

Human Right and Inequality

Law & Society Business 049

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Law & Society Honors Paper
December 2007

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Abstract

The principles of human rights highlight the wide disparities that exist in the treatment of diamond miners in South Africa and coal miners in the United States. Employing in-depth case studies of labor in conditions in each industry, this paper reveals that American coal miners enjoy far better living and working conditions than their South African diamond miners. De Beers, the multi-national corporation that is the world's largest producer of diamonds, claims to comply with the UN Universal Declaration of Human Rights and International Labor Organization standards. In reality, however, diamond miners in South Africa do not enjoy many of the most basic human rights, such as adequate wages, shelter, and health and safety conditions. Ensuring that South African miners are treated in accordance with fundamental human rights will require concerted efforts by NGOs, the international community, and greater awareness among consumers.

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Chapter One: Introduction to Human Rights

‡Definition of Human Rights and the Functionality

Human Rights are the rights of each individual human being. As human beings, we have the right not to be subjected to cruelty and to be valued as equally important. Hunger, thirst, lack of shelter, poverty, abuse, inequality and discrimination are all considered “cruelty”, because people suffer from inhuman treatment due to these conditions (Human Rights Web). Human rights stem from the principle of human equality. These rights consist of decent living conditions and the freedom from suffering, cruel treatment and an unhealthy environment. These rights are usually referred to as human rights in an international setting. When they are enacted in national law, they are often referred to as civil or constitutional rights (Stanford Encyclopedia of Philosophy).

Human rights can also be seen as basic moral norms shared by all or almost all accepted forms of human morality (Stanford). Human rights certainly embrace human morality. However, such morality may vary among different human groups, which creates difficulties in agreement about which rights are human rights that should be recognized internationally. The force of human rights can only be enlarged and be the most effective when integrated with a robust legality and a form of morality that is recognized by all nations and their people.

‡ A Brief History on Human Rights

The modern concept of human rights originates from the English Magna Carta, or Great Charter, which was issued in 1215. The Magna Carta addresses a number of issues, which have been incorporated in what we have come to know today as the American Constitution (Bill of Rights) and human rights issues. The Magna Carta established and identified the rights of the church to be free from governmental interference, the rights of all free citizens to own and inherit property and be free from excessive taxes, the principles of due process, equality before the law, and so on (Human Rights Web). The concept of human rights was further developed when two political movements occurred. One was the American Revolution, which gave birth to the “U.S. Declaration of Independence”. The other was the French Revolution in 1789, when the French monarchy was overthrown and the Republic was established. The success of the French Revolution gave birth to the “Declaration of the Rights of Man”.

Philosophers such as John Stuart Mill, Thomas Paine, Thomas Aquinas, John Locke and Henry David Thoreau established and expanded the concept of human rights that has impacted our society in such a way that the meaning of these rights is beyond the scope of law. However, their contributions are invaluable in terms of making us see human existence in a profound way.

The middle and late 19th century saw a number of issues take center stage, many of which are considered human rights issues in our society today. Such issues addressed slavery, serfdom, brutal working conditions, starvation, wages, child labor and so on (Human Rights Web). Thanks to the gradual recognition of human rights, slavery and serfdom were abolished, the atrocities of several governments were stopped, labor unions were formed to establish minimum working conditions and to regulate child labor, and women gained the right to vote.

However, the recognition of human equality and the effort to eradicate cruelty imposed on humans did not come into fruition until after World War II. The Allies fighting Hitler's Germany decided that a new international organization would be needed to promote international peace and security, and that securing human rights in all countries would help lessen the dangers of falling back into large wars (Lauren 1998, Morsink 1999, Glendon 2001). The United Nations was created following the Allied victory in 1945. The United Nations Charter set goals to protect future generations from the burdens of war and to promote the fundamental and general notion of human rights. In 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights, which shaped the concept of human rights by categorizing and defining each right.

