In the shadow of World War II's end, unprecedented discourse regarding international human rights was birthed from knowledge regarding the gross abuses that took place and subsequent shock that the civilized world had no international legislation in place to counter similar, future atrocities. In 1948, the International Labour Organization (ILO) adopted the Freedom of Association and Protection of the Right to Organise Convention while, in the same year, the United Nations (UN) adopted the Universal Declaration of Human Rights [Swepston 1998, p.169]. The comparatively younger World Trade Organization (WTO) has been both condemned and heralded for its handling, and lack thereof, of human rights violations. In the formidable wake of globalisation, all three organizations have had to bind their human rights policies to economics, thereby enhancing the interconnectivity of the entities and, by extension, international policy. The following, critical comment explores the history and current state of UN, ILO, and WTO human rights’ approaches to market policy, affording particular attention to recommendations for amending the policies in order to foster economic development in a human rights compliant manner.

1 Kontakt autora: mehari17ie@yahoo.com. Autori izjavljuju da nemaju značajne matrijalne ili financijske interese koji se odnose na istraživanje opisano u ovom radu. Takođe, autori izjavljuju da je podneti članak njihov originalan rad i da nakon izdavanja ništa od sadržine neće predstavljati povredu autorskog prava. Rad primljen 21.03.2014. godine. Odobren za objavljivanje 03.05.2014. godine. The authors declare that they have no relevant or material financial interests that relate to the research described in this paper. Also, the authors declare that the submitted paper is their original work and that, upon publication, nothing contained in it will not constitute an infringement of any copyright. Paper received 21.03.2014. Approved 03.05.2014.
greater cohesion and address one of the most pressing human rights issues of the twenty-first century.

The relationship between human rights, labour standards, and economic markets has been the subject of much contention for the latter half of the twentieth century [Valticos 1998, p.135]. A salient question has been to what extent does human rights law inform international labour standards and world markets [Valticos 1998, p.135]. Much of the debate is centered on the duel facts that labour standards significantly predate human rights law and that the changing economic landscape of the world demands a revisiting of the relationship between labour, trade, and human rights law.

Crucial is it to note that the theoretical framework for this comment stems not from the natural law tradition of human rights [Francis 2010, p.183]; this posits essentially that there are a set of immutable laws that imply the natural rights of the individual. The natural law approach contrasts with the market-based approach to human rights in that it fails to account for the range of diverse socioeconomic and sociocultural circumstances had by world nations [Francis 2010, p.183]. The market-based approach to human rights does not condemn the universal approach to enforcing human rights laws as insufficient in the twenty-first century. In his “Essay on Human Rights and Social Contracts,” Francis contends that supporters of natural law approaches “do not apply these notions to universal human rights and do not imagine the existence of an international market that determines the social contract or constitution” (2010: 183). In short, the market-based approach to human rights does not adequately acknowledge either the dynamic nature of the modern market or the extensive diversity of human society.

Human rights issues, in the twenty first century, intersect considerably with all forms of global economies [Francis 2010, p.181]. In perceiving the international, competitive market as embodying economic principles, the most fundamental of which is that citizens are demanding rights whilst states are supplying rights, human rights law becomes an instrument of social contract [Francis 2010, p.181]. Market equilibrium depends critically, then, on the perfection of competition cultivated by migration costs, freedom of exit, freedom of information, and state market power [Francis 2010, p.181]. International bodies such as the UN, ILO, and WTO, then, have a responsibility to promote market equilibrium by furthering three, primary objectives; those being the enforcement of social contracts between citizen and state, the taking of action against states that fail to do so, and the enhancement of social contract market efficiency [Francis 2010, p.181].

The role of international policy is then to first and foremost establish the international authority’s- be it the UN, ILO, or WTO- role as an enforcer of social contracts [Francis 2010, p.181]. The resolution of disputes and the addressing of abuses for states that violate outlined laws legitimizes human rights law and promotes the authority of international organizations [Francis 2010, p.181]. By extension, instruments of human rights play an integral role in promoting the economic model of human rights.

### 1. Overlapping of Human Rights Law in the Organizational Instruments of the UN and ILO

The UN’s Universal Declaration is of crucial importance to the ILO. The organization’s Committee of Experts cited the following in a 1997 report:
The Universal Declaration ... is generally accepted as a point of reference for human rights throughout the world, and as the basis for most of the standard setting that has been carried out in the United Nations and in many other organizations since then. ... The ILO's standards and practical activities on human rights are closely related to the universal values laid down in the Declaration, ...

