffer from sexual harassment, unhealthy working condition and various other such problems while working in these global factories. An understanding developed of the problems these women face, the due reasons for that, using this body of knowledge we can provide with possible ways for their liberation. To begin with analysis of reasons of their exploitation, thus

- ***Lack of Home Governments support***

Since the governments of developing nations are restricted from creating trade regulation laws in Free Trade Zones, workers have the arduous task of negotiating with the corporations that entered into their country in order to gain social and economic justice. Unfortunately, corporations have made unionization in free trade zones an almost unattainable task.

- ***Inability of workers to unionize***

The predominant use of young women ensures that tendencies to unionization are already low. This is probably why it emerges clearly from virtually all the studies on EPZs that none of the provisions of the existing labor laws are actually met in most of the units operating in the major EPZs. Minimum wages are rarely if ever actually paid. In Madras EPZ, for example as is mentioned in the article *“Research on*

Impact of Free Trade Agreements On Women Workers In FTZS and Some Organising Committee by Cividep-India—women workers in leather and textile factories were reported to receive Rs 800 per month in 1999, when the official minimum wage declared by the government that time was Rs 1,200 per month.)

Ways of their exploitation

- **Low Wages**

Textile workers in Bangladesh who make clothes for Primark, Asda, and Tesco are paid as little as 7p an hour as living costs surge, a report suggests. The charity War on Want said the workers are worse off than two years ago when it first exposed the abuse. War on Want has urged the UK government to introduce laws to guarantee a living wage for overseas workers. The retailers said they worked with their suppliers to ensure working conditions were of a high standard.

- **Rising poverty**

In its report, based on interviews with 115 workers from six garment factories during August and September, War on Want said high inflation and increasing fuel costs in Bangladesh had driven up the price of low-quality rice by 70%.

- **High ethical standards**

Denying allegations of exploitation, Primark said that by outsourcing garments to poor countries it was providing employment which would otherwise not be available, particularly for women. “That fact alone has done more to empower women in the developing world than anything else, something that is all too frequently ignored by organizations keen to promote agendas of their own,” the firm said in a statement.

- **Exploitation by management**

- **Sexual Harassment**

Sexual harassment “is another hazard of factory work, especially for women who are out late at night working the graveyard shift”. Women often feels that they have to give their supervisors sexual advances in order to keep their jobs.

- **Long hours of work and Targets to be achieved**

Lengthy work hours and pressures to meet work quotas have caused nervous breakdowns in several female factory workers. *The Hidden Face of Globalization* (2003) also states that factory workers are rarely given breaks during the day. As noted in the article written by *Angela Hale and Jane Wills* in the article *Women Working Worldwide transnational networks, corporate social responsibility and action research* in the 1983 conference the reference to which is been made already Padmini, a worker from transnational factory in Sri Lanka reported:

“When we have to work a night shift, it means we work a day shift, then a night shift, then... altogether we are there for two days. We have a short break for dinner and then between 2–3 am in the morning, we have another break, but we try not to sleep because then it is difficult to work again.”

- **Unhealthy working condition causing various types of illness**

Workers in textile factories are exposed to dust and lint which can cause lung disease. Electronic factory workers are exposed to carcinogenic chemicals without proper ventilation or tools to handle the dangerous materials. Corporations, such as Sears and JC Penny, employ local subcontractors in developing nations that “show little concern for the health of their employees” (Fuentes and Ehrenreich 1998). With constant day and night shift work these workers develop sleeping disorder. It sometimes affects their menstrual cycle as well.

- **Burden of house alongside**

Coming from patriarchal societies working in the factory does not relieve these women from their family responsibilities. They often do the house hold work after returning from the factory. Thus working in factories has

increased the work pressure further on the soldiers of these women.

The basic instrument through which all this is achieved is fear, the fear of loss of job as well as that of continuous harassment on the job.

How in Literature Little Reference to the way out of this Condition of these Women

To note however the researches done so far on Women working in the Export processing Zone concentrate mainly on how is the state of working of these women. However, there are here and there some references on such issues in works such as *Dignity and Daily Bread New forms of economic organizing among poor women in the third world and the first* edited by *Sheila Rowbotham and Swati Mitter*. But then there is no major work available addressing solely the issue of improving the working condition of these women. However, the dearth of material on the subject can be explained on the terms that access to the material about organization and resistance in EPZs and FTZs, SEZs remain difficult. While some of the significant strikes and campaign find their way into print, often in international labor bulletins and women news letter, much of the history made daily on the factory floor remains completely undocumented. But then just because no major work is been written addressing how the lot of these women can improve does not mean that such effort has not been taken or such ways does not exist. In fact in the next section I am going to show how such efforts do exist followed by the presentation of the ways which taken further can add into the improving the condition of these women and may one day these women workers work in a proper working condition with correct wages paid to them.

Reference of the Existence of Struggle by the Women to Come out of the Exploitation

A variety of forms of resistance and organization has indeed emerged among women workers employed in FTZs, EPZs, and SEZs. However, these have not been as Diane Elson and Ruth Pearson the feminist economists says “systematically examined”. Alongside it must be kept in mind too that the organizational forms adopted are not static

but continually evolving in response to the social and economic change. Their change is based on accumulating experience which has been gained through past efforts, failure as well as success in FTZs, EPZs, SEZs. These are some of the means through which these women workers have tried to bring a change into their given working situation.

The means of their safeguarding the interest

- **Joining in-house unions:**

With the work issues that the women are confronted with, they develop “self help” strategies to alleviate their work and the health burdens. One such strategy is joining in-house labor unions. These in house unions though limited in some ways have helped these women workers in addressing their concern at work like the lack of proper hygiene in toilet and the lack of proper drinking fountain. The persistent problem of wages, minimum pay, holidays pay and other benefits are at least discussed during arbitration and negotiation with management

- **Street Demonstration:**

First example of organized resistance by women workers of EPZs comes from Korea where the women working in garment factories began to organize and then took to streets in massive demonstration to demand the right to form trade unions. This right was subsequently established. But then the companies began outsourcing to other low wage economies in Asia³ This threat of leaving the country by multinational companies is one of the reasons why the developing nations where these companies are located, control such efforts on the part of their workers.

Guidance by experienced women workers:-

In learning the skills:

These women workers also develop a system of interaction and assistance among themselves. For the new comers in the industry the older ones

teach them the requisite skills in the manufacture of either garments or electronic components.

Safety issues

The experienced women workers of the factory also advise their new comer co workers on who to watch out for among supervisors and managers and to exercise caution when a particularly ‘notorious’ supervisor is around.

Assistance by International Women’s Organisation

Women Working Worldwide:

It is a small UK based non-Governmental Organisation (NGO) that provides solidarity and support for a network of women workers organization in the commodity producing zones of south. As is been noted by *Angela Hale and Jane Wills* in the article *Women Working Worldwide transnational networks, corporate social responsibility and action research in 1983* a group of women activist from research and development agencies in the UK made contact with some Asian activist and academics who were beginning to document working condition in EPZs and they organized a conference entitled ‘*Women Working Worldwide; The International Division of Labour in the Electronic, Clothing, and Textile Industries*’. They invited representatives from Sri Lanka and the Philippines to provide testimonial from workers, which gave disturbing accounts of extreme work pressure involving forced overtime and unhealthy working conditions.

Ways to further improve the working condition of these women by working on the areas on which focus yet to be drawn

In suggesting the possible sways to bring a positive change into the present working condition of these women one must remember the fact that women workers experience in EPZs, SEZs of the world or to narrow it down as that of South Asia can’t be homogenized. It varies according to the grass route level problems of thee women depending on the working

condition in each of these EPZs. So the suggestions given herein may not be the complete answer to all the problems faced by the women working in the transnational companies in these Zones.

However some broad suggestions to some common problems faced by these women workers may be presented here.

Highlight the issue in Media:

Often it is seen that once the exploitation of these companies were brought into media they in order to maintain the image of the company take steps to improve the condition. One of such incident I am highlighting here.

On 20th October 2010, BBC Radio 4 in Business Program brought into light the pathetic working condition in one of the EPZs of Bangladesh. It stimulated the concerned multinational company to take measures to improve the working condition in that factory. It was presented under the title “*Improving working conditions in Bangladesh garment factory*” By Caroline Bayley.⁴

This news states:

“The deafening whirr of hundreds of sewing machines, the faces covered with masks, the fixed concentration, all reflect a modern Bangladeshi garment factory. It is hard work, long hours and by Western standards, low pay. But it is one of the better ones. This is *Windy Group*, a garment factory on the outskirts of Dhaka. A few months ago the company moved into this new modern facility. It is spacious, cool and well lit. And BBC Radio 4’s “In Business” has played its own small part in bringing about change in this particular supply chain company.

Bad conditions

Eighteen months ago, highlighted the appalling conditions in one of its city centre factories, Windy Apparels, after the BBC’s Dhaka reporter spoke to some of its workers. Two of them said they were making clothes for Zara.

In Business alerted Inditex, the owner of Zara, and their Director of Corporate social responsibility, Javier Chercoles, flew to Bangladesh to investigate. He established that this particular factory was not making

clothes for Zara. However, he realized that it was a sister factory to another which they were using as suppliers. And when he finally got inside the factory he was shocked by the conditions there:

“Conditions were bad because it was an old factory from about 1975 to 1980, four floors, city centre of Dhaka, no evacuation stairs, too many people.” Javier Chercoles gave the factory owner, Mesbah Uddin Khan an ultimatum: close this factory and improve conditions at a new site if you want Inditex (and Zara) to remain a customer of yours.

Mr. Khan was told by Inditex that if he was willing to bring about major changes, they would support him and give him orders. “They said we will get priority,” he remembers, “if we can improve our working conditions as they want.” Thus media brought the change in working condition of women from one of the EPZs in Bangladesh. Various such efforts made by media on these lines can further improve the condition of women from other EPZs.

Effort by Home Government:

The south Asian countries under my study like Sri Lanka, Bangladesh, and India etc., where the situation of the women workers working in the EPZs, SEZs is most recently reported to be quite grave, steps should be taken by the Governments to ensure the minimum safety and welfare of these workers. Allowing unionizing, stipulating the minimum wage to be paid to these workers by the firms, guidelines with regard to working conditions are some of the steps taken by the governments of these countries that can improve the condition of these workers.

Role of Women Association:

Women’s associations are already playing a significant role in bringing into light the problems associated with women workers of the EPZs and SEZs. They are bringing the issues related with these women in News paper for example. As an example “women organization in Sri Lanka like Women’s Association, Da Bindu (Drop of Sweat) collective, and Kalape Api (We In The Zone), all three of these groups are led either solely or jointly by women, some of whom were workers themselves”.

Together with Women Working Worldwide (WWW) an organization in Bangladesh ‘Karmojibi Nari’ is researching on the working condition of women workers of garment factories in Bangladesh. Women’s organization in other south Asian countries should also come forward and take active steps in bringing into light the problems faced by the women workers on their country.

Role of international institutions like World Trade Organisation (WTO), International Labour Organisation (ILO), International Monetary Fund (IMF):

So long the role of the international organizations like WTO, ILO and IMF has remained limited to giving standard guidelines of working condition in the EPZs and SEZs. Apart From that a significant step forward by these organizations had been a lot of research work initiated by these organizations in realizing the labor condition in the EPZs and SEZs world over. Such publications have no doubt brought into light the realities there workers condition. But then mere giving guidelines and exposing the working condition through publication of reports and research papers will not bring a change in the working condition of these workers. It is high time that these organizations come forward collaborating with grass route level organizations check if the regulations set by them are applied on ground level.

Conclusion

In conclusion, I would like to point out that that the condition of the women workers who constitute the bulk of the workers in EPZs and SEZs is very bad. Issues like sexual harassment, the lack of labor rights, including freedom of association; unhealthy working condition, and various other issues such issues already stated in detail, affect them. It is not to deny that there had been efforts at both the national and international level to address these issues. Self help effort of these women is also appreciable. Losing the multinational companies in case of strict apply of labor regulations prevents the host countries of these companies from applying the labor regulations strictly in EPZs and SEZs. Intervention

by international organizations like IMF ILO, WTO and joint effort by NGOs Women's association in building pressure on these multinational companies can be a possible answer to the issue of worsening working condition of these women. If almost all the host countries apply similar labor regulation in these EPZs and SEZs, then the possibility of these multinational companies leaving the one country for another to avoid strict labor regulation will not be possible. And at the same time the women workers working in the factories of these EPZs and SEZs would have a better working condition. Regional and global organizations like SAARC, ASEAN, should be used by the developing countries as the platform to raise and address the issue of these women, developing a joint plan to give a better working environment to these working women.