The Declaration of Human Rights can be divided into six basic categories: security rights, which protect people from crimes; due process rights, which protect people against the abuses of the legal system; liberty rights, which protect freedoms in areas such as belief, expression, association, assembly and movement; political rights, which protect the liberty to participate in politics through actions; equality rights, which guarantee equality of citizenship and the law; and social rights, which require provision of education to all children and protection against severe poverty and starvation (Stanford).

Gradually, various other international agencies and Nongovernmental Organizations (NGO) were founded in an attempt to re-enforce awareness of human rights and human rights violations through education and by pressuring governments on issues regarding the preservation of human dignity, since NGOs have no authority to enforce human rights or international law. NGOs allow for collaboration between local and global efforts for human rights by "translating

complex international issues into activities to be undertaken by concerned citizens in their own community” (Durham 2004).

‡How Human Rights Change the Way We See The World

Few of us realize that the hot water that we enjoy so much every morning is actually a luxury for half of the population in the world. Having three meals a day is also a luxury for half of the population in the world. In fact, one billion people in the world live under a dollar a day. Things we take for granted in our daily life are things that too many people cannot even dream of having. Many products or goods we use or buy are made by the hands of the poor and the disadvantaged, who probably have never enjoyed the human dignities that we see as rights. Many of them probably have never even heard of the word “rights”.

The birth of human rights redefined what it means to be human and gave new meanings to human activities. It is understood that many human activities help form the society in which we interact and communicate. Such interactions give birth to commerce and other forms of reciprocal human exchange in every aspect of life. In order to survive or to live a better life, we trade either labor or other commodities. As such activity expand and large multi-national corporations form and make huge profits, many forget that oftentimes these profits are made by exploiting other human beings. Human rights remind us that when we enjoy our money and the goods we can afford to buy, we must not forget that we should never put profits or enjoyment before any human lives.

The existence of human rights is invaluable, but what is more important is the truthful recognition of the necessity of their existence. Only with honest and truthful recognition can human rights be implemented in a way that prevents them from being handled in a hypocritical way. Human rights are only meaningful if people respect them and take them seriously. Human

rights should not be treated only as theories and concepts. After all, the existence of human rights is to prevent war, preserve human dignity and to promote goodness and peace.

Chapter 2: Case Studies – Diamond Mines in South Africa

‡Diamonds' Contribution to the Global Market

Africa is the world's largest producer of diamonds, producing as much as 50% of global production. Africa has produced over 75% in value of the world's diamonds, mining more than 1.9 billion carats worth an estimated USD158 billion (MBendi). De Beers, founded in 1888, is a Luxemburg based multi-national cooperation involved in diamond distribution and mining. It produces approximately 40% of the world's supply of rough diamonds from its mines in South Africa (DeBeers Group).

Diamond is the hardest known natural substance. It is found in kimberlite pipes and alluvial deposits (Oxford Reference Online: Diamond). For many people, diamond is a symbol of wealth, status and love, but in fact more than half of the diamonds mined are used in industry. Diamond is a fundamental industrial material that affects our daily lives. It is used to cut, grind and polish most hard substances (American Museum of Natural History).

‡The Effect of Diamond Mining

“Diamond is Forever” is De Beers' famous slogan to promote the selling of its diamonds. But such fairy-tale like eternity often comes at the price of the tears and blood of diamond miners. The working conditions in the mines are often dangerous; associated with dust and explosives. Janine Roberts reports that dust in the mines is so thick that sometimes the workers cannot see more than three yards (Janine Roberts 24). Miners frequently suffer from lung and breathing problems. The chemicals that exist in the mines can also give miners severe headaches and sinus problems. Another health danger for mineworkers is the x-rays used in diamond mines to detect diamond theft. Many black miners are x-rayed daily as they leave the premises, but they don't know it (26). The health authorities in South Africa have no documents showing how many times

a worker is x-rayed in one day. The housing that is provided to the miners is often minimal, with no electricity and sewage. It is not uncommon for four or five workers to share one room. Janine Roberts reports that on her visit to one of DeBeers' diamond mines in Southern Africa, she witnessed the horrific living conditions that black miners had to tolerate. These miners lived in barbed wire compounds, without proper beds, without kitchens, with the absolute minimum of survival rations and no safety equipment, paid only a third of the union's then minimum agreed rate of USD200 a month (5). DeBeers had provided some black families with round metal homes that look like water tanks with roofs, but they were biting cold in winter and blistering hot in summer (27). Mine workers must live in camps and are typically not allowed to marry (www.business.uiuc.edu). According to the UN Universal Declaration of Human Rights, such regulations are a serious violation of human rights.

