
OPINION

21st century blues?

The advent of the new millennium provides a useful point to consider where we are going, legally and ethically, and whether our existing attitudes, laws, and institutions will help or hinder our progress. If the 20th Century was born of the industrial revolution, it has ended in the information technology revolution, and many commentators now see us at the beginning of the 'biotech' revolution. Alongside these technological advances, however, the 'greed revolution' has also been a significant 20th century phenomenon.

Biotechnology, including genetic mapping and modification of plants, animals and humans, raises major new ethical and moral issues when we are still struggling to agree on the right way to live, and to let others live. Food and water security will become a major focus, particularly for under-developed nations — not just in relation to the safety of the food supply, but access to food and water, and ownership of production technologies. In this environment, there is heightened potential for further concentration of ownership of resources, and of the new classes of 'property' which may result from the application of these technologies — the current legal frameworks for recognition and protection of intellectual property will need to respond appropriately to these challenges.

However, it's not just the 'brave new world' of biotech that looms large on the horizon — in addition to these new challenges, many of the old remain. Struggles for rights and freedoms are still being waged across the globe, and it is interesting to reflect on the progress of various movements over the past century, including women's rights, indigenous rights and workers' rights, to name a few.

In recent years, we have witnessed a shifting focus from the notion of rights accruing to 'citizens' to the concept of 'consumer' rights. Both are important, but one can't help feeling that some of this shift is driven by an economic imperative that fails to place value on a number of rights and freedoms that don't readily demonstrate economic 'benefit'. The focus on consumption and continuous 'growth' is not sustainable at current levels, and the unequal distribution of wealth between the developed and the under-developed world, as well as within nations, suggests that the higher the level of consumption, the higher the level of rights that can be enjoyed by citizens/consumers.

The relationship between the UN, with its humanitarian and human rights focus, and the world bodies that drive trade liberalisation and monetary policy (the World Trade Organisation and the International Monetary Fund), seems problematic. It is difficult to see how monetarist objectives sit with the laudable goal of eliminating world poverty, for example. The power of multi-nationals and the world's financial markets are often beyond the reach of national laws, and continue largely unchecked by either governments or independent regulators.

The growth of the United Nations and its various institutional and administrative bodies over the past 50 years gives

hope that these issues are not insurmountable. The rights and principles articulated in a range of Treaties and other international instruments, the development of international administrative and adjudicative bodies to implement and enforce them, and the investigations of suspected human rights violations, provide a strong foundation for the furtherance of human rights issues in the new century. The trend towards linking financial aid and humanitarian aid poses some challenges for the future role and standing of the UN. In many cases, financial sanctions can lead to greater suffering of the poor and marginalised, who are surely not the targets of the action. Although the world community has witnessed many positive outcomes that can be attributed, at least in part, to economic sanctions, we can't afford to be blind to the negative effects of these strategies.

Locally, we have seen some unfortunate threats to our domestic human rights infrastructure, not least in a perception that the role and status of various bodies has been 'downgraded' by the current federal government. Recently however, the capacity for the law and legal developments to both trigger and respond to popular movements has become apparent to an increasingly broad spectrum of Australian society — most notably in relation to the Reconciliation movement and the republican debate. Although progress may be slow, it *is* progress — the challenge for all citizens is to engage with political and legal processes to drive rights-based reform in the 21st century. The development of 'popular movements' to facilitate this engagement, particularly where educational and other social resources have previously been lacking, can be quite inspiring.

As some of the articles in this edition illustrate, we need to remain vigilant in protecting the rights and freedoms that currently exist from further erosion. The capacity for popular movements to drive change is well documented throughout this century's history. The (at least temporary) burial of the Multilateral Agreement on Investment is said to illustrate how the emergence of new technologies can provide new means of informing and mobilising popular action to monitor, challenge and limit the power of governments, multinational corporations and the financial markets. However, the internet's utility as a tool for truly 'global' mobilisation remains limited, since access to these new technologies is still beyond the means of most of the world's population.

Despite some very positive achievements in promoting human rights issues, the UN and other world legal and regulatory bodies need to guard against perceptions that they can be used to further the agendas of more dominant nations and alliances, at the expense of weaker nations and their peoples. The gulf between first and third world basic living conditions, and the gap between the rich and poor in all types of societies, remains the major shame of our century.

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