



AENSI Journals

Advances in Environmental Biology

ISSN-1995-0756 EISSN-1998-1066

Journal home page: <http://www.aensiweb.com/AEB/>



The Right to Development and Globalization theory

¹Mohamad Ghorbanzadeh and ²Nader Mardani

¹Department of Law, Payame Noor University, I.R. Iran

²Department of Law, Faculty of Law, Shiraz University

ARTICLE INFO

Article history:

Received 12 October 2014

Received in revised form 26 December 2014

Accepted 1 January 2015

Available online 18 February 2015

Keywords:

globalization theory
the right to development
gap among countries

ABSTRACT

If the globalization, in a general definition, we applied the set of processes that whereby the boundaries has faded and governments will be related to each other and factors such as the development of capitalism on a global level, interdependence, exchange of information, human rights, English language, the internet and... are its main and basics tools. The right to development as a kind of human rights, in this situation what will the fate be? Basically, globalization theory, the deep challenge will consider this right to development or will lead to pervasive and universalistic of this right? Because on the other hand identifying the right to development is in pledge of global zoning (north and south, developed and developing world) and this issue intrinsically with the essence of globalization and world-oriented, at least is in conflict of terms of form and on the other hand, can be say globalization the essence and nature of itself hasn't claim of eliminate this categories and its main emphasis is tied on the governments fate and fading the right to development is leads to. These two different perspectives about globalization and the development process makes the author decide that with explanation the concept of these two phenomenon and institution with legal-reasoned approach and justifiable explore for response the problem. To achieve this important, first with nature-oriented approach take a look at holistic and practical and theoretical fundamentals of globalization and the right to development theory, we will have in the first part. In the second part, with method of consequence-oriented to mutual functional and their common goals, view.

© 2015 AENSI Publisher All rights reserved.

To Cite This Article: Mohamad Ghorbanzadeh and Nader Mardani., The right to development and globalization theory. *Adv. Environ. Biol.*, 9(2), 438-444, 2015

INTRODUCTION

The gap among north and south, from the period as a challenging issue in the international system has been caused the debate and controversy in north and south countries. After World War II and the increasing inequalities, the north developed countries, the south developing countries as an obstacle for their own security were found; because of inequality and poverty, international peace and security are endangered and can be a cause for beginning of the war. In this regard, the developed countries, suggested theories with the aim of reducing the gap between rich and poverty. Plan of right to development, in the 60 decade and globalization theory in 90 decade, are including these theories. But this globalization theory, with the distances reduction what has effect on process achieving the right development or conversely the right to development, is prevent or solution in direction the integrity of the world, is the question in this research we are seeks to it.

1. Foundation and fields of globalization theory and the right to development formation:

In following the widening gap of north and south, developed countries, the backward south had founded barrier to their own progress; then following a way for reducing distances, first the right to development and then have proposed globalization theory. In this part foundation and fields of formation of these two have been examined.

1-1- History of globalization theory and the right to development formation:

1-1-1- History of globalization theory:

Many believes, the beginning of using the globalization term has returned to two published books in 1970. The first book, "war and peace in the global village" by McLuhan and is the second book written by Brzhanzsky. Globalization, in 1961 was entered into American-English dictionary; however, before that "globalize" and

"globalism" had appeared in 1940 [27]. For this reason, researchers interval of 1890 until 1940 " beautiful era of globalization " are called [18].

As well as even though globalization phrase goes back to the early 1960, this phrase had not cover the public awareness until a quarter-century later, namely 90 decade [28]. Many wrongly believe that prof. Levitt invented phrase of globalization in 1983 by writing paper the "globalization of markets".

But globalization was used the first time in 1944 [17]. Some believe that the first person who posed globalization the first time, was marx, although he determined its economical dimension [33].

On the other hand, maybe the philosopher hegel was the first globalization theoretician; because he only not speak of the relation of regions and places, even also he spoke of consciousness arising from this communication [16].