Mine workers remain the lowest paid and the most exploited laborers in the economy. In South Africa, one can still find workers who are paid less than R500 a month (USD78), and are still oppressed by racial discrimination. Mine workers in South Africa were never represented until the NUM (National Union of Mine Workers) was established in 1982 (National Union of Mine Workers in South Africa). It was not until May 2005 that De Beers agreed to raise its workers' minimum salary to USD450 a month, and increased paid family responsibility leave from four to five days (www.business.uiuc.edu).

But De Beers is an international cooperation that controls a large share of the diamond industry. De Beers comes under a lot of pressure from various organizations and governments to change its policy and attitudes towards the workers in order to maintain the company's image and reputation. Companies smaller than De Beers, such as SONOP Diamond Mining Limited, which is the largest alluvial diamond mining company in South Africa, are less of a target than De

Beers. Their workers often suffer the worst treatment of all. According to NUM, miners that work for SONOP do not even have proper accommodations. There are no doors on the toilets and shower blocks are not covered. Such conditions are a violation of the bill of rights of the Constitution of the RSA (right to privacy).

In South Africa, the majority of diamond miners are black. Therefore, questions such as whether they are still treated the way they were in the apartheid era are raised. Many black people in South Africa suffer from lack of education and are unable to earn a good job. This inferior position creates a vicious circle that will last generations to come if no efforts are made to improve their social status. Frans Baleni, NUM's general secretary, said that "while the industry keep on [sic] innovative ways of pocketing billions through continuous operations, ultra-deep mining at the expense of the poor, the Num would seek to stop any form of madness that seeks to project black life as cheap."

On top of injuries related to mine activities, mine workers in South Africa also suffer from a variety of health issues, such as Silicosis and noise-induced hearing loss. Because South Africa has one of the fastest growing rates of AIDS in the world over the last decade, this epidemic has inevitably been felt by the mining industry, with an estimated of 24% of the workforce affected. This exacerbates the mortality rates associated with mine accidents (Department of Mineral and Energy).

Child labor is also a main concern in the diamond mining industry. Since children provide cheap labor, they are often used in variety of industries to increase the profits of the corporations. Oftentimes, these children work such long hours and under extremely poor working conditions in diamond-related work that they have no opportunity to be educated and suffer from poor health, malnutrition, eye strain, headaches and respiratory problems.

Diamond mining also has a huge impact on the environment. The consequences brought by mining are water contamination, shrinkage of farmable land, chemical leakage into the ground and contamination of the soil, which threatens the lives or the living quality of indigenous people, the animals and the plants in the surrounding areas. Many local people who lived around the mines were either forced to resettle to an unfamiliar area or to live with the environmental conditions caused by the mining activities. In addition to that, certain diamond-rich West African regions, such as parts of Sierra Leone, have little infrastructure in place to enforce whatever environmental regulations exist. In these regions, in addition to the human costs associated with conflict diamonds, the environmental toll of diamond mining operations can be steep. The abandoned pits are left unmanaged and often cause catastrophic effects (Environmental Literacy Council).

‡Conflict Diamonds

Conflict diamonds are diamonds used by rebel movements to finance illegitimate governments. The United Nations reports that diamonds have aided terrorism and rebel factions opposing legitimate governments recognized by international communities. The profits of conflict diamonds are used to fund wars by buying guns or supplies, and therefore disturb the peace of the nations involved in the conflicts.

The discovery of diamonds has brought prosperity to a few, but it has also cost millions of people their lives, either due to working under hazardous conditions, living in the polluted environment caused by mining, or military conflicts. In some cases in Africa, diamonds have become a curse that fueled greed and threatened the existence of the country. Hopefully, through efforts to promote human rights movements and social change, diamonds will one day become a blessing for African nations instead of a curse.

