

## Globalisation, Human rights and international contracts

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### Abstract

Globalization is predominantly an economic phenomenon. In relation to the protection of Human Right, this concept is a more complex issue which yet remains to be analyzed in its many facets.

Globalisation seems to favour the free trade and the so called law of the market versus Human Rights. However, international contracts in a globalised economical environment must be adapted to cope with the “universalisation” of Human Rights. Paradoxically, no international sets forth **precise and enforceable** duties incumbent on multinational corporations as to the protection of Human Rights.

This short study tends to promote the idea according to which, “actors” on the international trade scene take the full measure – at an individual level – of the necessity to promote “ethical globalization”.

### Résumé

Le terme globalisation est généralement utilisé dans un contexte économique. Ce concept est plus difficile à manier dans le contexte des droits humains.

La globalisation semble favoriser le non-interventionnisme dans les lois du marché qui peuvent ainsi déployer leurs effets de façon sauvage, foulant aux pieds les droits de l'homme. Toutefois, dans ce contexte, il semble inévitable que les contrats internationaux doivent être adaptés au phénomène de l'universalisation des droits de l'homme. Paradoxalement, il n'existe aucun instrument international alliant précision et force obligatoire, qui créerait des obligations quantifiables incombant aux sociétés multinationales quant à la protection des droits de l'homme.

Cette courte étude défend l'idée selon laquelle ce sont les « acteurs » du commerce international qui doivent, à un niveau individuel, prendre les mesures nécessaires en vue de la promotion d'une « conduite éthique globalisée », les instruments de la *Soft law* étant atteint d'un vice congénital : celui de leur caractère flou et non exécutoire.

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Globalization is predominantly an economic phenomenon the main characteristic of which is the development of transnational flows of capitals, investments etc.

Globalization has given rise to contrasted discourses. “Liberals” claim it will promote development, democracy, global governance etc... Some even suggest that transnational integration will empower citizen challenges to State power. On the reverse, its detractors assert that globalization reiterates national and/or market exploitation and see it as unaccountable economic flows which constitute a major threat to the Environment and to Human Rights in that the inevitable abuses that are committed in relation to these issues are no longer amenable to State-based protection.

Globalization in relation to the protection of Human Right is a more complex issue which yet remains to be analyzed in its many facets. In any case, it is most obvious that the “patterns” by which they interrelate today cannot be described in an overly contrasted – not to say Manichean – perspective.