According to robertson, the steps of globalization, including: 1) the initial phase (the europe, 1400-1750) with the emergence of circuit government community, human generality and colonialism we are encounter. 2) the first phase (1750-1875), that emergence of the nation-state, the non-european nations and we are witnessing the first to the universalism ideas. 3) the takeoff phase (1875-1925) that with global factors of nation-state, the international unit community and unit human we are encounter. 4) the struggle for domination phase (1925-1969) with the formation of community nations and united nations, world war ii and the emergence of the third world, we are facing. 5) the uncertainty phase (1969-1992) with the discourse of international law, and environmental issues and the world media we are facing [26]. A more comprehensive classification by david held is like the following: 1) increasing economic relations and reducing the state power at the national level 2) the creation of transnational corporations and the further reduction of state power 3) coordination of the traditional spheres state responsibility with the principles of international 4) limited by the bigger political units 5) the emergence of "global governance" and "global citizen" further reduction power state 6) the emergence of transnational state with power dominant legislation[18].

Overall thinkers, in terms of evidence the globalization are investigates in the three era as follows: 1) old era: in the ancient empire, globalization meaning of conquest and only then was political. 2) modern era: from the late sixteenth century, was created along with the capitalist system and the economy dimensions were also involved. 3) the post-modern era: began from after 1990s and globalization in addition to political and economic dimensions, cultural dimensions, social and even human rights was included.

Due to the different perspectives, globalization is not a new phenomenon, but also returns into emergence of capitalism and before it. Most beginning of in year 1815 and the 1880s, of globalization in which rich countries were paid to weak communities colonization, have part of it know. In any case, preparations for globalization can be the united nations established in 1945 and the end of the cold war in 1989, knows.

1-2- Theoretical:

1.2.1- Theoretical theory of globalization:

Globalization is a reality that has attracted much attention to itself because the a phenomenon is occurring; therefore correct understanding this process, is the only certain way in order to confront it. Of course perceptions of globalization concepts vary. Therefore schools in this part associated with globalization and the various opinions of thinkers in this field are counting.

"in general case three schools of thought association with globalization theory is proposed as follows:

1. Realism: is capitalist system pro and knows necessary government intervention in order to national interests protect.

2-liberalism, by limiting the role of government, believe that globalization provides the more opportunities.

3- historical structuralists: they know the globalization important; but their effects are evaluated negatively and over the others north and south on inequality are insist".

Held and mcgrew, the globalization knows the globalization as "the process that by the organization transforming of social relations and interaction intervals based on the extent and speed during the all over the continents or inter-regional circulation is along" [18].

Giddens believes that: "globalization is increasing the extent of world social communication and the proximity to each other faraway places;so that local events are appears to form happenings millions of miles away, and vice versa".

In a general globalization, are applies to the set of processes that whereby the boundaries has faded and governments will related to each other and factors such as the development of capitalism on a global level, interdependence, exchange of information, human rights, english language, the internet and... are its basics tools.

In general, these concepts of globalization, can be inferred: 1) internationalization 2) americanization 3) an beyond area of 4) removing boundaries 5) destroyed force 6) pervasive and universalism 7) liberalization 8) a process 9) an opinion 10) a phenomenon 11) a position 12) a stage 13) a system 14) a period 15) an imagined 16) a network 17) a community 18) a belief and...

1-2-2- Theoretical foundations of right to development:

In fact development is concept that is given by the south and developing countries, as the axial right and human rights; this countries believe that "development is one of the basic human rights of countries of all the world, especially north countries have been obligated to recognize it." declaration of the right to development, 1986 in article 1 states: the right to development is a inalienable human right whereby each human person and all peoples have the right in development of economic , social, cultural and political has participated and has benefit from it so that all human rights and fundamental freedoms come off.

