

## BOOK NOTE

*Civilising Globalisation: Human Rights and the Global Economy*, By David Kinley. New York: Cambridge University Press, 2009. Pp. 272, \$110.00 (hardcover), \$39.99 (paper).

Often it seems that human rights campaigns and economic globalization are pitted against one another, and that to advance in one area is to sacrifice in the other. David Kinley takes issue with this general premise in his new book, *Civilising Globalisation: Human Rights and the Global Economy*. Instead of taking the more familiar, pessimistic view of globalization being an impediment to achieving human rights goals, Kinley focuses on where the aims of human rights and the global economy overlap, rather than diverge.

Specifically, Kinley analyzes how the global economy and human rights campaigns can and do complement one another, concentrating on the three sectors of trade, aid, and commerce. Throughout the book runs the theme that the economy is necessary to human rights objectives, but not sufficient.

In his discussion of trade and human rights in Chapter Two, Kinley discusses how the World Trade Organization can play a key role in bringing trade practices in line with human rights objectives. Different legal and political approaches are raised, as well as the argument that much can be done simply by changing the mindset of the major players, for example, states. In addition, he notes that there is a need to ensure that the new trend toward bilateral trade agreements does not result in developed nations taking advantage of developing ones, possibly resulting in costly human rights violations. Instead, developed states should use these bilateral agreements as an opportunity to persuade developing states to adopt and abide by stronger human rights standards. Kinley soberly concludes that, while there are very real ways that trade can be used to promote human rights goals, there is still much work to do toward making compliance with human rights a top trade priority.

Chapter Three, entitled "Aid and Human Rights," discusses how development aid has become an impressively large and important industry over the past 60 years, attempting various policies to encourage economic growth as a means to end global poverty. But, the recipients of aid themselves recognize that the alleviation

of poverty cannot be realized without the protection of human rights. Disempowerment and lack of basic human rights is a critical factor contributing to the plight of the world's poor. Kinley concludes that aid and human rights can become more in sync by using the accountability in international law required by a human rights framework to achieve development goals. He argues that the key is "to design and implement plans that integrate the developmental and human rights needs of the poor, and thereby better serve them."<sup>1</sup> In the end, states and intergovernmental organizations, like the International Monetary Fund and the World Bank, must take it upon themselves to make human rights goals a part of their approach toward alleviating global poverty.

In his final section on commerce, Chapter Four, Kinley makes clear that, for the most part, business benefits human rights by encouraging economic development. Further, a majority of companies today agree that they have a duty to conduct their operations with an eye toward the broader good. Human rights abuses, therefore, occur on the margin where there may be a corporate culture that allows boundaries to be crossed and does not require that corporations and their actors take responsibility for their abuses. These marginal indiscretions are often due, in part, to inadequacies in legal systems that govern transnational corporations, and a lack of remedies for victims.

Kinley argues for international and domestic pressure for states to harmonize their corporate laws and plug gaps in those countries that have more relaxed regulatory schemes, which allow for the opportunities for abuses to occur. He also proposes the extraterritorial reach of strong-state laws, such that corporations can be held to account elsewhere for abusive actions in lawless states. Additionally, in the section "Hard Law and Soft Law Approaches," he suggests putting more emphasis and importance on soft law, such as transnational codes of conduct that create real pressure for corporations to conform their behavior to ideals. Corporations, for public relations and advertising reasons if nothing else, often want to state that they adhere to standards of human rights protections; if they do not, the marketplace will often punish them, even if no legal system will. Finally, Kinley argues for the creation of corporate liability under international law, either by setting up some form of regime to impose direct liability or by indirect pressure from the United Nations and international community on states.

---

1. DAVID KINLEY, *CIVILISING GLOBALISATION: HUMAN RIGHTS AND THE GLOBAL ECONOMY* 144 (2009).

*Civilising Globalisation* is a well-researched exposé of how human rights and the global economy can not only co-exist, but can support one another's aims. David Kinley is the Chair in Human Rights Law at the University of Sydney, in Sydney, Australia.

