

CORPORATE MALFEASANCE, GLOBAL HEALTH, AND HUMAN RIGHTS

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Affluence and Justice

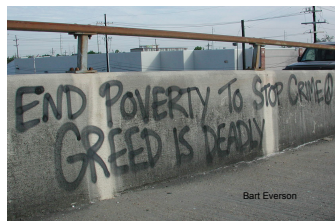
The ability of people in developed countries to live longer and in larger homes with more comforts and health improvements than ever before is not merely the result of ingenuity and enterprise; to a great extent, these improvements are the result of oppression and exploitation.

Currently, a fifth of the world's population, which comprises more than a billion people, lives in dire poverty, and millions die of starvation each year ("United Nations Millennium Development Goals," n.d., <http://www.un.org/millenniumgoals/>). Many moral philosophers feel it is unconscionable to ignore poverty even when it occurs as a result of chance or natural causes beyond human intervention. Libertarians, who believe individuals have few obligations to others, argue that tragic conditions do not make extreme moral demands. Even for the libertarian, however, poverty resulting from obvious and gross human rights violations creates a moral imperative for action.

Globalization and Rights

Globalization, often hailed as the best means to alleviate global poverty and improve living and working conditions, has instead resulted in severe violations of human rights by creating harsh working conditions and environmental degradation while denying access to health care, food, or clean water. Corporate malfeasance or indifference has created massive suffering in the world. Corporations amass enormous fortunes through the denial of even the most basic human right, the right to be left alone. Desperately poor people find their livelihoods destroyed when corporations degrade their environment and exploit them through low wages and brutal working conditions.

Negative rights are rights of liberty: the right to be left alone. Even those who deny a human right to flourishing or dignity often agree that everyone has a right to be left alone and permitted to seek happiness where possible without denying another person the same rights. When starvation and disease are the result of unjust interference with a person's ability to pursue self-determined ends, rectification is demanded by even the most lenient of libertarian theories of justice.



Whence Rights?

Human rights are not easily defined. Frequently, advocates for rights will claim the existence of rights based on little more than their own assertion of the rights (e.g., a right to clean water). The result is that discussions turn to whether someone actually has rights rather than how to promote justice in the world. If some people are unlucky enough to live in a place without clean water, many will claim this is a sad situation but that it makes no moral demands on those lucky enough to live where water is plentiful.

Justice is not Charity

If someone who has access to clean water loses it because of the deliberate actions of others, this is an example of violating someone's negative rights. Restoring their access to water is not an act of charity resulting from compassion but an act of justice. Such violations of so-called negative rights do not begin to cover all the misery of the world, but redressing even a fraction of such violations would improve the health of the world community enormously. Often, people who are supporting themselves through farming, fishing, or other sustainable means are rendered incapable of self-support as a result of environmental destruction.

Free trade agreements have encouraged powerful corporations to obtain labor and resources by the cheapest and fastest means available, which has resulted in indifference to safety, health, cultural, and environmental concerns. The lowest standards are the most profitable. People who make decisions within corporations fulfill their professional obligations when they pursue the cheapest means of production and highest profits possible. Their professional demands and perceived impunity from regulation or punishment are deadly in combination.



Minimal Obligations

In discussions of globalization, the phrase "race for the bottom" occurs again and again. We must encourage social and policy changes that will stop the race to the bottom. The financial burden of enabling developing countries to engage in sustainable business is the shared responsibility of the global community. Trade negotiations through organizations such as the World Trade Organization must include concern for fairness, the environment, working conditions, and impacts on health and culture. Second, we must seek redress for victims of prior abuses. Those who face illness and starvation must receive relief aid to restore their ability, to the greatest extent possible, to live and work. Aid should be ongoing only in cases where individuals have been so severely impaired that it is impossible to offer sufficient rehabilitation for them to support themselves.