"the right to development with these description has rooted in the universal declaration of human rights and covenants and as the rights of human rights that all rights and fundamental freedoms dependent thereto , has been proposed. Kofi a.annan knows the right to development, the criteria for assessing the respect of all human other rights and adds our goal must be create the condition in which all individual can maximize their potential abilities and help to transformation of society in general".

Nations general secretary ban ki moon, describes the right to development in such a way: "governments must ensure hardworking until vulnerable citizens achieve a life with better quality." he believes that development should not be a privilege for small group, but also it knows a privilege for all. Gay roche defines such development: "interaction that is in order to propel society toward the fulfillment a regular collection of individual and collective life circumstances have done and it has been diagnosed favorable. Development in fact is an attempt to achieve excellence" [7].

From the perspective of amar tya san "development requires removing the barriers of main captivity and the lack of freedom, factors such as poverty and despotism, low economic opportunities, social exclusion, neglecting to facilities supplying and repressive government interference" [8].

Mr. Kenneth dazie general director of international economic cooperation and development in a statement in october 1978 reiterated: "increasingly development as a process that should be associated with the human factor, (also as representatives and also benefited of development),is consider and be seen".

In summary, it should be said the right to development, is not the new right, but also is a right arising from civil, political, economic, social and cultural rights and can be called it the right to rights.

3-1- Theoretical foundation:

3-1-1- Theoretical practical principles of globalization:

In practice, globalization represents a process that affects all aspects of human life in the present age. The most important dimension of globalization is the economic dimension that from perspective of Legal and political point of view, at least as regard of the least roles for geographic boundaries of countries in economic activities such as trade, investment, production, financial transactions.

It should be mentioned that globalization is a non-stop movement which bring four components of "diffusion, interdependence, organization and culture and global consciousness"; [21]. and its various dimensions in the fields includes : "Cultural, ecological, economic, technological, geographical, historical, legal, political, and psychological".(scholte,2005,p.40). also the attention should be paid that that in all these aspects, such as development, focus and speed of international relations, play the main role. (osterhammel and petersson).

Regarding the globalization, there is no consensus yet; however, it is generally considered "congestion time and place" and "fading boundaries in human activities" in transnational relations.

Indeed, globalization has actually weakened the government and challenge the hypothesis of ruling governments and the countries limited to the known boundaries and Creates a new political space that encompasses the whole world; as the following, the ethnic and civic groups, political parties and multinationals, will appear more into the action and privatization and international investment will be increased. In this context it can be said that the globalization provides the idea of a novel global order which would appear after the collapse of the Soviet Union and the unipolar world. In addition, during this process, the word international has been replaced of the word national and the national governments give part of their sovereignty to the international system; although legally they are still the ultimate authority to decide on their own territory, But this interdependency of countries worldwide decrease the most important consequences of their authority wanes.

It should be considered in the current globalization, the aspects culture of social, political and less stressed; since its main focus is on economy. However, globalization is not only the economic and institutional structures; As Joseph Stiglitz argues in his book: "The trade and finance ministers tend to and globalization tend to look from an economic perspective; But according to many people in developing world, it is much more than that." [2].

2- Investigation and analysis of cross-theoretical approach to globalization and the rights of development:

Development has been originally an elite project of the north nation-state; Or it is better said the responsibility and guarantee are development of south nation-states. Therefore, contrary to the next project,

namely globalization, the development of nation-states was stationed as the basic unit of development that need to be helped an it itself helped. [25] actually, it was supposed that not only north has been developed in both economic and other fields but also knows the south development and has been regarded as the model of development.

2.1 The effects of the development rights on the theory of globalization:

Development can be seen as a historical phase that proceeded the era of globalization. Especially the right named development can be considered as the project that has happened before globalization plan. Early the development rights, mainly were related to economic development of specific nations, the nation that had been recently freed from the colonial control.

After World War II, this plan has been offered by the development of Western powers, especially America, to help poor countries and destroyed by the war. About globalization as it has been said, from about the 1990s that was proposed in a modern form; Although at first attention had been paid to economic globalization, and gradually attention paid to other aspects paid. Thus, proposing the rights of development far ahead is more than the theory of globalization.