[T]he ILO's standards on human rights along with the instruments adopted in the UN and in other international organizations give practical application to the general expressions of human aspirations made in the Universal Declaration, and have translated into binding terms the principles of that noble document [Qtd. in Swepston 1998, p.170].

The Declaration cites specifically that every individual holds the inherent right to form and join trade unions for the protection of individual interests, as an extension of the more general description of the "right to freedom of peaceful assembly and association" [Qtd. in Swepston 1998, p.170].

Three, integral instruments of ILO law preceded the inclusion of the aforementioned articles. Specifically, the ILO's Constitution, originally part of the Treaty of Versailles, contends that the right of association is had by both workers and employers [Swepston 1998, p.171]. The instrument’s Preamble explicitly protects the rights of trade unions when measures taken by these organizations can improve working conditions and foster peace [Swepston 1998, p.171]. In addition to the ILO’s constitution, the Declaration of Philadelphia, adopted in 1946, affirms the freedom of association as “essential to sustained progress” [Qtd. in Swepston 1998, p.171]. Finally, the Freedom of Association and Protection of the Right to Organise Convention of 1948 cemented all previous legislation under one, fundamental text [Swepston 1998, p.171].

During the same year in 1948, the Economic and Social Council of the UN (ECOSOC) explored reports on labour freedom supplied by the World Federation of Trade Unions (WFTU) and the American Federation of Labour (AFL) and charged ILO to work more closely with these other international organizations in developing instruments [Swepston 1998, p.171]. Since 1948, the ILO and UN, in particular, have grown in parallel with one another with respect to most human rights issues [Swepston 1998, p.171].

In 1968, the Director-General of the ILO reported to both the International Labour Conference and the International Conference on Human Rights that the ILO's activities, above all, aimed to enhance individual freedom, equality, economic security, and dignity [Valticos 1998, p.140]. Later in 1998, the ILO reasserted its commitment to human rights standards’ promotion at the International Labour Conference by adopting the ILO Declaration on Fundamental Principles and Rights at Work; this legislation confirms the following rights: freedom of association; the right to collective bargaining; the elimination of all forms of forced labour; the abolition of child labour; the elimination of discrimination [Valticos 1998, p.140].

Indeed, the parallels between ILO instruments and UN instruments are irrefutable. In his article entitled "International Labour Standards and Human Rights," Valticos cites that “more than one comparative analysis has been made of the content of numerous labour standards adopted by the ILO and the United Nations International Covenants and Conventions... There is perhaps reason to wonder what purpose is served by returning to the subject today, so many years on...” (1998: 141). The recent trends of globalization, intensification of competition, and market deregulation birthed, in part, from neoliberal ideology, has birthed the necessity to examine not only the nature of human rights laws across pertinent organizations but also the efficacy of these laws with respect to the new socioeconomic landscape of the world [Valticos 1998, p.142].
2. Human Rights, International Markets, and the Promotion of Change

In 2010, one of most urgently pressing human rights issues relates directly to economics. The existing patterns of international trade promote famine and other food-related human rights violations [Gonzalez-Pelaez 2005, p.1]. Killing more people than any other human rights violation at nearly 25,000 people annually, famine is an unfortunate consequence of the current global, economic landscape. Because famine is not widely viewed as a direct breach of human rights in which there is a clear violator, little is done to stave famine and those that die of starvation and thirst are perceived as inevitable features of the system [Gonzalez-Pelaez 2005, p.1]. With nearly 800 million people hungry because of a gross lack of subsistence rights, the need to address the problem from a multi-organizational perspective is crucial. Scholarly discourse had cited that greater collaboration between the ILO, UN, and WTO would benefit developing nations directly [Ribeiro 2004, p.46].

Impediments to collaboration relate directly to tensions between sovereignty rules and liberal rules (Brysk 2002: 204); these rules are constructed, in part, by social contracts and are statements that identify expected conduct. The concurrent existence of multiple rule structures is largely inevitable, with international rules conflicting with state rules [Brysk 2002, p.205]. Norm changes are brought about, however, by these conflicts and, by extension, conflicts begin the process of rule evolution [Brysk 2002, p.205].

The pervasive controversies regarding human rights approaches serve to evidence that human rights norms have neither sufficiently trumped state sovereignty nor promoted adequate collaboration between international bodies [Brysk 2002, p. 222]. Since the dawn of the twenty-first century, however, strategies to human rights have acknowledged the need for change in addressing economic activities [Ratner 2001, p.435]. In his article entitled “Corporations and Human Rights,” Ratner cites that “the creation of a new target for human rights advocates is a product of various forces encompassed in the term globalization” (2001: 435); among these forces are the surge in foreign investment from multinational corporations (MNCs) into the developing world, the unprecedented notion that the power of MNCs is trumping that of the state, the telecommunications revolution, and the work of the WTO [Ratner 2001, p.437].