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REGIONAL INTEGRATION VS NATIONAL INTERESTS: FACE OF GLOBALIZATION IN SOUTHEAST ASIA

□ SUBHADEEP BHATTACHARYA

Globalization denotes the idea of 'being global'. It refers to the growth of transactions and interconnectedness among countries. In its widely held understanding, globalization is measured by larger international (i.e., across the borders) movements of goods, ideas, investments, culture, food habits, language, technology and people. Globalization means breaking boundaries and getting closer. It means growth of social relations that transcend the confines of one nation-state and reach out to every corner of the globe. Beginning in the 1960s, particularly since 1980s, the mode of globalization got propelled in the latter part of the last century, with the winding up of the cold war. And in this phase, we see the term globalization becoming the mantra of the world, now free of super power tussles. Now the countries were interested more in rearing the economic benefits of globalization and regional integration was considered as the first step. And in this way the foe was turned to friend. Such enthusiasm was visible everywhere, including Southeast Asia. ASEAN was quick to expand and integrate all the remaining countries in the region, including those who were considered detrimental to many countries' security during the cold war era. Even China was also approached. Mutual disputes were swept under the carpet (and not resolved) for the sake of integration. To many, it appears as a half hearted mission since it lacks the spirit of oneness, an essential prerequisite to make integration successful. With the disputes remaining unsettled, they can be detrimental to the spirit in future. ASEAN has successfully managed its economic integration, the

countries have learned to work together to milk the maximum benefit. But what is the future of this integration amid strong mutual distrust and suspicions?

The foundation of ASEAN was more to do with security than business. It was specifically created to stabilize the region following the 'Konfrontasi' policy of Sukarno's Indonesia and the Malaya-Philippines disputes over Sabah. Also, the non-inclusion of the communist states of the mainland Southeast Asia was a significant message of the Association against the communist bloc. In that way ASEAN was a security pact among the anti-communist regimes of the locality. But with the cold war ended and the tension over, ASEAN quickly embraced its erstwhile threats like Vietnam and expanded itself. And since then, the Association is working hard to benefit from the new wave of economic integration by utilizing the region's every resource. It is encouraging mutual trade to flourish by creating required ambience by promoting infrastructure build up, connectivity etc. ASEAN members concluded the ASEAN Free Trade Area (AFTA) which has now been virtually established to promote mutual trade. That the members are really interested in promoting this mutual cooperation in the best possible manner is apparent from different agreements concluded between them like the ASEAN Strategic Transport Plan for 2011-2015 (to have an efficient, secure and integrated transport network in the region to realize full potential of the economic integration), Singapore Declaration (an agenda to harness technological advances in Information and Communications Technology, concluded in 2003) and ASEAN Comprehensive Investment Agreement (concluded in 2009 to ensure free flow of investments in the region). Even some ASEAN countries are encouraging co operations separately among themselves which is an inspiration of ASEAN integration program, certainly. The countries of mainland Southeast Asia have attempted to utilize their resources by exploiting their contiguity. Several initiatives are taken under the Mekong sub-region cooperation which includes Cambodia-Laos-Vietnam development cooperation, Ayerawaddy-Chhao Phraya-Mekong Economic Cooperation Strategy, Lao-Vietnam-Thailand tourism development program etc.¹ And ASEAN has not

confined itself to its members only. Outside the region, ASEAN has nurtured bilateral relations with countries like Japan, India, Korea and China through mechanisms like ASEAN+3 (Japan, Korea, China) and ASEAN +6 (India, Australia, New Zealand, apart from the countries of +3).

All these arrangements have gained ASEAN good economic benefits. Trade has flourished at the intra-ASEAN and regional level. The Association is contemplating to form an ASEAN Community which will bring all of its politico-economic and security communities under one umbrella by 2015. All these display a happy tension free image of the regional body. But still there are many wrinkles to iron out.

Sovereignty & National Interest

The countries with history of colonial subjugation are sensitive with the issues of sovereignty. Sovereignty and apprehensions of sovereignty violations by contending States, both at regional and sub regional level, is a dominant factor in Asia and Africa and Southeast Asia is no exception. The historical and colonial factors have shaped the national identities of these countries and feeling of strong resistance to external interference. For this reason, non-interference in the internal affairs of each other is clearly mentioned in the charter of ASEAN. But in today's globalized world, internal policies of a state have ramifications outside. When today, no country can conceal its internal policies (specially the inhuman ones) from the international vigilance, there is a growing demand for more accountability from both regional and extra regional institutions. The globalization wave has blurred the external–internal perception and urged to view the humanitarian crises through a common prism. And the regional integration cannot exclude this condition. But ASEAN fails to abide by this. The strict pursuance of sovereignty principle has tied up its hands. That is why it is unable to resolve the massive humanitarian tragedies happening in the region like in Myanmar. Also, the plight of the minorities in Indonesia or Thailand never gets heard in the Association's meetings. This is because ASEAN limits interactions to the extent which do not detriment the member countries' respective sovereignty. But

overlooking these internal troubles won't be helpful for long.

Southeast Asia is comprised of heterogeneous population with diverse ethnic and religious identities. If divided on religious line, ASEAN is comprised of 'Muslim' Southeast Asia (Indonesia, Malaysia and Brunei) and 'non-Muslim' Southeast Asia, predominantly Buddhist (mainland Southeast Asia) and Christian Philippines. The communal attitude of some countries here towards their respective minority groups contains ample potential to threaten the ASEAN solidarity in future. The suppression of the Thai government against its Malayan Muslim people in the south of the country can not only trigger humanitarian crises but can spoil relation with Malaysia in future as it did in the past. Similarly the harsh acts of the Filipino government against the Muslim Moro rebels of the country and the attacks on the Christians in Java in Indonesia and the growth of fundamentalist influence there recently are ominous signs for region's future. The countries show national security interest as a reason for their acts. And being exclusively internal matters, ASEAN cannot get vocal, as there is no unanimity on the issues. But so long as these issues remain unattended with states intransigent with sovereignty issue, ASEAN integration will stand on weak base. Internal policies do spill over outside triggering huge public outcry and since no regime can overlook its public opinion (especially if democracy), those incidents will effect inter-state relations more in future.

Territorial Disputes and National Interests

Territorial disputes are another aspect of the assertion of national sovereignty. And these disputes are no doubt the products of the former colonial settlements. Disputes over adjacent territories with neighbours have been a common characteristic of the former colonies in Asia and Africa. And the driving force behind most of these disputes is the natural resources contained there. With the sprinkle of national interest concerns over the issue, the countries engage in bitter tussle with their neighbours. And given to the strong sentiments of nationalism and sense of 'historical rights' back home, the governments shape policies accordingly. Such is the case in Southeast Asia. Southeast Asia's colonial past, memories

of Japanese invasion and the national liberation movements there have provided scope to states to fight for their claims and assert legal jurisdiction over interstate boundaries, both inland and maritime. Flying the national flags over the islands and challenging the movements of foreign vessels through their waters are viewed with sensitivity and apprehension of threat. The Malaysia–Singapore dispute over Pedra Branca islands in Singapore Strait, Malaysia–Indonesia dispute over Sipadan and Litigan islands in Sulawasi River near Sabah, Thai–Malaysia border dispute and Philippines–Malaysia dispute over Sabah still cast shadow over the intra-ASEAN relations.

These disputed areas are filled with natural resources like energy and mineral resources. Economic growth and development of the region have led to sharing of these resources in amicable way, through ASEAN, but they continue to be the source of low intensity conflicts manifested as disputes and disagreements. The dispute over offshore oil and natural gas in Pattani Trough and Gulf of Thailand between Thailand and Cambodia, the contention over the sea boundaries and continental shelf and exclusive economic zones (EEZ) between Cambodia, Vietnam, Malaysia and Thailand for the resources in their adjacent areas are to name some of the disputes.² And the recent Thai–Cambodian border skirmishes are indicators that these issues can take an ugly turn in future. Driven by the domestic political calculations, both sides wanted to stir up national sentiments by raking up the temple dispute, some observers suggest. Also the conflict over the South China Sea islands which involve China apart from the some ASEAN members is another thorn in the flesh. The recent spat of China with Vietnam and the Philippines in the water there sent ripples all around. The growing military strength of the communist giant is already making the other contenders flutter and interest of extra regional power like USA in the matter is exacerbating the situation.

So we see that the territorial disputes and associated national interest and prestige with them are an impediment for the success of ASEAN regional integration. Today's low intensity conflicts can take a bigger and serious shape in future as the countries progressing more towards economic prosperity will require resources more which might make them

more assertive with their territorial claims. And the previously mentioned sovereignty issue and its associated ill effects can fuel this trouble.

Security Concerns

In a speech to the Singapore Parliament in March 2006, the country's Defence Minister Teo Chee Hean said, "..... *We have no hinterland to absorb an attack and there is no natural buffer between external environment and our populated areas and economic infrastructure*".³ The statement carries the strong essence of security concerns that the countries of the region still hold. The security concerns of Southeast Asian states are not solely concerned with internal threats, they also keep eye on their neighbours. The security dynamics that operate among eleven states have produced Southeast Asia security complex-one that exhibits both amity and enmity.⁴ That Southeast Asian countries still suffer from security concerns is evident from their military modernization programs and maintenance of defence ties with their powerful cold war allies. Military modernization in the region continued since the 1980s and is commensurate with the region's economic growth and development. The unsettled sovereignty issues, the insurgencies within and outside the states, the aspirations of some countries to get most influential in the region, all these fuel the security concerns in Southeast Asia. And the prominence of the militaries in most of Southeast Asian countries make national security concerns the priority for the rulers. The maritime countries like Malaysia, Indonesia, Singapore and the Philippines are upgrading their naval forces to counter any future security challenges. To many observers, the presence of extra regional powers in adjacent waters of the region like in Indian Ocean, South China Sea and East Pacific have contributed military modernization programmes of the countries there. The presence of big powers like USA, China, Australia, Japan, and India do upset the residents there. Moreover, the rise of terrorist acts since 9/11 world over with the region itself being the target, the military modernization in Southeast Asia can be attributed to the 'global war on terror'. The role of special forces in conjunction with naval and air forces is seen as an optimal means in combat against terrorism and insurgencies

there. This is quite evident in the Philippines and Indonesia. Their respective armed forces have relied on these two forces in enhancing tactical mobility and effectiveness in the combat against terrorism.⁵

Chinese military modernization program, coupled with her growing assertiveness over her South China Sea islands claims, is perhaps the most prioritized security concern for the ASEAN states, currently. The recent spat between Vietnam and China over disputed waters of South China Sea made other claimants of ASEAN wary. Also, the growing military might of China is afflicting the region with Sino phobia. The Philippines is nervous, especially after her recent conflict with China in South China Sea.⁶ Also, that the country prefers to depend more on external powers for defence than regional ones is evident with her fluttering reactions regarding doubts rising recently over promised US military aid to help the country stand against Chinese aggression in the disputed waters with USA delaying in arms transfer.⁷ So this water body can be a future source of armed conflicts as warned by the Chairman of US Joint Chiefs of Staff Admiral Mike Mullen.⁸

The security concerns cannot be satisfied overnight. And with the countries in the region enjoying more economic growth in the days to come, these issues will come up like wounds not healed.

Globalization vs. National Interest: Where does ASEAN Stand?

The above discussions will certainly portray a grim picture of ASEAN. The obvious question that will occur to a reader will be whether ASEAN's success story is deceitful, whether the region is like a dormant volcano which is waiting for the correct time to erupt. Let us find the answer.

To begin with, ASEAN's success story is anything but deceitful. One of the objectives of its founder members was to ensure stability in the region and work together for its prosperity. And the main success of the Association lies, in my view, in thwarting the outbreak of a war in the region, notwithstanding so many disputes and security concerns. Also, with the end of cold war and the globalization wave engulfing the rest of the world, the ASEAN was quick to mould itself in the changing set up and work together for common economic prosperity. It didn't even

hesitate to invite its giant neighbour, and a major security concern, China to participate in its 'mission integration'. ASEAN is committed to economic developments both within Southeast Asia (through ASEAN Free Trade Area, AFTA) and the wider Asia Pacific (through Asia Pacific Economic Cooperation, APEC). Even during the Asian financial crisis of 1997, when doubts were raised regarding the sustainability of the Association itself, it was the diligence of the ASEAN leaders in overcoming the crisis that saved the regional body.

At the sixth ASEAN Summit held in Hanoi, Vietnam in December 1998, ASEAN announced its Hanoi Plan of Action (HPA) and in subsequent years ASEAN has introduced a bewildering number of programs to enhance economic cooperation among the members. HPA committed ASEAN to implementing AFTA a year ahead of schedule and proposed ASEAN Surveillance Process (ASP) in the financial sector which was endorsed by ASEAN finance ministers on 4 October 1999. This initiative involves exchanging information and discussing the economic and financial development of the member states. Of the particular importance was the Chiang Mai Initiative (CMI) launched in May 2000 by ASEAN with Japan, China and South Korea. It commits the member states to exchange information and review each other's financial policies. It also allows them to borrow currency from each other to fend off currency speculators. ASEAN has sought to entice foreign investments in Southeast Asia through the ASEAN Investment Area (AIA) initiative. One of the concerns after the financial crisis of 1997 was the slowdown of the investment in the region with China absorbing the maximum of it after opening her market. Thus the ASEAN adopted the AIA initiative to boost foreign investment in Southeast Asia.⁹ Not only increasing intra-ASEAN trade, helping its least developed members like Cambodia, Laos, Myanmar and Vietnam, together called CLMV countries, to narrow the development gap is also another noble mission of ASEAN. The measures include wide range of economic assistance to them. In FTA arrangement, some concessions have been granted to CLMV. Thus, we see that ASEAN has adopted a lot of policies to propel the

economic integration and prosperity of the region, despite serious disputes and security concerns.

