

Shelley Wright (2001) International Human Rights, Decolonisation and Globalisation: Becoming Human, Routledge, London, ISBN 0415259517

Shelley Wright's book on human rights, decolonisation and globalisation is primarily a book on international law written from a socio-legal and historical perspective. Perhaps by way of introduction, it is worth considering why and how it may have relevance to criminology. How does criminology intersect with human rights and globalisation?

Some links are immediately apparent. Particular types of property crime are related to social and economic inequality; others are linked to social disorder and violence, which arise through economic and political inequality, social exclusion, marginalisation and differentials in power. The search for an assurance of and protection for equality has been a key goal in the development of human rights. These have included both individual civil and political rights, as well as economic, social and cultural rights.

Criminology is also about studying the agencies and institutions of the State that are centrally concerned with the control of crime: the police, the courts, the prisons, as well as the criminal law, sentencing and punishment. These are laws, processes and agencies which exert the most fundamental control over citizens and which have the greatest opportunity for the fundamental breaches of human rights.

Shelley Wright's work shows that globalisation and human rights raise many difficult and contradictory themes. For example, is the concept of inherent and universal human rights simply a western construction based on Enlightenment principles that prioritise individual rights? Can universal human rights deal with cultural pluralism and collective rights? The newer generation of claims to rights, such as those of indigenous peoples, have been particularly important because they emphasise collective rights, that is the rights of peoples. They highlight some of the difficulties which need to be resolved; difficulties which are directly relevant to criminology. How do the claims for the right to self-determination and self-government sit with other individually-based protections such as the Convention on the Rights of the Child, or the Convention for the Elimination of All Forms of Discrimination Against Women. Some of these difficulties can arise around, for example, indigenous systems of punishment.

Wright's work challenges the view that human rights are simply a western Enlightenment construct. The forging of human rights in the postwar period was connected to the (often revolutionary) struggle for decolonisation. There was widespread support for the Universal Declaration on Human Rights. Representatives from Latin America, the Soviet Union and the Middle East ensured that the Declaration contained economic, social and cultural rights (Wright 2001:15–16). Women were also important in ensuring that these 'second generation' rights were included (Wright 2001:74–76).

Other influences on the development of human rights recede back much further in time: the Iroquois Federation provided ideas about federalism and constitutional checks and balances to Washington, Jefferson and Franklin. The contemporary development of indigenous rights also represents an expansion in how we think about rights. The struggle for the recognition of indigenous rights has crossed borders between first and third worlds,

industrialised and developing nations. Indeed, the focus is on the nation state in all its manifestations to recognise indigenous rights. The claim for indigenous rights affects states from Vietnam and Malaysia to Canada, from Australia to Bolivia and Mexico.

The development of indigenous rights poses a new series of challenges and possibilities in transforming the nation state through the recognition of collective rights, cultural pluralism and developed forms of democratic institutions which are capable of providing such recognition. On this basis it can be argued that the struggle for the recognition of indigenous rights represents the contemporary point in the long struggle for decolonisation, which includes not only the so-called 'settler' nation states of the former colonial powers (such as Australia) but also the nation states which emerged in the postwar 'first phase' of decolonisation (such as Malaysia).

Wright points out that globalisation itself provides a number of paradoxes and contradictions, opportunities and threats when it comes to the recognition of human rights. Economic globalisation, where it is associated with increased inequality and exclusion, can undermine the possibility of achieving human rights, particularly for working classes, the landless and indigenous peoples. For example, industrial development, deforestation and mining in the name of globalised economic development have negatively affected indigenous peoples from South America to South East Asia.

Political and legal globalisation through international law poses both an opportunity and a threat for indigenous peoples. Human rights themselves are a global normative system of rights. The draft Declaration of the Rights of Indigenous Peoples is a claim for the universal acceptance of collective rights for specific peoples. But globalisation has also led to demands for the introduction of particular legal forms in civil law and criminal law which may undermine local customs and traditions (which themselves come to be seen as anachronistic and irrelevant).

In the last chapter of her book, Wright discusses five challenges which emerge in relation to human rights. They include addressing the challenges of:

- dealing with human diversity and difference within a context of international human rights;
- the effects of the impact of economic globalisation on human rights;
- developing state sovereignty and democracy;
- developing a complete and unequivocal condemnation of the use of violence; and
- developing mechanisms for the enforcement of human rights (Wright 2001:212–226).

The development of specific indigenous rights casts further light on these issues. Firstly, we need to reconceptualise the nature of state sovereignty to recognise the pre-existing rights of indigenous peoples. This is particularly problematic when the tendency has been towards monoculturalism, nationalism and the nation state: that is, the tendency of the state itself to be defined as the (single) nation and (one) people (Wright 2001:134).

The claim of indigenous rights also provides the opportunity for rethinking regional differences to facilitate greater autonomy. The recognition of the rights of cultural difference and greater autonomy is not necessarily in conflict with nation building and economic development. Indeed, it may constitute a belated form of nation building which allows for greater democracy and inclusion (Wright 2001:136). These issues are critical: for some groups like the Penan and other forest people in south east Asia are facing what can

be described as genocide with the destruction of their land and their own physical destruction. Many other indigenous peoples are facing ethnocide through assimilationist policies, cultural appropriation and destruction of language (Wright 2001:157).

International Human Rights, Decolonisation and Globalisation: Becoming Human provides the opportunity to think through issues relating to the development of human rights, particularly in relation to specific groups such as women and Indigenous peoples. It is not specifically a criminological text, however it seems to me that for too long the discipline has not engaged in discussions about how questions of human rights can fruitfully open up some of the core and recurring intellectual problems of criminology — such as definitions of crime and the role of the state.

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