3. Human Rights and WTO

While the UN has intermittently cited the responsibility of international bodies to boost their vigilance of MNCs [Ratner 2001, p.438], the same organization has condemned WTO as a “veritable nightmare” for developing countries [Qtd. in Aa’I 2001, p.137]. In the UN’s report on the impact of globalisation on human rights, suspicion regarding trade mandates and the nature of WTO as an agent of globalisation was disclosed [Aa’I 2001, p.137]. The document cited specifically that “unbridled economic liberalization has the potential to wreak havoc on human rights unless checked in a timely manner. It is therefore imperative that all human rights organs of the United Nations focus heavily on the human rights “fall-out” of free market forces and adopt appropriate mechanisms for dealing with resulting obstacles to the enjoyment of human rights” [Qtd. in Aa’I 2001, p.139]. The crux of the UN’s critique is that WTO does not adequately acknowledge the human rights agenda and, because of its expanded mandate over its organizational predecessor the GATT, should be held to a higher standard [Aa’I 2001, p.140].
The plight of developing nations under the WTO is of particular concern for the UN. While WTO essentially forces developing nations to pry open otherwise closed markets, this is not universally beneficial and has led to, among other ills, widespread famine [Aa'I 2001, p.137]. Dual globalisation, stemming from MNCs on one end of the spectrum and the more positive empowerment of individual communities on the other end of the spectrum, has led to a virtual standstill in evolving collaboration between the UN, ILO, and the WTO [Aa'I 2001, p.137]. The WTO, in essence, cannot extricate the so-called globalisation-from-above, which is widely condemned an undemocratic and grossly oppressive to developing nations, from that of globalisation-from-below [Aa'I 2001, p.137].

From a human rights perspective, the globalisation that stems from MNCs and similarly powerful entities is detrimental to the environment as well as collective, human society. The UN cited that the “WTO must radically review its mechanisms of operation, the role and place of both developing country participation and that of non-State actors such as NGOs, and its relationship to the U.N. system as a whole” [Qtd. in Aa'I 2001, p.143]. Specific recommendations include the reformation of deliberation mechanisms to be more inclusive of developing nations and a revisiting of how the organization relates to democracy [Aa'I 2001, p.144].

4. Summation: Tying Trade and Labour to Human Rights

The WTO responded to the UN's condemnation by articulating, above all, its disappointment regarding the lack of consultation of the WTO when arriving at such incendiary conclusions [Aa'I 2001, p.137]; ironically, this is the crux of the contemporary obstacles to seamlessly tying trade to both labour and human rights. There is a dearth of collaboration between international organizations and a lack of meaningful discourse between the UN, ILO, and WTO.

The ILO was created in order to set forth international standards that promote social justice and preserve public peace (Bartolomei, Potobsky, and Swepston 1996: 1); this mission undoubtedly relates more closely to the UN’s human rights agenda than does that of the WTO. Human rights arrangements, at present, are geared toward outlining the responsibilities of individual states and encouraging compliance with determined laws [Goodhart 2008, p.395]. International organizations rarely have a significant amount of power to rigidly enforce laws and generally provide few incentives for states to comply [Goodhart 2008, p.396]; and yet, collaboration between the ILO, UN, and WTO would encourage compliance with human rights laws due to the wider variety of instruments and expanded organizational presence. The most salient obstacle to collaboration, however, is that the WTO does not share the same perspectives on globalisation as does the ILO and UN. Arguably, the WTO is even more powerful than the ILO and UN due to its primary connection with world markets. Should the three organizations collaborate more closely with one another in arriving at a workable definition for globalisation that does not impede the rights of developing nations, the missions of the entities would no longer conflict with one another. However, the WTO is far too tied to the type of globalisation condemned by the UN, the globalisation-from-above, and the needed collaboration is not likely to occur in the near future.

References

Apstrakt

U ovom radu poseban akcenat će se staviti na uticaje koje je svjetska kriza imala na tokove stranih direktnih investicija, kako u svijetu, tako i u Crnoj Gori. Negativan uticaj svjetske finansijske i ekonomske krize na tokove stranih direktnih investicija se uočava zbog pojačane percepcije rizika u periodu krize. Naime, kreditna sredstva su bila teže dostupna, profiti kompanija sve niži, spoljašnje okruženje rizično, pa je sve to dodatno ograničavalo finansiranje investicionih projekata u inostranstvu od strane multinacionalnih korporacija.

Keywords: globalna ekonomska kriza, strane direktne investicije, recesija