Yet, there are some problems Association is which certainly weaken the integration process sometimes.

The first is ASEAN's relations with China. In the post cold war period, with both sides giving priority to economic developments, ASEAN and China have worked hard to make best use of each other for economic gains. Trade and economic ties between ASEAN and China have been growing rapidly over the past years, especially after the signing of the Framework Agreement on Comprehensive Economic Cooperation in November 2002 to establish the ASEAN–China Free Trade Area (ACFTA). The total trade between ASEAN and China reached US\$ 192.5 billion in 2008. This growth puts China as ASEAN's third largest trading partner in 2009, accounting for 11.3% of ASEAN's total trade.¹⁰ ASEAN–China Free Trade Agreement was implemented in 1 January 2010.

Yet, that there is serious lack of trust between the two sides is understandable from low intensity conflicts occurring between China and some members of ASEAN occasionally, like in the South China Sea. Also, the tension can effect the healthy economic relations became evident from recent developments in the Philippines. With the eruption of serious disputes over the South China Sea issue with China, there arose demands in the Philippines to boycott Chinese goods which gained popular traction, judging by surveys and postings to the Internet. In a Philippines online poll conducted by Yahoo!, over 70% of 31,000 respondents supported calls to boycott all Chinese-made products. In a similar TV news poll, the percentage of respondents in favour of a boycott was even higher. Popular Catholic bishops have also publicly endorsed an anti-China boycott.¹¹ Although the Aquino government refused to respond to the boycott appeal, (which will be a risky step given that China is currently Philippines' largest trading partner), urged the public to temper its response to perceived provocations, including threats made by a Chinese patrol vessel to a Philippine oil exploration ship in March, this year.

Recently, public anger was displayed in Vietnam against the Chinese migrants working in the country. Residents of Vietnam's northern communes have complained that illegal Chinese workers who have taken a number of well-paying jobs, reports Thanh Nien, or Youth, newspaper. For example, visitors to the Ngu Lao Commune in the port city of Hai Phong find most restaurants, foot-massage parlours, barbershops and cafés display signs written only in Chinese script, it says. The change follows the arrival of scores of Chinese migrant construction workers, it says. A 2008 Decree requires all foreign workers in Vietnam to obtain an official permit to work for more than three months but manual labourers are not eligible.¹² The Sino-Vietnam tension is well known and in a Communist country like Vietnam publication of such news is not possible without authority's approval. And from the recent tension between China and Vietnam we can decipher that, the latter will hardly let the tension die down. As I have mentioned earlier, issue of sovereignty and national honour are more important to countries who suffered colonial subjugation. The main reason for Vietnam to maintain cordial relation with USA (her erstwhile enemy) since the end of the Vietnam War is China. Vietnam has encouraged military relations with USA as a countermeasure. The main concerns shared by the two countries are the Chinese claims over South China Sea, which Washington DC insists should remain as free navigation area. Both side held joint military exercise last year amid warning of China about a 'rising Asian NATO'.

Another country uncomfortable with Chinese rise is Indonesia. Although Indonesia has signed agreements with China including enhancing defence ties, Jakarta has promptly balanced it with similar initiative with USA. In June 2010, Indonesia and the US signed a wide ranging agreement—the Framework Arrangement on Cooperative Activities in the Field of Defence, intending to integrate existing collaboration between the two.¹³

All these show that even when both China and the ASEAN partners are interested to encourage economic ties, there is serious lack of trust and strong existence of fear and misgivings between the two sides. Such an ambience is not desirable for proper functioning of regional

integration mission.

Apart from this, the regional collaborations sometimes meet challenges of low intensity. Such issues although don't threaten the stability of ASEAN, do raise question regarding the success of the grouping. The dispute over the proposed Xiaburi dams in Lao PDR is such a case. Many countries in the Mekong sub region have objected to the planned 11 dam construction (for hydropower generation for the entire Mekong region) by Laos on Mekong River. Among them is Vietnam. Vietnam is concerned that this construction will reduce the down flow of the Mekong River and will reduce fresh water and silt downstream Vietnam devastating the fishing in the country. Vietnam's government officials have raised their voice against the 32-meter-tall, 820-meter-wide dam. "If built, Laos' Xayaburi dam will greatly affect Vietnam's agriculture production and aquaculture," deputy minister of natural resources and environment Nguyen Thai Lai reportedly said in a meeting of the country's Mekong River experts.¹⁴ It is clear that Vietnam puts her own national interest over the larger regional interests. For its part, the Laotian government is sticking to its plan. "We are confident that the Xayaburi Hydroelectric Power Project will not have any significant impact on the Mekong mainstream," officials from Vientiane (the capital of Laos) have explained in a note to the Mekong River experts.¹⁵ Laos has appealed to her neighbours not to place any block to this project. This is a clear case of national interest vs. regional interest for the Mekong countries.

A prime character of regional integration is free movement of people within the integrated region. But ASEAN has still not been able to introduce any such arrangement. The security concern and mutual misgivings are the main reasons for this failure. Moreover, marred with ethnic insurgencies and repressive government actions, the countries there experience refugee influx almost regularly. But the tragedy lies in the fact that the host countries always tend to deport the refugees back to their countries to be killed by the state itself. Thailand repatriated the Hmong refugees to Laos when faced with refugee influx from there two years back. The Rohingya refugees of Myanmar often risk their lives to travel to Southeast Asian countries like Indonesia or Malaysia where

there is no guarantee of state asylum. If caught, they can be arrested or forced out of countries. This is a major flaw of the regional integration of ASEAN. The failure of the states to resolve their domestic ethnic tension has impacted the people's integration plans of the region. The countries there are unable to generate a common identity for the entire ASEAN region. The ruling elites are divided on communal and ethnic lines branding them as nationalism. The anti-Muslim policies of Thailand and the Philippines and the growing Islamic fundamentalism in Indonesia and Malaysia amid state ineffectiveness are relevant concerns. These tendencies (sometimes intertwined with strong nationalistic essence) denote the limitations of globalization in Southeast Asia.

Apart from the agonies of the local people, the 'outsiders' also feel unwelcome in Southeast Asia sometimes. The Indians living in Malaysia have been subject to discriminations of state. The plight of the Malaysian Indians was brought to the notice of the international community on 25 November 2007, when the Indians (with an estimated strength of 10,000) took to the streets and gave a wake up call to the Government. Though some measures have been taken by the Malaysian Government, especially since Datuk Seri Najib Razak became the prime minister, to alleviate the woes of the Indian Community, they are cosmetic or they are not being implemented in the true spirit, writes C.S.Kuppuswamy¹⁶. Even the Chinese living in Malaysia were the victims of riots in 1960s. Such strong pro-Malaya or Bhumi Putra policy undertaken by the government has both historical and emotional justifications. Today, when the country has transformed from an agrarian to an industrial economy embracing the spirit of globalization, such pro-Malaya policies are still in vogue in Malaysia. Instead of educating the people, the government there is pampering such mentality. If the Malayan population does not learn to adjust with the changing scenario, then the spirit of integration (both regional and global) will be defeated.

Mutual trust is a prerequisite for regional cooperation. Also, it helps in combating security threats to the region together. Since Southeast Asia is marred with inter-state conflicts, the ASEAN leaders felt the necessity for a mutual confidence building mechanism and the result was ASEAN

Regional Forum (ARF). It was constituted in 1994 to foster dialogue and consultations on political and security issues and common interest and concern and to make significant contributions to efforts towards confidence building and preventive diplomacy in Asia-Pacific region. Since then, ARF moved beyond the Southeast Asian periphery to include countries like India and China and expand zone of security governance. It also constituted ASEAN Defence Ministers Meeting (ADMM) in 2006 to discuss and exchange views on current defence and security issues and challenges faced. So, the region has prepared itself to jointly handle its security challenges.

But the mission is still not accomplished. The ARF members still suffer from the lack of confidence on any of these mechanisms. Even after a decade passed since the ARF was formed, its members prefer to win both land and maritime disputes militarily rather than through dialogue. In early 2005, there was a naval stand off between Indonesia and Malaysia over disputed area of Ambalat in Sulawesi Sea.¹⁷ For the same reason, the China–ASEAN disputes over South China Sea result to occasional skirmishes in the disputed waters among the claimants. The participants in the ARF Meetings are more careful in preserving their national interest vis-à-vis promoting joint security cooperation. What has been achieved, however within the auspices of ASEAN is an agreed code of conduct when it comes to behavior and confidence building measures in the South China Sea. However, several of the claimant states did not want a legally binding code of conduct in the disputed water. That being said, the declaration has disciplined the various states' behavior and incidents have kept low key and restrained. Nevertheless, the claimants have from time to time taken 'small and innocent' steps hoping to improve their own position without trying to rock the overall status quo situation.¹⁸ Today, the they might restrain themselves due to some compulsions (both economic and military), this tendency to bypass the regional security mechanism is an ominous sign.

Similar lack of trust in regional security mechanism is noticeable in other intra-ASEAN contentions.

The earliest mention of dispute settlement in an ASEAN agreement

was in the 1971 Declaration on the Zone of Peace, Freedom and Neutrality (1971 Declaration on the Zone of Peace, Freedom and Neutrality, PP3.), which recognized the aims and objectives of the United Nations, including the peaceful settlement of international disputes. The 1976 Declaration of ASEAN Concord subsequently committed member states to “rely exclusively on peaceful processes in the settlement of intra-regional differences”, and included in its program of action the “settlement of intra-regional disputes by peaceful means as soon as possible. On this basis, ASEAN has developed three key mechanisms for dispute settlement: the 1976 Treaty of Amity and Cooperation (TAC), the 1996/2004 Protocol for Enhanced Dispute Settlement Mechanism (EDSM) for disputes relating to ASEAN economic agreements, and the provisions of the 2007 ASEAN Charter that serve as an overarching framework for dispute settlement in ASEAN. To date, neither the High Council of the TAC nor the EDSM have been utilized by member states.¹⁹ Singapore and Malaysia appealed to the International Court of Justice for settlement of their territorial dispute over islands in Singapore Straits rather than to the ASEAN dispute resolution mechanisms.

Conclusion

The prime condition of globalization is to rise above the ‘narrow state centric identity’ and treat the world as home. It demands transcending the state boundary and reach to every corner of the globe. It encourages ‘international identity’ at the cost of ‘national identity’. Here lies the conflict. And the conflict is more apparent in the countries of Asia and Africa where nationalism is a strong emotional issue. The displaying of the division in the population there on ethnic and religious lines is more prominent than anywhere else. And the governing elites feed on these differences. The national liberation movements still guide their identity build up process. And thus, the territorial disputes remain unsettled and the states, with growing strength and influence, get assertive of their claims. Mutual distrust and misgivings are a common character of the countries in this region. Southeast Asia is no exception.

ASEAN's globalization process suffers from several challenges. The member countries of the Association have still not come out of the same 'individualist' nature which is common all over Afro-Asian world. The countries are walking on the tight rope balancing between sovereignty and national interest and the globalization spirit. Economic requirements have compelled them to work together, but they are divided on many issues. The countries are still suspicious of each other's motives and suffer from apprehension of sovereignty loss. That is why they are cautious of their national interest while nodding to any regional development project and prefer to depend more on extra regional big powers than on their very own mechanisms created by them. This suspicion is not limited to the governments but is very well existent among the people also. That is why a minor inter-state standoff is enough to provoke huge public outcry there. And the ruling elites, feeding on such 'nationalistic fervor', often succumb to such pressure giving a blow to regional integration. Also, differences over ethnic lines (condoned by the state sometimes) create serious impediments for people to people contacts, another condition of globalization.

Until Southeast Asia wins over these challenges, the integration process will remain under the shadow of doubts and the globalization will remain half accomplished. And also, the ASEAN's slogan one 'one vision, one identity, one community' will remain a distant dream.

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ASSESSING SYMBIOTICS AN ASSESSMENT OF THE AFRICAN LAND LEASE POLICY WITHIN THE CONTEXT OF GLOBALIZATION AND DEVELOPMENT

□ AHANA BANERJEE

Introduction

Globalization is a phenomenon which increasingly integrates the global economy for creating greater wealth through economic interdependence and cooperation, increasing economic relations between the developing and developed economies. Africa, recognizing the benefits of such mutual aid, has taken steps to tap its massive natural resource base by encouraging foreign investment. The predominant phenomenon, within this context, has been that of the land leasing deals with a number of Asian and European nations, involving both developing and developed countries, in collaborative ventures.

North–south and south–south cooperation have generated a debate with regards to whether these deals would benefit the African developmental goal or be an instance of ‘land grab’ with hidden exploitative agenda. The crux of the argument in the paper deals with the question as to whether these transactions will add to the skewed developmental pattern or work towards removing imbalances by generating greater wealth and sustainable progress. The paper analyzes the interests of the participants for executing such deals and the implication it has on the common African citizen both from the perspective of displacement

as well as overall development. Furthermore, the role of the domestic legal system correlated with international contracts brings to the fore the debate, not amongst the illegal and the legal, but between the conflicting legitimate forces in a globalized environment. The paper proceeds to explain the conceptual root and operational dynamics of the deals to explain the need to reassess globalization. The first section will lay out the conceptual framework of why lease holding has become important in Africa. Following which will be the section analyzing the areas of concern within the perspective of sustainable development. The third section will appraise the issues in land rights and legitimacy followed by the compensation and development dynamics of the deals which will be explored briefly in the fourth section. Lastly, the affect of globalization will be evaluated along with the implication that such deals may have on the economy at large within the context of wealth creation and the possible need to change the paradigms of globalization.