Actually it can be said that globalization strengthens all activities in all fields of human rights such as the rights of development; because this issue that activities in human right field as well as development right can strengthen the globalization has been correct. [6] this issue happen in a way that act based on all human rights including development right, all countries and their populations achieve almost equality levels of development and progress in all fields. This is followed by an integration of the world; because the equal nations have more relationships with each other and eventually the case will lead to globalization. So the act of development right can lead into globalization equally and fairly.

In this regard, foreign investment and developing countries, even in the Western model, play an important role in moving towards a democratic culture research, respect to human rights and do the development right. Based on this, it can be said that principles of human rights is included of the right to development, which are part of the globalization. That by researching will contribute to a growing trend.

In this context, the independent experts have done preliminary study about the effects of globalization on development right and during it they argued that the potential development right of changing the globalization in action is correct and fair. In this regard, the independent expert argued that developing countries need effective integration in the global economy. (Lotfi Hekalan, page 91-92) actually the meaning of this reasoning is that if pay attention is not paid to the development of weak countries, many problems will be created in the process of globalization; because in this process even the smallest countries play an important role and lack of their development will be obstacles on the way of development of globalization theory.

In action, the development right can have positive effects on trend of globalization. For instance, if development has been given to south countries as a right, the Nordic countries are bound to implement this task themselves and gradually this fact will lead into dependency of countries that are the roots of causing the project of globalization. In the case achieving the right of development is not only an obstacle to the theory of globalization, but also help this process even to go faster.

2-2- The impacts of globalization theory on development rights:

A lot of document can be found that globalization could not act differently from development plan in case of differences between north and south [25]. Simply for most developing countries, the 1990 decade has been considered the despair decade[30].

In the process of globalization, the developing countries cannot get along with the speed of changes which is the result of this nature and take the benefit of its resources. Moreover, globalization provides people having more sources or more desirable situations with opportunities nationally and internationally or more; not only those who recently go into the development or weaker segment of society; because they lack the flexibility to cope with the changes. After the process of globalization not only help to achieve the right to development, but it can also be an obstacle to reach. In this context, the phenomenon of globalization, increases the gap between rich and poors.

In this regard, the agenda for development, negative consequences of globalization, such as environmental degradation, increasing poverty, the growing population, terrorism and drugs as the serious obstacles on the way of development right and present appropriate ways to deal with these phenomena.

Regarding the effect of globalization on development right in developing countries different perspectives can be found. A few of these countries criticize it and knows other colonial project having not only development as their purpose but also on the contrary can be considered as an excuse for developed countries to ignore their rights and form colonialism in a new way. These countries consists of most developing countries and as a result majority of countries in the world in the orientation of the Copenhagen Declaration, pay attention on relying more on global solidarity by working with governments, non-governmental organizations and individuals to deal with injuries globalization are considered.

In this regard, one of the common point of view about integration of developing world is that globalization will result into increasing inequality among countries. [9] and this affair will continue to the extent that IMF in a report in 2000 declare that; "globalization increases the inequality among the nations and threaten employment and life standards and makes the social progress slow." in another words, consider the globalization as an obstacle in achieving the right of development in countries. However, attention should paid that although a lot of negative aspects are presented regarding globalization, focus on resources such as human rights and labor right, environment and social welfare which are factors and backgrounds of development rights be lost.

In contrast, other group does not accept the project of globalization; for example, Lewis Jiqeh believes that: "Contrary to the notion of globalization is not colonialism, but also beneficial partnership in a new economy based on the right to development and freedom." Thus, this group knows how globalization aimed at meeting the right to development of developing countries.

In this regard, some believe that the new wave of globalization that began in 1980, is the first time in history that a significant reduction in the number of poor people emerged. The beginning of the process of globalization led to the development goals such as poverty reduction and in fact, globalization should do human rights, including the right to development in order to follow the desired course.