We must restore the environment so it can once again support the livelihoods of those who depend on natural resources for their survival. Finally, we must create a moral community that sees the benefits of economic development, but recognizes that those who pursue profitability must be empowered to do so with the ability to act on moral concerns. Profit motivates change and improvement, but the pursuit of profit must be combined with concern for life, human and otherwise. Only by integrating these concerns can the earth and its inhabitants achieve health and stability.

Raising the Bottom

With proper regulation and social pressure, we can change the race to the bottom to a collective effort to raise the bottom. Making profits at the expense of human life and devastation should be a source of shame, not pride, yet corporate executives and employees do not seem to feel shame or even personal responsibility. They refuse to look at the face of suffering and to acknowledge its source because they are successful when they generate profits, not justice.

If we want to live in a world with any sense of decency at all, we must look squarely at the consequences of our actions, take responsibility, and do what we can to remediate them. We must reevaluate what it means to be a good person, to live a good life, and to be part of a community. We must become engaged in the global community, question our consumption, and contemplate our future. If globalization is to create a single economy, it must also create a single moral community. We must lionize those who generate reasonable profits in a just framework and ensure that ethical corporations can make sufficient earnings to thrive.

Social justice theorists have done their part in describing the demands for health needs in a just society, but as social justice theories grow more nuanced, global health disparities continue to increase. Unacceptable injustice exists, whether analyzed through the lens of capabilities, development, liberty, utility, human rights, or fairness. In the developed world, and especially in the United States, many insist that each individual is free and responsible to pursue his or her own happiness, health, and wealth. We must recognize that this theory is not tenable as the wealth of developed nations depends on the exploitation of the world's most vulnerable people. Defending negative rights entails positive duties.

Call for Action

Limiting action to addressing violations of negative rights may be too minimal to be truly just, and an acceptable state of social justice may require a greater expansion of rights. Nonetheless, the simple recognition that even minimal standards of justice are currently far from our reach should compel social action, moral indignation, and global unity. Exploitation, abuse, pollution, and poverty have been with us for centuries, but these same problems are now acute, chronic, and critical. They demand immediate and focused energy and attention.

We must provide a public forum and voice for oppressed people from all parts of the world who suffer negative effects from hazardous working conditions and environmental degradation. We must work to empower the heroes with the courage to resist the world's most powerful organizations. We must raise awareness of activists such as Ken Saro-Wiwa, who was executed in Nigeria for defending his native land.



Example of Abuse

Stuart Kirsch, in "Indigenous Movements and the Risks of Counterglobalization: Tracking the Campaign Against Papua New Guinea's Ok Tedi Mine" (Am. Ethnologist 2007;34(2):303-321) describes the actions of Broken Hill Proprietary, LTD (BHP), an Australian corporation. BHP obtained a mining lease in the 1980s to extract copper and gold from Mt. Fuliban in Papua New Guinea. Although BHP agreed to mitigate mining damage, it discharged waste into local rivers, polluting the rivers and killing the river life and flora on the surrounding land. Tens of thousands of villagers who had lived by hunting and fishing could no longer live as they had before the mine came. The mine continues to operate, with profits of around \$250 million per year. Meanwhile, some of the local residents, who cannot return to living from the land would rather that the mine continue its operations because they now have no other way to support themselves.

Example of Success

In her book, *Water Wars*, Vandana Shiva describes the conflict between Bechtel Corporation and the people of Bolivia. In 1999, the World Bank recommended privatization of water in Bolivia, and Bechtel was awarded a contract for privatization, which resulted in price increases that made water unaffordable for many citizens. After popular resistance to privatization, water privatization was revoked in Bolivia, and responsibility for establishing "water democracy" was given to the citizens of the country.

Resources

Global Exchange
www.globalexchange.org

Open Society Initiative for Southern Africa
www.osisa.org

Wilderness Society of Western Australia
www.experiencewild.org

EarthRights International
www.earthrights.org

Amazon Watch
www.amazonwatch.org

Crude Accountability
www.crudeaccountability.org

Justice in Nigeria Now
www.justiceinnigerianow.org

Filipino-American Coalition for Environmental Solidarity
www.facsolidarity.org