Importance of Lease holding in Africa—A conceptual framework

Sub-Saharan Africa has gained economic momentum by way of programs leasing out land with the objective of attracting foreign investment to enable development. Countries such as Ethiopia, Mozambique and Madagascar have stepped into the limelight in this context, with more and more foreign investors queuing up to realize a solution for the growing global food scarcity.

The roots of this phenomenon may be found in the issue of food security which has been a concern for over centuries now. Since the publication of Thomas Malthus's 'An Essay on the Principle of Population', the possibility of paucity of food as a menace has been widely debated. However, with the progression of time the fundamental Malthusian proposition that food production pattern occurs in Arithmetic Progression has not been proven accurate not only as a result of technological advancement and modernization but also due to an increase in the land area employed for agricultural purposes. The noted economist, Jorgen Orstrom Moller argues that the reason for the failure of the Malthusian theory, among other things, is that "new territories have opened up to change the equation between the supply

and demand for resources”¹. In other words, there has been an increase in the supply side of the market, by bringing newer areas under cultivation that has prevented the occurrence of food crisis which Moller has explained as “a transnational revolution in logistics that has enabled mankind to shift resources to alleviate imbalance and minimize scarcities on a global scale”². Nevertheless, the concern over food crisis has only magnified in the recent times with a constant rise in global food prices and has resulted in a new surge in globalization where the African continent has gained the vital position.

The concern over food security has gained thrust with the rise in food prices over the post 2008 recession years as the world economy witnessed high food inflation. However, it must be brought to notice that food price inflation is not just an offshoot of the recession; instead it is the effect of the increase in use of bio fuels along with a change in food consumption patterns which has affected in a fall in global food supply.³ Status quo and the impending stalemate in the matters of land availability have been averted by extending land acquirement to less developed countries. The present case of land acquisition and leasing in Africa conforms to the trend of increasing unutilized area for cultivation to change the food supply dynamics.

Given the fact that in the present scenario most developed countries have made the most of their capacities, the onus of supply side changes goes to Less Developed Countries (LDCs) or developing nations where part of the resource capacity remains unutilized or underutilized. However, fast growing LDCs like India, Bangladesh and China have also been major participants in the Africa land deals which has been attributed to the incongruity found in the issues of population pressure and energy requirement characteristic of the fast growing economies of the subcontinent as opposed to the sparsely populated and low growth countries of Africa.

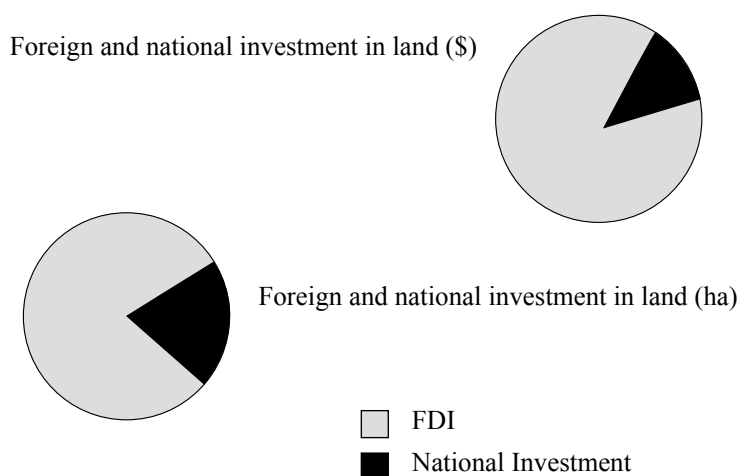
Marking the Territories of Concern - Investment and Development dynamics:

The strategic and economic advantage of the land deals are ingrained in the large tracts of unutilized arable lands which have been termed as ‘idle’ lands.

A 2002 Food and Agriculture Organization (FAO) report stated that only 25% of the 807 million hectare of arable land in Africa under cultivation⁴ which confirms the gross underutilization of resources. The need is to ensure optimum utilization of resources for balanced development which needs to be estimated within the context of these land deals.

The first area of concern in this context is of the proportion of investment on land between domestic and foreign investors. The figure below shows a comparison in terms of the investment figures and land holdings in Ethiopia, Ghana, Madagascar and Mali (2004-2009) as shown in a 2011 FAO report titled '*Land Grab or Developmental Opportunity? Agricultural Investments and International Land Deals in Africa*' where the amount of foreign investment is 88% (approx.) in monetary value and the quantity of land held by foreign investors is approximately 78%.⁵ The deemed disparity brings into view that the proportion of the agricultural produce which is to be exported will curb the availability of food to the domestic population.

Distribution of Foreign and National Investment in Ethiopia, Ghana, Madagascar and Mali 2004–2009



Data Source: "Land Grab or Development opportunity? Agricultural Investment and International Land Deals in Africa"

This is further affirmed by the fact that of the allocated land areas in countries like Ghana, Madagascar and Ethiopia, the proportion of land used for export markets is over 75%.⁶ The prioritizing of exports has the benefit of earning foreign exchange but given the nature of contracts where the registered organizations are not in Africa, the payback of foreign exchange earnings to the host nation needs to be evaluated. The disproportion in national and foreign land holdings and investments bring forth the elementary question of what the benefits of the host countries are for them to engage in arrangements which entail such transfers. The answer may be simply found in the benefits that globalization promises. Higher investment results in higher employment, higher wages, infrastructure building and other functionalities such as development of market and higher international integration. The overall necessity is of positive growth, where the host country benefits from the investment made while the investor benefits from the innate comparative advantage of the host country, though, the definite transactions may not always yield proportional benefits. The premiere factor and perhaps the most important issue within the African context is that the produce is being exported from a country engulfed in mal nutrition and food scarcity. This in itself renders a dilemma in the investment pattern as to whether it is fair to give out land when a substantial portion of the nation's populace is in hunger wherein the objective of alleviating imbalances through globalized economic activities stand challenged.

The argument then forms around the very nature of foreign direct investment which though, entrenched in reciprocity of benefits lacks a definitive proportion of balance. The fact that the developmental aspects of these deals are coincidental and not planned objectives raises the issue of imbalanced growth and development where inequities may be magnified. Furthermore, the preservation of development needs to be appraised within the context of the government's capacity to retain the benefits arising out of the investments.

This takes us to the second issue which is of sustainable development. Sustainability within the context of globalization would require a situation where the additional capacities resultant from the cooperative venture

would be maintainable. Thus the aim is of optimum resource allocation for maximum advantage. Development on the other hand requires that all the participants are benefitted and each is rendered better off where the simplistic approach is of human welfare. In the given case welfare would come off infrastructure, research and development institutes, employment, etc. each being an ancillary to the central resource 'land'.

The question of protracting development will depend largely on the technique of resource utilization and allocation which in this case shall pertain to land, which as an immobile resource is largely reliant on its techniques of usage. Over utilization depletes it and delivers it unusable till such time that its original fertile being is restored. Leasing policies pursued by many African countries range from 50 to 99 years,⁷ a period during which agricultural land will be depleted to the extent where the restorative exercises may not yield results. The available data on the proportion of land utilized for food production purpose and that for bio fuel production indicate hegemony on the part of foreign investors where the export possibility is given a determinant role.⁸ Further the type of technology, fertilizers and other agricultural inputs would also determine the rate and prospect of maintaining the quality of land. An example, of potential catastrophe caused by poor land utilization planning would be of Viderbha, India where the excessive use of chemical fertilizers with inadequate irrigation has exhausted the land to the extent where refurbishment has proven to be unworkable. In addition the concerns over soil erosion and availability of land for domestic purposes need to be estimated.

Depleted land would hinder employment and productive opportunities along with the likelihood that other developmental projects relating to infrastructure may become unusable or insufficient for future use. A plummeting in the central resource would inadvertently affect labor, capital and business enterprise. Sustainability therefore can be made possible if the initial contracts or agreements provide for its prospect, which at this stage is not widely known. However, the treatment meted out to the native land workers may be considered as indicative of the developmental leeway in the leasing contracts. Within this context it

becomes important to understand the land ownership and acquisition pattern in Africa which is analyzed in the following section.

The Rights–Possession correlation

Ownership in legal parlance defines the rights of a possessor, yet, possession does not contribute to unqualified ownership and perhaps it is this distinction which predefines the land acquisition issue in Africa. An elucidation may be sought in A. N. Allott's article 'Absolute Ownership' which defines absolute ownership as being of the nature that "*does not include any claim by the Crown or any Government or any other public body to the ultimate possession of land by virtue only of the law concerning escheat, bona vacantia, or compulsory acquisition*".⁹ Since most African land has been utilized by the means of customary rights instead of ownership title, acquisition and leasing on the part of government as the absolute owner becomes technically a perfectly legitimate activity.

Simultaneous to the shift in ownership from the colonial powers to the government, the functional usage of land continued to rest with the workforce which held the customary rights. These rights have gained space in the legal context by the virtue of 'certificates of title or rights' by government appointed registrars. However, the inquiries made and the concerns expressed here are a result of the legitimacy of the customary rights which form the bulk of the land right type in Africa. One of the primary reasons is that of the very procedure of registration itself. The responsibility of registration lies with the workers or tenants which within the inadequate awareness and communication systems may not always be enough. Therefore, the process of legitimizing at the legal level fails to supersede the innate challenges of the country, pertaining to low development, functional institutions and education.

An instance may be found in the Land Act, 1988 of Uganda, where the rights of 'lawful' and 'bonafide' occupants on *mailo* lands have been so defined and provided for that the extent of other ownership rights have been of limited affect. Further, the Ugandan case has also pursued the issue of certificates of customary ownership, thereby giving a sort

of legitimacy to the rights of the occupants. This has had a positive impact and has helped in ensuring the livelihood of the occupants and the recognition of tenancy.¹⁰ Conversely the example of the Barolong community in Botswana, which had gained the reputation of being the ‘granary of Botswana’, saw a constant threat in its traditional position of agricultural specialist by being subjected to over commercialization and ‘land grabs’.¹¹ This occurred despite the fact that the legislative means applied to Botswana were on similar lines of building tenant and occupant legitimacy and caused a steady deterioration in this community with increased marginalization.

These two instances reflect the possible contradictions which may arise despite of the existence of similar legal framework. This phenomenon can be attributed to the leasing of land to private players, foreign owners and other parties with vested commercial interest. While leasing out is perfectly in conformation to the law structure it is the usage of it that the leaser (in this case the governments) has little control over. The lessee may employ the land to suit its requirements driven by commercial or national interest at an environmental and human cost which may be high for the host country. Further, the lessee is under no specific compulsion to provide employment to the dispossessed population thereby adding to further unemployment while the developmental projects may not be of direct relevance to the dispossessed populace. Thus leasing has the domino effect of delivering these traditional users jobless. This is especially brought into focus in the Land Grab or Development report “*concepts such as ‘idle’ land often reflect an assessment of the productivity rather than existence of resource uses: these terms are often applied not to unoccupied lands, but to lands used in ways that are not perceived as ‘productive’ by government. Perceptions about productivity may not necessarily be backed up by economic evidence (for instance, on pastoralism, see Hesse and Thébaud 2006). Low-productivity uses may still play a crucial role in local livelihood and food security strategies*”.¹² The locals are thus put in a vulnerable situation where the absence of adequate compensation would result in loss of livelihood along with the predicament of being ousted.

The other impending issue is of establishing the lessee's possession of the land. Reports that the government has taken initiative in securing land rights, has been made known and a published interview in this regard has confirmed the same wherein it is stated that "*More fundamentally, legal provisions may not alter entrenched perceptions among key decision-makers about the value of local land rights. This is illustrated by an interview with a government official from the national land commission of an African country that does legally protect customary land rights, who referred to local land users as 'squatters'.*"¹³ The implication of this would be that the traditional rights and possession as perceived by the common mass would have the potential of placing the lessee as an interloper thereby hindering the developmental initiatives to be taken up.

Summarily, the rights of the government expressed in the form of shift in possession from the customary occupants and tenants to private and foreign players in pursuance of developmental objective might bring in inconsistencies in terms of established occupancy titles and the possibility of over commercialization. Given that the customary rights could hinder the marketability of land the position of the tenants become even more precarious as the chances of an exclusive policy may be undertaken by the lessee. This takes us back to the question of sustainability where the risks faced by the labor may add more to the quandaries of displacement than to welfare.

Functional Dynamics—Compensation Regimes and Coincidental Development:

The prime issue to be addressed in land acquisition is the compensation regime as it determines the basic terms between the displaced and the acquirer. The FAO report titled '*Land Grab or Developmental Opportunity?*' has furnished a table on the compensation situation prevalent. However, the question of alternative employment and aid in relocation are persisting issues which are yet to be addressed as the effort to secure welfare effects that the fundamental question of sustainable development does not lose ground.