On the other hand, the government globalization has expanded the activities of human rights and the right of development; Because governments create an institutional framework of human rights. [6] it means the globalization makes the governments fail to act on human rights violations or create barriers to the development of research as human rights. The right to development is universal and binding if the government will also be global.

2.3 Common Objectives and functions of the theory of globalization and the development of common:

On one hand, a right titled development has been made for achieving equal and unique to be universe to be able to decrease the gap between North and South.(although in practice it could not achieve desirable goal); and on the other hand, the theory of globalization has been presented for both creating a world without boundries and gap in order that people in this world can equally achieve all facilities and technologies and get equal level in development. The theory of globalization makes a long-term strategy to achieve the right to development. This means that globalization and the right to development both follow at a final goal and ideal. the right to development, if it reaches the desired result, equality of all human beings in all fields will be followed. That this point is a kind of globalization with equal trend and probably is the main purpose of globalization.

Increasing global welfare, decreasing the economical gap among the countries, creating a political atmosphere, accelerating the technological progress and growing productivity are common objectives of globalization and right of development. In this regard it should not be forgotten that both globalization and development right include all aspects of human life such as human right that is Contrary to the notion which considers it is purely economic theory.

Achieving common objectives of globalization and right of development demand economic management and efficient policy at the national and international level. Because when Adler and institutional structures become weak, the ability to manage these common goals can not be found.

So it is time to realize that the national government should harmonize their criteria of political, social, economic and cultural, as far as possible with the international system and do it in a democratic way. It means as Zanganeh believes:" "To join the process of globalization, the government must establish internal development and create infrastructure and gradually take benefit of developing this growth." In this case, not only with the knowledge and control of integrated globalization; but also as far as possible take benefit of rich and industrial government contribution to achieve development. Perhaps it can be said that the reason of governments' contribution is that in the process of globalization even the smallest governments have roles and the lack of attention to them will be main obstacle in achieving the last purpose.

Conclusion:

Most of developing countries believe that today industrialized countries or yesterday colonizers, are always looking for ways to exploit them. They say that the right of development is a new gimmick for continuing colonial south. These countries the theory of globalization due to lack of North success in achieving its goal after presenting the right of development see a novel function for continuing their colonial.

In contrast, the Nordic countries and some developing countries have reached a higher level of development, considers the right of development or project of globalization as a help that Nordic countries present due to grace and benevolence to south countries.

In fact none of these perspectives are correct; because for example the right of development first has been presented with the purpose of helping south countries to misery and poverty which soon affect all countries. In practice the right of development could not achieve all dreams regarding integrity and equality of all people in the world.

Globalization or integration of all the world at first follow to need mutual dependency in all affairs in the world; the dependency that even the smallest member of international society play role. So it had been better that for developing this theory, all countries achieve the level of equality in development as far as possible. Although in practice this theory has not achieve this purpose.

Thus it can be said that if the theory of globalization has not been applied correctly and all countries do not have cooperation with it and not integrated, may be contribute in improving the development; Because to achieve desirable right of development, desirable globalization is followed.

Maybe one of the major reasons or theories that fail to plan for global equality, the lack of a global system that is overseeing the process. In this regard, maybe few suggest United Nations or general assembly for this affair, in response to this group it can be said that the organization with high load of work and activities can not deal with long and important process. On the other hand, general assembly is virtually powerless; Because decisions in the form of resolutions, most of the recommendations and are non-binding.

Therefore, for establishing a strong international organization from all countries, probably enforcement of all global plans is proposed. Moreover, this organization can help the right of development accompanied United Nation or under the auspices of this organization.