COMPENSATION REGIME							
Country Studied	For private ownership	For other legally recognizable rights	Paid By	Rates	In-kind compensation allowed?	Compliance	Deemed Sufficient to restore livelihood
Ethiopia	N.A.	Yes	Government in theory, investor in practice	Value of improvements and 10-year harvest	Yes	Mostly	No
Ghana	Yes	Yes		Loss of land and improvements based on national rates	Yes	Yes	No – the values used by the Land Valuation Board are usually the minimum rates; investors may through negotiation decide to pay higher rates
Madagascar	Yes	Yes	Government in theory, investor in practice	Loss of land, loss of Improvements	Yes	Mostly (sometimes in the case of rights which are not legally recognised)	Yes, but problems experienced in resettlement
Mail	Yes	Yes	Government in theory, investor in practice	Loss of land and improvements based on national rates	Yes	Yes if ownership, otherwise dependent on negotiation	Yes for ownership, not for other rights
Mozambique	N.A.	Yes	Government in theory, investor in practice	Loss of land, loss of Improvements	Yes		
Tanzania	N.A.	Yes	Government in theory, investor in practice	Loss of land, loss of Improvements	Yes		

Data Source: Land Grab or Development opportunity? Agricultural Investment and International Land Deals in Africa

The compensation regimes put forth the need to assess land value in terms of loss of land and loss of improvements both of which would essentially require a present value calculation and consideration of interest and factors influencing the appreciation of land. Given the registration

procedure of tenancy and occupancy, the assertion of accurate and fair compensation becomes a matter of doubt. Also the increase in the burden of compensation payment on the investor pushes up the cost and may hinder the employment of funds in other developmental activities. Furthermore, compensation can only be of utility in the short term as inadequate skill set for an alternative profession raises concerns over security of livelihood. The relocation of the dispossessed may only be sufficient through re-employment for which the leasing procedure remains ambiguous.

Future employment would require the fulfillment of the developmental objective of the land deals which can be analyzed in concurrence to the challenges faced by the lessee. Data released through country studies show that of the 600,000 Ha land allocated to foreign investors in Ethiopia a meager 1.39% is suited for rain fed crops, while the percentage is 2.12 in Ghana, 2.29 in Madagascar, 0.60 in Mali and 0.46 in Sudan.¹⁴ This would contribute to irrigation requirements and additional costs taken up by the lessee and is perhaps an example of the collateral development which is the expected outcome of these land deals. It may be argued that capacity building in terms of irrigation or otherwise would provide for employment. However, the importance of cost-benefit analysis needs to be kept in mind when dealing with commercial entities and thereby the type of employment it would engender. Also, the revenue maximizing and cost minimizing motives may require either the production of revenue generating cash crops thereby deepening the concerns over food security or use of chemical and artificial means of high productivity bringing the quality of land under serious risks of depletion. The ambiguity therefore is not over employment generation but the type of reallocation of livelihood and possibility of overall development of the dispossessed.

Another concern is of the violation of human rights. The alarm arose from the close ties between a number of African countries like Zimbabwe and China where the former viewed the western concern for human rights in the latter as an attempt to impair China's high growth economy¹⁵. The concern arises from the fact that the respect for human rights has become a negotiable dynamic on the part of a government.

The very purpose of development and human welfare stands challenged in such a scenario.

Within this context it may be said that the idea of development and sustainable growth is mired by the spirit of convenience, thus economizing the possibility of achieving targets desired in the process of globalization. The basic assumption of globalization as a process yielding mutual benefit loses its ubiquitous feature with the investor extracting its desired outcomes while the investee is being subjected to only incidental benefit or detriment.

Rethinking Globalization—Imbalances and Quantification in Development

The economic imperative is both implicit as well as explicit to the idea of globalization and functions within the welfare logic of economics where human development is considered to be the prime motivator. Yet, subjugation of the welfare reason is also widely observed where the participant, dominant in economic power displays exploitative traits. In its extreme nature it takes the form of what has been termed as neo colonialism while in a mellowed version the result may be of unequal benefits. In the case of the African Land Deals what becomes ostensible is that the development motive of the leaser countries is not a concrete and planned process but an anticipated outcome. This may be equated with the process of liberalization which has been a defining feature of globalization where the liberalized nation has been obliged to allow market forces, both domestic and foreign to play themselves out for higher payback and growth but with highly imbalanced development. India becomes a prime example here where the Gross Domestic Product of over 8% has not been echoed in the sphere of developmental equitability.

On the other hand, the developed and developing economies alike are in a state of increasing demands with regards to energy and food supply which renders a situation of resource procurement competition. The direct impact can be seen in the African case where the European investments have been bio-fuel centric and that of the Indian subcontinent

has been of food security. The distinction comes not from the fact that the countries of the sub-continent do not require the energy resource but because the technological implication it has, therefore the European economies are catapulted to a position of comparative advantage because of their technological sophistication. Summarily, the resources of Africa are reallocated to other nations based on their technological edge in return of developmental impact. The notion of reallocation yields the probability of contrary trends among competing nations which mars the cooperative aspect of globalization. Again, the concept of reciprocal development can be questioned in the absence of documental agreement where development as an outcome is only probable. Furthermore, the objective of greater wealth as a result of globalization can also be put to scrutiny in the light of the inequity in benefits and depletion of resources. The use of limited resources unsupervised by preservative measures, will deliver lesser wealth and poorer resources.

However much the basic tenets of globalization are ignored or abused, they do not disappear. The question therefore, like in any other dispensation is not so much in theory as it is in execution. Perhaps it is in this regard that forums such as the World Trade Organization (WTO) gain prominence but the operational bearing is ultimately the onus of the participating nations. An instance where an economic benefit is paid off by political or strategic advantage is not unexpected in this domain but the absence of alternatives becomes a pricking needle. The solution of which is not just better economics but clearly defined objectives and measurable outcomes. The core assumption here is that the market can put an individual in equilibrium but is incapacitated to bring equity and consequently balanced development. Conceivably, it is time for globalization to have a concrete quantifiable dimension to supplement the conceptualized dynamics. It has been observed that trade figures and resource details have facilitated globalized activities but the quantification of developmental outcomes becomes an imperative requirement to substantiate and accomplish the doctrine of globalization. A converse utilitarian argument may be that welfare and development are essentially subjective and comparative and they do not enjoy the certainty of the

numeric. Yet the attempt must be made to establish a comprehensible control system for the detection of exploitative tendencies.

Conclusion

The final question is of whether the land lease programs pursued by the African nations have the potential to generate additional wealth and development or will it be a situation of resource reallocation and exploitation sacrificing the developmental purpose. The importance of foreign investment in Africa is evident, as the requirement of large scale investments has not been sufficed by domestic or government initiatives. In addition, idle resources have been put to use in the process, made possible by globalization, the yield of which resource will add to the food and energy availability. In this sense the African land scheme is one of creation of wealth and resources.

On the contrary, the displacement of human resources and the absence of clear cut development benefits on the part of the leaser nations bring to light the possibility of making the poor poorer. The issue of customary rights, livelihood, compensation and employment are highly opaque in the land lease agreements. Therefore the human cost of these agreements cannot be estimated as a result of which the benefits of these agreements come to query. The creation of material wealth can be of conclusive nature if the human wealth is also increased. In a situation where the human cost is very high the wealth creation will not be incremental but instead be an exploitative reallocation. The benefits of these deals can be numerous, if the developmental goal of removing imbalances and scarcity is persistently and effectively pursued.

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GLOBALIZATION AND ITS TRICKLE DOWN EFFECT ON POVERTY: FANTASY OR REALITY

□ ERAM FATMA

Introduction

India, like most of the developing economies of the south, followed a development process in which the state played an active role and chose economic policies of closed nature for almost 43 years after independence. The changed political environment of the world in the 1990s, and particularly the collapse of the Soviet Union were the key elements behind the integration of India with the world economy in 1991. India had no other option than to adopt the Liberalization Privatization Globalization (LPG) policy which was about opening the economy to the world and adopting policies of open nature, far from being a planned move, it was a desperate measure. Economic liberalization was undertaken due to severe balance of payment situation, the rate of inflation and the fiscal crisis that prevailed during the late 1980s. As this policy was crisis driven and not strategy based. It was super imposed on the process of economic development which was not impressive in the past. The balance of payment difficulties of the 1990 and high import bills due to the second oil shock aggravated the problem and in June 1991 the foreign exchange resources were down to US\$ 1.1 billion which was not even enough for two weeks of import requirements.¹

This situation could not be managed without opening up the economy to the default in debt servicing, forcing India to ask for assistance from the International Monetary Fund. Along with the assistance came the conditions, compelling India to undergo the Structural Adjustment Program (SAP). This is how India was pushed towards globalization.

Globalization has both its advantages and disadvantages. Theoretically, it helps to improve efficiency and reduce costs, it generates competition in the world market, foreign investment helps in utilizing new technology and latest skills, and human capital is utilized in best possible manner across boundaries. On the other hand in this globalized world it is difficult to maintain and implement social welfare programs. The infant industry argument for trade will no longer work in this scenario. The integration of markets around the world does not leave any country unaffected from the repercussions abroad. To make a comment on efficient utilization of resources due to globalization we can argue that resources of a country should be utilized to benefit its people. The concept of welfare of a nation is more important than efficiency from humanitarian point of view. As the economy becomes more and more capital intensive due to globalization, the GDP may grow at a rate of 9% but India with its vast population will not be able to do justice to its citizens.

There is a debate regarding poverty trends during the 1990s. Some economists are of view that there has been an improvement in the living standards whereas others are of the opinion that widespread poverty persists in India. The question here I would like to address is...how do we measure poverty? Can it just be measured by concentrating on the head count ratio, which simply tells us the number of poor below the poverty line? What about comparisons among those below the poverty line? What if there is dense concentration around the poverty line? In order to answer all these questions and understand globalization and its impact on poverty we should include socio-economic variables like education, housing facility, access to clean drinking water, health facilities into account. However going by the HCR we find that there is a reduction in poverty as per the HCR both at the rural and urban level.

ALL INDIA HEAD COUNT RATIO	1993–94	1999–2000
RURAL OFFICIAL ESTIMATES	37.1%	26.8%
URBAN OFFICIAL ESTIMATES	32.9%	24.7%

SOURCE: Angus Deaton and Jean Dreze, “Poverty and Inequality in India: A Re-examination”, in Baldev Raj Nayar (ed.) *Globalization and Politics in India*. (New Delhi: Oxford University Press, 2010.)

In order to make my analysis of globalization and its trickledown effect on poverty; I would concentrate on the state of Orissa. A comparative study of the head count ratio trends in Orissa and analysis of the standard of living of this region taking the socio-economic variables into consideration. This would help me to conclude whether globalization has been a fantasy or reality for the state of Orissa. I have also examined the Gopalpur multipurpose Special Economic Zone (SEZ) in the Ganjam district of Orissa. The paper is divided into three sections; section1: study of trend in HCR and standard of living to make implications regarding poverty in Orissa; section2: Orissa and globalization in last decade; section3: Gopalpur SEZ and expectations regarding its impact on poverty. Finally, I would conclude whether globalization is a fantasy or reality for Orissa from my point of view.

Section 1

The state specific head count ratio for the years 1993–94 and 1999–2000 suggest that the proportion of people living below the poverty line is massive in the case of Orissa. Going by the official estimates it was seen that among 17 major states of India, Orissa occupied the last rank in rural poverty with 49.8% and 47.8% of people living below the poverty line in 1993–4 and 1999–2000 respectively. The decline in rural poverty is marginal over this period for Orissa however there had been around 10% decline at all India level. The situation is much the same in the case of urban poverty with 40.6% and 43.5% in 1993–94 and 1999–2000 respectively.² In the case of urban poverty Orissa acquired second last rank in 1993–94 and landed up being the last in 1999–2000. this should be compared wit the states like Maharashtra and Gujarat. In case of Gujarat there had been a 10% and 14% decline in HCR in rural and urban poverty respectively. The performance is almost similar for Maharashtra. There is a substantial decline in the HCR for these states over the period of consideration. This is a clear indication of the presence of regional disparity within our nation which is widening even more with the onset of globalization. These two states have benefited from the commercialization which took place in India whereas states like

Orissa could not reap the benefits of economic growth or we can say the growth did not get translated into uniform development of the nation. Backward states remained backward in the globalised era, Orissa being one of them.

Head count ratio simply suggests the number of people living below the poverty line. It provides no information on the extent of poverty. It cannot produce a clear picture regarding the standard of living of the people of Orissa. In order to understand the situation of poverty in Orissa we have to examine a lot of other socio-economic factors which influences the quality of life of the poor. I have taken four such factors like literacy, medical facility and health status, livelihood security and dependence of the tribal people (who account for about 23% of the population) on the forest products. All the above issues are connected to human development. High economic growth does not guarantee high level of human development and in case of Orissa even economic growth was not satisfactory. During this period Indian economy was doing fairly well with per capita GDP growing at a healthy rate of 4.4% per year. Level of human development varies across the states and the final outcome depends on the policy action which the states undertake. In the literacy front we find Orissa had made impressive gains between 1981–2001 but the condition of poor female literacy prevailed, there were a great deal of inter-district and gender disparity. Health indicators indicate unsatisfactory health conditions with high infant mortality rate over this period which had declined faster in the above mentioned period. Livelihood security is one of the main aspects which contribute to poverty alleviation. If people have means to earn income then it would have a positive impact on their standard of living. Tribals are dependent on the forest for timber as well as non timber products like honey, grazing grounds etc. They are heavily dependent on the forests for their livelihood. The process of globalization has had a serious impact on the homes of these indigenous people of Orissa living basically in the north-western and south-western districts of the state. In this world where natural resources are in great demand the tribals are facing great difficulty in earning their livelihood. The Joint Forest Management programs though present is

still in rudimentary form. The process of economic development leads to marginalization of the indigenous people in economic terms and this is one of the major social problems Orissa faces.

It is generally assumed that with economic development there would be a shift of labor force from agriculture to industry but this shift is dependent on the development of the industries both in the rural and urban areas. This can contribute to reducing poverty and improving the standard of living in Orissa as it can generate income. Industrial development is not possible without proper infrastructural development. In Orissa there is divergence in this sphere as well the coastal areas have better infrastructure than the southern areas. In recent times the state is trying to reduce this disparity and an investment on infrastructural development in the south is evident. The intensity of poverty in the southern region of Orissa is almost twice as high as it is in the coastal and northern region and this inter district disparity in absolute economic deprivation has been rising. As per child labor surveys of 1997, there was altogether 2.15 lakhs child labor working in the state. Orissa's rank in HDI index was 12TH in 1991 and 11TH in 2001 among 15 major states of India.³

On the whole we can say that Orissa is lagging far behind in this globalised world. Poverty continued to be a problem and HDI index was also not impressive. The trickle down effect of economic growth in India was not felt in Orissa in the period considered above. It had not brought about improvement in standard of living in Orissa.

Section 2

Orissa is the 8th largest state in terms of landmass and has 11th largest population. The challenges which this state faces are small and slow growing economy, poor level of infrastructural development and High incidence of poverty. It is found that 39.9% of the population lives below the poverty line in 2004–05. Per capita income (2009–10 at 2004–05 prices) is Rs 24,098 whereas the national per capita income is Rs 33,731.⁴ Going by the literacy level we find that there is an overall increase in literacy level from 63.08% in 2001 to 73.45% in 2011.⁵ In the

case of Orissa we find that with globalization and market competition the number of state owned enterprises have shrunk. The total workforce in the organized sector has reduced from 7.98 lakh in 2000 to 7.41 lakh in 2006. Thus we see that in this globalized world the proportion of people in the organized and formal sector has gone down. One of the reasons for this could be the opening up of new ventures all over the country which lead to the decrease in work force participation as people migrate to acquire jobs in other parts of the country.

Some initiatives are now being taken in the direction of development of Orissa. The presence of vast natural resources and cheap labor have attracted global players like POSCO and VEDANTA, local players like the Tata have initiated their projects in the state. The government has signed 60 Memoranda of understanding (MoU) with different players and this can be a positive step towards development of Orissa. These projects require huge acres of land and this development is somehow depriving the local people of their lands. There is huge resistance of the local people. Land is one of the most valuable possession people have. There can be a number of reasons behind this agitation. Firstly, the moral and emotional sentiments attached to the land can be a major reason behind the resistance, secondly, the remuneration in return to the land is not attractive and thirdly, the provider of the land may not be the ones actually acquiring jobs in these enterprises there is always an uncertainty. Once the project starts running there would be migration from neighboring areas and thus people are skeptic to give away their land as they fear that ultimately they would be left behind having nothing, neither their land nor a job.

The agricultural sector suffers in this liberalized world. Steps should be taken towards infrastructural development in the agricultural sector. This will help the farmers to get the correct price for their produce. The grip of traditional money-lender is quite strong in the rural areas thus the government should take steps to start branches in the backward regions of the state. Now elaborating on the socio-economic variables like education and health the government should take steps to introduce English language and IT education which helps to obtain jobs in this

competitive world. Health and education are two of the important components in lessening the burden of the poor. Education can help them to compete and earn their livelihood. Education can be acquired if people have sound health. The share of rural health expenditure has decreased to 30.55% in 2007–08 from 41.29% in 2005–2006.⁶ Thus we see that the state is less concerned about rural health and this can lead to worsening of the situation and would add to the grievances of the people in the rural area.

This is the current situation over the decade. In the next section we shall study Gopalpur SEZ and its relevance in poverty reduction.

Section 3

The Gopalpur multipurpose SEZ in Orissa's Ganjam district is a venture of Tata-steel. This sez would come up on 3,585 acres of land acquired by Tata steel in the mid 90s for setting up a steel plant. This project did not work out due to problems related to poor infrastructure, unavailability of water and resistance on land acquisition. Now the problem is under control and this plot is being used for the SEZ. the affected farmers of the Gopalpur SEZ project were paid Rs1.35 crore in 2009–10. This SEZ is proposing to set up a Ferro-alloys plant with a capacity of 50,000 tones and a 4 lakh ton cold roll rebar mill with an investment of Rs 10,000 crore to Rs 15,000 crore and along with this Tata motors is likely to set up an automobile unit at the Gopalpur SEZ industrial park. The infrastructure for the industrial park will be developed by Tata steel and its associate company, Tata Reality and Infrastructure ltd (TRIL). A feasible study has been done by Ernst and Young while Jurong of Singapore is preparing the master plan. The cost of infrastructure which includes development of the land, arranging for water supply facilities, building of roads and railways, and providing proper coverage to the SEZ is estimated to be 5,000 crore. In order to understand the impact of this SEZ on poverty I would like to compare it with three cases: POSCO deal, Nandigram issue and the resistance against SEZs in Goa.⁷

ON 22 June 2005 Government of Orissa signed a MoU with South Korea's Pohang steel company (POSCO). According to this

MoU, POSCO would set up an integrated steel plant at Paradeep in Jagatsinghpur district with an annual production capacity of 12 million tons of steel. This MoU facilitates POSCO to use the non-renewable resources, water and land of Orissa and if necessary the state would help in the construction of a new port at Paradeep. POSCO will be provided with 6,025 acres of land. POSCO being an international company has no right on the natural resources of India. The natural resources should be utilized for the development of the homeland. Since POSCO has been given the status of a SEZ it is endowed with this right in the name of globalization and development. Minerals like iron ore, chrome, manganese ore and coal would be provided to it by the government of Orissa. The construction of a new port at Paradeep could be a very dangerous step. As per the provision of land to this SEZ the government of Orissa makes no mention regarding the quality of land in the MoU. If the land is of fertile nature, or if it belongs to the tribals then it would paralyze their livelihood activities. This act of the government would be having severe impact on them. POSCO being a foreign company would just be bothered about profits from this venture, and instead of benefitting Orissa it can cause severe damage to the state.

The violence witnessed in Nandigram in the state of west Bengal is a case in point. In March 2007, 14 people died in police firing while they were protesting against the notification of land acquisition of 25,000 acres of land under the LAA 1894 for a SEZ of Salim group of Indonesia. None of the local people were informed prior to the notification and as a result resistance was bound to occur. Land for farmer is the most important means of livelihood and that being snatched couldn't be tolerated. This land was fertile and cultivable. Later in November 2007, when members of the BUPC were protesting peacefully they were struck back with violence and many people died and there was a lot of destruction caused. However, the people succeeded in their struggle and due to their pressure the government promised to shift this SEZ to Nayachar, a less fertile and cultivable stretch of land.

In Goa, in the process of land transfer to SEZs the concerted efforts and protests over land allotment to SEZs by citizens and activists like

Goa movement against SEZs and SEZ Virodhi Manch resulted in mounting pressure to the state government to cancel all approved SEZs in the state. The key elements in the struggle were the villages' Iutonin, Nagoa and Verna in the Verna constituency of the state.⁸ They analyzed the village plan document and realized that their common land would be acquired for the SEZs. They studied the SEZ laws and began organizing to prevent this acquisition. This acquisition would cause displacement, environmental destruction and would lead to corruption. In one of the cases it was found that nearly 400 acres of land was given to four SEZs in Verna in south Goa. Strangely, the Goa government meeting in which these SEZs were sanctioned did not even have the mandatory quorum which automatically makes the decision of the government in applicable.

Studying the above mentioned cases two things tended to strike one as disturbing:

- Resources of the nation being exploited by foreign enterprise in case of POSCO.
- Land acquisition problem and corruption related to special economic zones.

In case of Gopalpur SEZ, the resources would be utilized by an Indian company. We cannot say with certainty that it wouldn't be exploitative but we can hope that it would contribute to the development of Orissa. The land acquisition problem is not an issue for the Gopalpur SEZ as this land is already under possession and problems like rehabilitation, law and order are away from it. However, the availability of water was a problem for this SEZ but now it has been resolved. The projects in the industrial park are being designed with rain water harvesting, 100% recycling and desalination of sea water. This will ensure green development and irrigation will not suffer. Special mention of corruption as it is built into the political process, it will exist and have to be tolerated but that should not compromise with development.

Once this SEZ is operational, it would presumably contribute to the development of this region. It would facilitate large inflows of foreign

and domestic investment into the state. The investment in infrastructure would develop the region and benefit the construction industry as well. It would generate employment and provide means of livelihood to the common labor class people of the region. This could prevent migration to other parts of the country as people would be getting jobs in their region. It would create services in the process and thus the basic educated masses would be absorbed. The standard of living would rise and southern Orissa would prosper. Orissa is quiet liberal in promoting technical education in the state, so the technically trained people would get jobs in their own region this will help to solve the problem of low population density. All this is possible only if the government monitors everything. There are some 40–42 thousand people in south Orissa who are directly engaged in kewda industry. It also generates an indirect employment of more than a lakh. The SEZ developers should promote and facilitate the farmers to cultivate kewda flowers in barren region so that they can continue to earn their income and don't suffer as a result of this SEZ. This SEZ can help in alleviating poverty in the southern parts of Orissa. All this is possible if the government shows concerns. It should make it a point to check that the rehabilitation process was fair and the claims regarding 100% water recycling and green development are not false.

Conclusion

It has been observed that India's business elites have played a decisive role in the direction of the reforms in the country since the 1990s and seen to it that the liberalization of the economy has been skewed to their advantage with strong state support. The concept of modernity and development is fundamentally linked to growth and urbanity but this leads to exploitation of large number of people. It is very ironical that the whole idea behind globalization is development of the nation but ultimately the poor continues to become poorer and the rich continues to become richer. Instead of bridging this gap it has added to regional disparity. Orissa is one of the states which are lagging behind. The problem of incidence of poverty and poor standard of living continues to haunt the state. We can say that globalization though a reality for the

states like Gujarat and Maharashtra continues to be a fantasy for Orissa. The trickledown effect of high economic growth of India on poverty is not observed in the case of Orissa.

It is only recently that infrastructural development has become a concern for the government of Orissa. This step of the government is to support the SEZs coming up in the area. It is believed that SEZs would act as an engine of growth and uplift the people suffering from poverty. In the above case study of Gopalpur SEZ we should keep in mind that the private players are guided by profit motive. Government intervention is very important otherwise this step could even go against the poor people of Orissa. This multipurpose project can generate employment and hence contribute to the enhancement of aggregate demand but this employment generation would attract people from nearby regions as well. This could result in excess supply of labor and if the SEZ is not able to absorb all the people in the formal sector then they would land up joining the informal sector as the need money to survive. This could lead to the development of slums. This act instead of alleviating the poor could lead to a reduction in their standard of living. Thus in my opinion government should also take steps to provide employment opportunities in alternative industries as well rather than backing to much on the SEZs. it should concentrate on agricultural development and provide opportunities in the agricultural sector like helping in the establishment of dairy and food processing industry and opening new co-operative bank branches in the rural sector so that the farmers could easily avail loans. Heavy investments should be done to improve rural infrastructure. These along with many other initiatives can hopefully be successful in converting globalization from being a fantasy to reality for the people of Orissa. I would like to end up with two broad comments:

- The government of Orissa should pay attention towards proper implementation of the existing poverty alleviation programs. One way of doing this could be the involvement of primary educated female masses in the process. It would give them a new direction in their lives and they would efficiently help in the implementation process. Community based initiatives should be acknowledged and their ventures should be financed by the government. Collective

action should be given importance as it can play a major role in poverty alleviation.

- There should be a revival of the concept of small-scale industries backed by the government in the case of Orissa. If the state can provide incentives to the SEZ developers then there should be some room for giving opportunities to our small scale industries as well. This is not possible in this globalised era. However if we want to reduce the regional disparity among states then special advantages should be given to backward states like Orissa.