REFERENCES

- [1] Akhvan Kazemi, Masoud, 1383. Higher education and sustainable political development (Proceedings), Tehran Institute of Research and Planning in Higher Education.
- [2] Stiglitz, 1387. Joseph Globalization and its problems, translated by Hassan Golriz, Tehran: Ney publication.
- [3] Amir Arjmand, Ardeshir, 1386. A collection of international instruments on human rights, the first part, Tehran shahid Beheshti University Press.
- [4] Bozorgi, Vahid and Ali Sabaghiyan, 1384. Global opportunities and challenges, Tehran: Institute of Business Studies and Research, business publishing company.
- [5] ____ human rights in current world, Tehran, publication company of shares, 1383.
- [6] Monshi Poor, Mahmood, Neil Ang Hart, Anderon Nathan and Kaveitha Philip, 1387. The development of human rights in an era of globalization, translated by M. Zakerian, Tehran: Institute of Social and Cultural Studies.
- [7] Roche, Gay, 1381. Social changes, translated by M. Vosoughi, Tehran: Nei publication.
- [8] Sen, Amartya, 1381. Development as freedom, translated by Ahmad Mouseghi, Tehran University Press, Faculty of Law and Political Science, Fall.
- [9] Moosaei, Meysam, 1380. Islam and culture development, Tehran: Our land publication.
- [10] Naghibi Monfared, Hessam, 1389. Desirable ruling in light of human right globalization, Tehran: Institute of Legal Studies and Research of Knowledge.
- [11] Vakil, Amir Saeed and Pouriya Askari, 1383. Third generation solidarity rights, human rights, Tehran: Majd, Esfand.
- [12] Heki, Farshid, 1388. Socio-economic rights in Iran, Tehran: Shahre danesh Institute of Legal Studies and Research.
- [13] Bedjaoui, Mohammad, 1991. International Law: Achievements and Prospects, Martinus Nijhoff Publishers.
- [14] Boudreaux, Donald J., 2008. Globalization, ABC-CLIO.
- [15] Bulajic, Milan, 1993. Principles of International Development Law, Martinus Nijhoff publishers, second revised edition.
- [16] Erikson, Hylland Thomas, 2007. Globalization: The Key Concept, Berg.
- [17] Hamilton, Sara M., 2008. Globalization, ABDO.
- [18] Held, David and Anthony G. MacGrew, 2003. The Global Transformations Reader, Wiley-Blackwell.
- [19] Jones, Andrew, 2010. Globalization: Key Thinkers, Polity.
- [20] Lane, Jan-Erik, 2008. Globalization: The Juggernaut of 21th Century, Ashgate Publishing.
- [21] Lechner, Frank J., 2009. Globalization : The Making of World Society, Wiley-Blackwell.
- [22] Lane, Jan-Erik, 2008. Globalization: The Juggernaut of 21th Century, Ashgate Publishing.
- [23] Mooney, Annabelle and Besty Evans, 2007. Globalization: The Key Concepts, Taylor and Francis.
- [24] Osterhammel, Jurgen and Niles P. Petersson, 2005. Globalization: A Short History, Princeton University Press.
- [25] Ritzer, George, 2009. GLOBALIZATION: A Basic Text, John Wiley and Sons.
- [26] Robertson, Roland, 1994. Globalization: Social Theory and Global Culture, Sage.
- [27] Scholte, Jan Art, 2005. Globalization :A Critical Introduction, Palgrave Macmillan.
- [28] Steger, Manfred B. 2010. Globalizaation:A Brief Insight Sterling Publishing Company,2010
- [29] Steiner, J. Henry and Philip Alston, 2000. International Human Rights in Context, Oxford university press ,second edition.

- [30] Suarez-Orozco, Marcelo M. and Desiree Qin-Hilliard, 2004. Globalization: Culture and Education in the New Millennium, University of California Press.
- [31] Tamanaha, Brian Z., 1997. Instrumental View of Law in American Legal Culture, Cambridge university press.
- [32] Tamanaha Brian Z., 1996. Realistic Socio-Legal Theory: Pragmatism and a social Theory of Law, Oxford university press.
- [33] Waters, Malcolm, 2001. Globalization: Key Ideas , second edition, Routledge.