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LIBERALIZATION OF LEGAL PROFESSION AND ITS IMPLICATION ON LEGAL EDUCATION: INDIAN PERSPECTIVE

□ FAISAL FASIH

Introduction

The objective of law in the past was mainly limited to maintenance of peace, by punishing the wrongdoers and resolving litigations, but after independence, the State is under constitutional obligations to provide economic, social and political justice for all sections of the community.¹ Therefore, the system of legal education became the issue of national debate.² However, after a decade of independence, the 14th Law Commission Report of 1958 had painted a gloomy picture of Indian legal education. Globalization is the second notable event, which has created new challenges and opportunities for legal professionals. New concepts such as globalization of law,³ transnational law,⁴ world law,⁵ transsystemia⁶ and global law⁷ have evolved. Again, instead of rising up to the task, the falling standard of legal education is evident from the Ahmadi Committee Report (1994)⁸ and the 184th Law Commission Report (2002).⁹ This paper explores the ways in which the force of globalization has made an impact on the legal profession and legal education in India. An endeavour has been made to draw a roadmap which law universities may adopt for providing better legal education.

Globalization and Legal Profession

The term 'globalization' in the context of legal service refers to opening

up of legal market in a country to foreign nationals for setting up law firms and consultancy services and to practise in the court of law.

Legal practitioners in India are governed by the Advocate Act, 1961 (Hereinafter 'Act'). Under the present regime, a foreigner can be enrolled as an advocate after obtaining degree from a university recognized by the Bar Council of India and must belong to a country where Indian citizens have a reciprocal right to practise.¹⁰ The term "Practice" is not defined in the Act. However, the combined reading of Sections 29¹¹, 30¹² and 33¹³ of the Act restricts the term practice to appearance before any court, tribunal or authority, but legal advisory, documentation and Alternative Dispute Resolution (ADR) mechanism are beyond its scope. Foreign Direct Investment (FDI) is not permitted in legal sector and international law firms are not authorized to open offices in India. Foreign services providers may be engaged as employees or consultants in local law firms, but they cannot sign legal documents, represent clients, or be appointed as partners. The Bombay High Court has held in the case of *Lawyers Collective vs. Chadbourne and Park and Others*¹⁴ that practices engaged by foreign firms in non-litigious matter amounted to "practising the profession of law" and hence were not to be permitted because they are not enrolled as advocates under the Act.

There is another side of the story in the name of General Agreement on Trade in Services (GATS) which virtually nullifies the argument of defining the term practice.¹⁵ The object of GATS is to promote free flow of services across the world. Under GATS, "Services" would include any service in any sector except services supplied in the exercise of governmental authorities.¹⁶ GATS require nations to accord "most favoured nation"¹⁷ status. As per this agreement a member country must provide market access¹⁸ and national treatment¹⁹ to other member countries. Besides, domestic regulation must be reasonable.²⁰ Consequently, in the strict sense, India cannot prevent the entry of foreign lawyers into its territory otherwise it will amount to an infringement of GATS and WTO Agreement. Therefore, the debate should not be whether to allow foreign legal professionals or not, but it is the extent of opening up which may be considered.

Globalization has created a setup where the legal professionals of India have to compete with foreign legal experts.

Regarding opportunity, India has a potential to become the major hub of Legal Process Outsourcing (LPO); thanks to man power, poverty and unemployment. India is also preferred location for the major players such as the UK and the US because of Common Law system (the US and the UK also follow Common Law system), training of lawyers in English language and the capacity to produce as many as 2,00,000 law graduate every year. In fact, at present almost 80% of LPO services are outsourced to India.²¹ LPO industry is growing at the rate of 60% annually and it is estimated that the US alone is likely to create 79,000 LPO jobs by 2015. Apart from an opportunity to deal with foreign legal cases through outsourcing, legal professionals may also join multinational law firms and practise law in multiple jurisdictions.²²

Present Status of Legal Education in India

The curriculum of legal education is re-designed with the advent of globalization. The existing sphere has been broadened and some new subjects have made their way. Moreover, integrated and comparative approaches have paved a new dimension in the study of law.

Law colleges may be classified into two categories—colleges under traditional universities and deemed universities. Among the latter, fourteen national law schools, established in line with the first one in Bangalore are popular choice for students. The advanced curriculum and infrastructure have not reached to the substantial number of aspiring legal professionals and the changes are mainly evident in the national law schools. These universities have been successful in attracting some of the best talents of the country. But it is important to reform traditional institutions as they produce thousands of legal professionals every year compared to few hundreds of national law school graduates. Besides, the new model of law school is not the panacea of all problems associated with the maintenance of law and order. Firstly, national law schools teach too many subjects to relatively immature mind coming fresh from high school without even knowing the ABC of law. For example,

subjects such as jurisprudence is taught along with four other subjects in a span of four-five months semester. It is prima facie beyond the reach of students to grab the understanding of complicated theories of law in such a short duration or to analyse the judgements of the apex court in the first week of his study in law school, without even understanding the meaning of *ratio decidendi*.²³ Secondly, national law school, being too expensive, is beyond the affordability limit of many aspirants. A high cost of education in these law institutions encourages students to pursue highly remunerative career in corporate world for repayment of debt rather than serving public offices where payment is relatively less.²⁴ However, the Bar Council of India while establishing first law school in Bangalore never foresaw that graduates will only serve the private houses.²⁵ Words of precaution—If thing goes on like this, it is feared that the noble relationship of student and teacher may get converted into one of customer and service-provider, respectively.²⁶ Thirdly, scope for complacency is very high. The tag of national law school has become a brand name in the legal field and irrespective of the merit of students, the practice of campus recruitment assures placement of almost all the students under this banner in private companies. Generally, students are not opting for higher studies and research. Therefore, when it comes to serving the masses by giving legal advice, making appearance in court for solving litigations, policy making and legislative drafting, expectation is not much from the students of so called “model institution”. In short, most of the traditional universities have never prioritized their goal and national law school seems to be too ambitious and merely serve corporate interest.

The falling standard of legal education is evident even at the cursory glances of the recently enacted laws. It seems that either the policy makers are not sure about the goal and object of the legislation or draftsmen are incompetent. The efforts of the Britishers are still appreciated for the enactment of legal documents such as the Indian Penal Code, 1860 and the Indian Evidence Act, 1872. Being in operation for about 150 years, there is hardly any amendment made in these legislations apart from few additions due to advancement of technology. On the other hand, laws

made by people today are not only amended several times but are also repealed after being in force only for few years.²⁷ The Apex Court of India has criticised the drafting of legislation from time to time.²⁸ The main function of codified law is to maintain certainty and uniformity but today codification itself becomes a source of conflict. Disputes generally arises when one of the parties fails to fulfil his obligation, but at the appellate stage, it is not just a matter of applying law into given sets of facts and problem also arises due to lack of certainty in provisions, providing rooms for multiple interpretations. This is mainly attributed to the incompetence of policy maker and legal drafters. This demonstrates the kind of training given to law students. They learn from their seniors and maintain the status quo of ignorance as the latter were even worse during their early days. This chain goes on which hampers administration of justice.

Roadmap for Legal Education

The major areas of changes which should be incorporated may be referred to as five-pointer approach as follows:

Curriculum

- ***Courses***

At present, courses on law are interlinked mainly with arts or commerce. It is high time to introduce interdisciplinary courses from other perspective and special attention should be devoted to comparative²⁹ and international laws. In the arena of international law, sovereignty of the nation State was the established principle but the execution of international treaties put limitation on the sovereignty of the law-making body. The relevancy and importance of international law was recognized in India before globalization.³⁰ In the globalize era, it becomes even prominent as the execution of international agreements for resolving international issues have become common features.³¹ The practice of domestic law has transnational implications.³²

Comparative study paves way to make one's own legal system better

by critically comparing with the system of the other nations. Comparative study also helps to understand the execution process of international dispute. Consider the case of dispute settlement by arbitration. Suppose, a particular dispute is successfully settled by an arbitrator in India by granting an award which includes payment of costs with interest and the successful litigant wants to enforce it in Saudi Arabia, which is practically possible in case of international commercial arbitration. This award may not be enforce in Saudi Arabia as Saudi's court may say that dealing in interest is forbidden in their law and hence it is against public policy.

It is suggested that students should be given the option after the second or third year of the five year course to choose his/her area of specialisation after having studied the basic subjects such as contract and constitution. In the specialised phase, the number of subjects should be minimal, but must be dealt in detail touching the international and comparative perspectives which is not possible in the present over loaded subjects in the curriculum. Finally, curriculum must include training for professional skills and values which would assist students in diagnosing a problem, generating alternative solutions and strategies, formulating legal issues, evaluating legal theory, preparing for negotiation etc³³.

- ***Pedagogy***

There are several methods of imparting knowledge to law students. Popular methods are Socratic, lecture-based, research-based, case-study, group discussion and clinical legal education. Each of them hold some merits as well as demerits and none of them alone is sufficient for overall nurturing of law students. These skills are not contradictory rather complement each other. Therefore, all these possible options should be used in combination as per the requirement.³⁴ In this regard, clinical legal education deserves special attention.³⁵ Clinical study is interchangeably used with the practical training and often characterised by “the process of learning through doing.” Clinical programmes engage the student to think and act like a lawyer, particularly when the student deals with real life situations in a legal aid clinic. There is a famous saying—“I hear, and I forget; I see, and I remember; I do, and I understand”.

- ***Evaluation***

All the relevant reports on legal educations have highlighted the drawbacks of the present system of evaluating students.³⁶ Examination at the end of year or semester is not conducive for developing analytical, writing and communication skills. Some marks should be allotted for presentation and project submission and end-semester test should be problem-based and not a mere mechanism to judge memory.³⁷

Coordination among BCI, UGC and Universities

For the promotion of legal education, sound coordination is required among administrative bodies.³⁸ Both the 184th Law Commission and the National Knowledge Commission (NKC) proposed for a closer interaction between the Bar Council of India (BCI) and the University Grant Commission (UGC) because the present consultation is not effective. For example, the BCI is empowered to prescribe standard of legal education in consultation with the universities but the BCI has not been successful so far in communicating with all the universities before laying down the norms.³⁹ The Law Commission has proposed that the UGC should constitute its “Legal Education Committee” and also recommended that in the event of difference in the inspection of the Bar Council and other bodies, a further inspection has to be done by a “Task Force”. The report of NKC stated that there should be a “Standing Committee” for legal education vested with all aspects of legal education whose decisions would be binding on the institutions teaching law and on the Union and State Governments because the BCI has neither the power nor the expertise to meet the new challenges both domestically and internationally.

Continuing Legal Education

It is imperative for the professionals to remain updated with the latest development, which is technically called “Continuing Legal Education”.⁴⁰ Recently, UGC has arranged refresher course for academicians⁴¹ but given the changing ambit of law, especially in international sphere, the present effort is not enough. It is suggested that instead of putting the

entire burden on the UGC, universities should also take initiatives of their own by introducing compulsory refresher programmes for the faculty members.⁴² In this regard, involvement of senior judges and lawyers are welcome for felicitating interaction between academicians and members of the Bar and the Bench. Legal professionals must not only remain aware of the laws and regulations but also the social, economic, political and moral conditions of the society for performing their duties in effective manner.

Higher Studies and Research

At present, most of the focus is given to graduate courses and higher education starting from master's level is generally neglected.⁴³ This is very important phase of legal education for several reasons. Those pursuing higher studies will generally opt for a career in the academic field and would train the students. Secondly, they are more likely to develop the habit of research. Training for teaching should be taken seriously. In the span of two years of Master of Law (LL.M) course, a student should be asked to take around twenty classes in his/her areas of interest in the presence of the guide. Marks may be allotted for each such lecture. This will enhance the teaching skills and would be useful for those whose aim is to teach. UGC has rightly considered reducing the span of LL.M from two year to one year⁴⁴. However, it should not be continued like the present LL.M course, which is merely an extension of LL.B. Proposed one year LL.M should be offered in only one specialised area unlike present trend of general LL.M offered in some universities. Lists of subjects which may be offered are endless. Apart from the basic area of specialisation⁴⁵, the university may also offer specialised LL.M degree in subjects like comparative law⁴⁶, clinical legal education⁴⁷, European law⁴⁸, Common law⁴⁹ and jurisprudence⁵⁰. There are also sound justifications for offering a Juris Doctor (J.D.) programme in India⁵¹

Unlike other branches of studies, incentive is not given to researchers in most of the law universities. On the contrary, there are annual fees for enrolling in Ph.D. and LL.D. Universities should provide reasonable stipend to Ph.D students as the privileges of obtaining Junior Research

Fellowship (JRF) from UGC is only for limited students. This may assist in attracting the better talents and the desired ratio of student-teacher may be fulfilled.⁵²

We perceive legal profession as the dispute settlement mechanism and prepare law students accordingly, so that they may plead for individual, companies or for State. However, we must also realise the other aspect of pursuing legal studies—the basic aim should be to train law students, lawyers and law makers in such a manner so that they assist in framing rules which would be certain and would try to balance the conflicting interests for minimising litigations. Thus, we should not study cyber law or intellectual property with the objective that these are growing areas of law and hence more cases will come up in the future and there are not much competition as well. Instead, our vision would be to study these subjects for filling up grey areas where disputes may arise or frequently arises. For this purpose, role played by researcher is very vital. Empirical research is the order of the day as the society is changing very fast. This is important not only from the perspective of studying human behaviour but also for collecting raw data from common man which may be applied for making policy. Collecting public opinion is in tune with the democratic ideals of our structure of government.

Our present curriculum is based on the western conception of justice and given that the historical, political, economic and social conditions are not same throughout the world, we should use our brain in indigenous research which would be conducive in fulfilling the local needs. We appreciate the concept of absolute liability⁵³ ahead of strict liability⁵⁴ in the Indian scenario. This is a great illustration for understanding local needs and taking care of it.

Infrastructural Development

Special attention needs to be paid to the institutions situated outside metropolitan cities. In the outskirts, there is hardly any proper library in the law colleges. Good faculties are also not accessible due to lack of funds. These apart, funds should be mobilized through proper

channel otherwise most of the above mentioned planning would not be executed.

Conclusion

The process of reforming legal education in India is very slow and it is not well equipped to adapt to the demand of globalization. Even after six decades, some of the suggestions recommended by the 14th Law Commission are not strictly followed. For example, the Commission suggested that there should be a provision for apprenticeship but it is not enforced in all the universities. Reports on legal education are confined to redesigning curriculum and infrastructure, but countries such as the US, apart from teaching legal rules; they are also focussing on providing training on foreign languages to the students of law, for assisting them in understand the legal culture of other jurisdictions in the better way.⁵⁵ It seems that there is a long way to go for improving the legal education and globalization has added insult to injury. The suggestions and recommendations of the Ahmadi Committee, 184th Law Commission and NKC should be implemented at the earliest and the idea of “Socially Relevant Legal Education” should be incorporated, which addresses the legal needs of socially and economically backward classes.⁵⁶ The development of knowledge economy remains one of the most important goals of developing countries like India. Therefore, establishment of educational institutions of global standard should be on the priority list. The changing concept of legal education confirms the equation that law is an instrument of social change.

Notes

1. See Part III and Part IV of the Constitution of India dealing with Fundamental Rights and Directive Principles of State Policy, respectively.
2. See generally, views of G. S. Pathak (the then Vice-President of India) in All India Seminar on Legal Education organised by University of Poona in 1972; See also *Keshavananda Bharati vs. State of Kerala*.
3. See generally Parikshit Dasgupta, “Globalization of Law and Practices,” <http://www.legalserviceindia.com/articles/glp.htm>. Accessed 28 Jan 2011. Discussing global implications of commercial law, public law and protective law.

4. It generally signifies law which regulates actions or events that transcend national frontiers. See generally Harold J. Berman, 1995. *The Role of International Law in the Twenty First Century: World Law*, 18 Fordham Int'l L. J. 1617, 1618.
5. *id.* The term "World Law" is used to combine inter-state law with the common law of humanity and customary law of various world communities
6. See generally Jane E. Schukoske, Harry W. Arthurs, 2009. "Law and Learning in the era of globalization". *10 German Law Review* 629. (It implies teaching of multiple legal systems at once.)
7. *id.*
8. Ahmadi Committee Report on Legal Education (1994) consisting of Justices A. M. Ahmadi, B. N. Kirpal and M. Jagannadha Rao. (*hereinafter* Ahmadi Committee Report)
9. 184th Law Commission Report on The Legal Education and Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grant Commission Act, 1956, Part 1 (*hereinafter* 184th Report)
10. Section 24 & 47 of the Act
11. "Subject to the provisions of this Act and any rules made there under, there shall, as from the appointed day, be only one class of persons entitled to practise the profession of law, namely, advocates".
12. "Subject to the provisions of this Act, every advocate whose name is entered in the State roll shall be entitled as of right to practise throughout the territories to which this Act extends,—(i) in all courts including the Supreme Court; (ii) before any tribunal or person legally authorised to take evidence; and (iii) before any other authority or person before whom such advocate is by or under any law for the time being in force entitled to practise".
13. "Except as otherwise provided in this Act or in any other law for the time being in force, no person shall, on or after the appointed day, be entitled to practise in any court or before any authority or person unless he is enrolled as an advocate under this Act".
14. 2010 (112) Bom L R 32 (Three Law firms namely; White & Case (New York), Chadbourne & Parke (New York) and Ashurst Morris Crisp (United Kingdom) were granted permission under the Foreign Exchange Regulation Act, 1947 by the RBI in 1994 for establishing liaison activities in India to advise and assist non-Indian clients in connection with their activities in India and outside India. However, after a year a public interest trust (Lawyers Collective) approached Bombay High Court challenging the rights of foreign law firms to practice in India.)
15. A Consultation Paper on Legal Services under GATS (Prepared by the Trade Policy Division, Department of Commerce, Govt. of India). <http://commerce.nic.in/trade/consultation-paper-legal-services-GATS.pdf>. Accessed 28 January 2011; Report on Trade in Legal Services titled as "Trade in Services: Opportunities and Constraints"

- by Ministry of Commerce, Govt. of India, <http://www.icrier.org/pdf/NLMitra.Pdf>. Accessed 28 January 2011; Gitanjali Shankar and Amba Uttara Kak, *Litigation versus Non-Litigation: 'Practice of Law' under the Advocates Act*, 3 NUJS L. Rev. 299 (2010);
16. Article I of GATS Agreement (“A service supplied in the exercise of governmental authorities” is also defined to mean any service that is supplied neither on a commercial basis nor in competition with one or more service suppliers)
 17. Article II of GATS Agreement (1. With respect to any measure covered by this Agreement, each Member shall accord immediately and unconditionally to services and service suppliers of any other Member treatment no less favourable than that it accords to like services and service suppliers of any other country. 2. A Member may maintain a measure inconsistent with paragraph 1 provided that such a measure is listed in, and meets the conditions of, the Annex on Article II Exemptions. 3. The provisions of this Agreement shall not be so construed as to prevent any Member from conferring or according advantages to adjacent countries in order to facilitate exchanges limited to contiguous frontier zones of services that are both locally produced and consumed.)
 18. Article XVI of GATS Agreement (States that there can be no restriction for entry of foreign firms into the services market by quotas, economic needs tests, maximum foreign shareholding limits, and others, unless by exception to the Schedule of Commitments.)
 19. Article XVII of GATS Agreement (Member states have to provide equal treatment to foreign firms as they do to domestic firms (unless there is an exception expressly set out for National Treatment in the Member’s Schedule of Commitments))
 20. Domestic Regulation under Article VI (4), which affords that statutory domestic regulations must be administered in a reasonable, objective and impartial manner and that qualifications, licensing requirements and technical standards must be fair and not unnecessary
 21. Sadanand Naik, *Globalization of Legal Industry*, <http://www.r-e-s-i.com/article/globalization-of-legal-industry>. Accessed January 2011. (Outsourcing Legal work to India began in 1995 itself when the US based Bickel and Brewer opened its office, Imaging & Abstract International (captive LPO and Subsidiary of Bickel and Brewer LLC) in Hyderabad. I & A International dealt with digitalization of the legal documents and creating searchable databases such as to scan, abstract and index documents. Later on, the firm hired lawyers to review documents produced in lawsuits. In 2001, GE was the first company to offshore its in-house legal work in India. Since then a lot of companies have entered the arena in one form or other. Although LPO providers cannot advise on US and UK law, they can provide assistance to the US attorneys and UK solicitors in Legal Research, E-Discovery, Contract Review, and Litigation support services. LPO’s also have contributed to

- the idea of Globalization of the Legal Industry.
22. Dr. A. Francis Julian, *Globalization, Courts, and Legal Profession in India*. <http://select75.org/07.html> Accessed January 2011.
 23. *Ratio Decidendi* signifies the reasoning involved in decision making or the principle which the case establishes. It is binding on the courts unless overruled. In this regard, expertise is required to distinguish binding part of the judgment with the non binding portion which is called *obiter dicta*.
 24. National Knowledge Commission Report (2006) (*hereinafter* NKC Report), Margaret Thornton, *The Law School, The Market and the New Knowledge Economy*, 10 German Law Journal 641 (2009), <http://ssrn.com/abstract=1478725>. Accessed 21 Jan; Prof. V. S. Elizabeth, *What are the Goals and Objectives of the Law Schools in their Primary Role of Educating Students? What are we educating our Students for?* [http://www.ialsnet.org/meetings/role/papers/SamarajElizabeth\(India\).pdf](http://www.ialsnet.org/meetings/role/papers/SamarajElizabeth(India).pdf). Accessed 28 January 2011.
 25. NKC Report (One of the objectives of the establishment of National Law School was to improve the quality of the bar and the subordinate judiciary)
 26. MARGARET THORNTON, *Supra* note 24.
 27. For example, Juvenile Justice Act of 1986 has been replaced by the Juvenile Justice (Care and Protection of Children) Act 2000, Similarly, Freedom of Information Act, 2002 is being repealed by the Act of 2005.
 28. See E.g; *Bhatia International vs. Bulk Trading S.A. and Anr.*, AIR 2002 SC 1432 at Para 35 (The Court expressly laid down that Arbitration and Conciliation Act, 1996 does not appear to be well drafted legislation)
 29. Rahmatullah Khan, *An Introduction to the Study of Comparative Law* (1971), David J.Gerber, "Globalization and Legal Knowledge: Implications for Comparative Law", *Tulane Law Review*, vol.75 (2001), pp.949-975, Ugo Mattei, "Three Patterns of Law: Taxonomy and Change in the World's Legal System", *The American Journal of Comparative Law*, vol. 45 (1997), pp. 5-44
 30. See *Keshavananda Bharati vs. State of Kerala*, AIR 1973 SC 1461; *Union of India v Sukumar Sengupta*, AIR 1990 SC 1692; *Gramophone Co. of India Ltd vs. Birendra Bahadur Pandey*, AIR 1984 SC 667;
 31. *Vellore Citizens' Welfare Forum vs. Union of India*, (1996) 5 SCC 647; *Vishaka vs. State of Rajasthan*, AIR 1997 SC 3011; *CIT vs. P.V.A.L. Kulandagan Chettiar* (2004) 6 SCC 235. (All these cases discussed the relationship of international law with municipal law)
 32. Jane E. Schukoske, *Legal Education Reform in India: Dialogue among Indian Law Teachers*, *Jindal Global Law Review*, Sept. 2009, Vol. 1
 33. See generally 184th Report,
 34. Ahmadi Committee Report, 184th Report & NKC Report
 35. See generally Madhava Menon, *Clinical Legal Education: Concepts And Concerns*

- (Eastern Book Co., 2008)
36. See generally Upendra Baxi, “*Notes Towards a Socially Relevant Legal Education*”, A Working paper for UGC Regional Workshops in Law 1975–77; See also Ahmadi Committee Report
 37. NKC Report
 38. Gopal Krishan Chatrath v. Bar Council of India, AIR 2001 Punjab and Haryana. 41, 48; Osmania University Teachers Association vs. State of A.P., AIR 1987 SC 2034.
 39. 184th Report
 40. See generally, D.M. Papat, *Legal Education and Continuing Legal Education in India*, International Legal Practitioner, 1983, Vol. 8(1); Prerna Chopra, Continuing Professional Legal Education in India. <http://www.legalindia.in/continuing-professional-legal-education-in-india>. Accessed 31 July 2011.
 41. Refresher course by UGC in collaboration with Academic Staff Colleges (ASCs) of 2009-2010, http://www.ugc.ac.in/policy/refresher_course.pdf. Accessed 16 Jan 2011.
 42. See E.g; UGC refresher course organized for The Indian Society of International Law (ISIL).
 43. NKC Report
 44. Basant Kumar Mohanty, One-Year Course in Law, http://www.telegraphindia.com/1110616/jsp/nation/story_14120327.jsp. Accessed 27 July 2011.
 45. It includes subjects like subjects like constitution, international law, business and trade law, intellectual property law, environmental law, family law, criminal law, labour law and tax law.
 46. In this course, the aim would be to teach the method or ways by which one legal system may be compared with various other systems by discussing the relevant criteria of sound rule of comparison.
 47. This course should mainly focus on field work rather than giving lecture within the four corners of the classroom.
 48. This is relevant in the globalize era because cases may come up in several jurisdictions where the parties would rely on European Law for example. In this regard, it is also not absurd to think about a course on European law etc.
 49. Since India follows the traditions of common law, therefore they may a course based purely on those principles of common law which are generally followed. It will help in comparison.
 50. This is the core area, which plays a vital role in shaping policy which in turn becomes law.
 51. Prof. Raj Kumar, Global Legal Education in India: Opportunities and Challenges, *Halsbury’s Law*, April 2009 at 12–19
 52. NKC Report
 53. M.C. Mehta vs. Union of India, AIR 1987 SC 1086 (In the case of oleum gas leakage

from Shriram Foods and Fertilisers Industries, in Delhi, the Supreme Court of India evolved the rule of Absolute Liability. Unlike Strict Liability, this principle does not recognise any exception and the culprit has to bear the burden)

54. Rylands vs. Fletcher, (1868) L.R. 3 H.L. 330 (It is based on 'No Fault' liability but recognises certain exceptions like fault of plaintiff, act of god, consent of the plaintiff, act of third party and statutory act.)
55. See generally Vivian Grosswald Curran, *The Role of Foreign Languages in Educating Lawyers for Transnational Challenges*, 23 Penn. St. Int'l L. Rev. 4 (2005)
56. See generally UPENDRA BAXI, *Supra* 36.