Chapter 3: An Overview of the UN Declaration of Human Rights and the International Labor Organization

In terms of human rights, the major difference between the UN Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man is that in the UN Universal Declaration of Human Rights it is stated that men are entitled to not suffer from hunger and lack of shelter. Also, the UN Universal Declaration of Human Rights set up a foundation for defining the rights of all people as a clear guideline for other nations in the world to follow.

According to De Beers' community policy, the company claims to recognize the fundamental rights of all peoples as outlined in the Universal Declaration of Human Rights, and that such recognition serves as a guiding principle in their operations. De Beers also claims to comply with ILO Convention 169, which lays out regulations to preserve indigenous people, their surroundings and cultures. De Beers also says that they comply with the ILO core labor standards including workplace conditions and the responsible prevention of forced labor and child labor within their sphere of influence (www.debeersgroup.com). Anglo American, a major shareholder of De Beers, which owns 45% of the company, also claims that the firm is committed to the Universal Declaration on Human Rights, to the ten principles of the Global Compact and is a party to the Voluntary Principles on Security and Human Rights (Response to Allegations Made in War on Want's).

The ILO Safety and Health in Mines Convention of 1995 provides instructions for various safety and health issues related to mines, including inspection, special protective equipment for workers and mine rescue. The regulations require that national laws should be prescribed to ensure and supplement the application of the Convention. It also mentions that the national laws and regulations shall specify: a) requirements relating to mine rescue, first aid, and appropriate

medical facilities and b) an obligation to supply sufficient sanitary conveniences and facilities to wash, change and eat, and to maintain them in hygienic condition. It clearly states under Article 9 that the employers shall a) inform the workers, in a comprehensible manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures; b) take appropriate measures to eliminate or minimize the risks resulting from exposure to those hazards, and c) provide and maintain at no cost to the worker suitable protective equipment, clothing as necessary and other facilities defined by national laws or regulations (C176 Safety and Health in Mines Convention, 1995).

All the members of International Labor Organization that have ratified this Convention need to comply with the regulations specified within the period of expiration. This period of expiration gave the rules and regulations a chance to be implemented in order to ensure that miners enjoy the utmost benefits like workers in other professions. South Africa is one of the member countries that ratified this Convention (C176 Safety and Health in Mines Convention, 1995).

According to the Mine Health and Safety Inspectorate (MHSI) of the Department of Minerals and Energy in South Africa, the Mine Health and Safety Act (MHSA) has been in effect since 15 January 1997. This Act has a legal basis for regulating occupational health and safety in South Africa's mines and establishes the standard of care expected from employers. Employers must do what is reasonably practicable to ensure the healthy and safety of persons employed in mines, as well as others who may be affected by mining activities.

Although the right to a healthy and safe work environment is not expressed in the South African Constitution, the right to an environment that is not harmful to people's health or wellbeing is clearly stated in the South African Bill of Rights under section 24.

At the Mine Health and Safety Summit held in 2003, employers, labor and government agreed to work towards achieving national health and safety milestones. The milestone set out to steadily make improvements in occupational health and safety over the next decade (ending in 2013). It states that zero fatalities and injuries is the ultimate goal. In reaching this goal, the milestones are to reduce the fatality and disabling injury rate by 20% in the industry as a whole and eliminate Silicosis and Noise Induced Hearing Loss by 2013 (Department of Minerals and Energy).

The South African government is working hard towards the general benefits of its people. Although still backwards in comparison to the American standard of labor regulations and compensation, the South African government is doing its best to progress and advance. Such effort takes time, public awareness and robust legal enforcement in all sectors. With efforts of human rights law, national law enforcement and pressures from NGOs it is possible that one day diamond miners in South Africa could enjoy the same status as American coal miners today.

Chapter 4: Case Studies – American Coal Mining Industry

‡Background

Coal is one of the most important sources of energy in the United States, accounting for 33 percent of total domestic energy production (Reardon). It currently provides 22 percent of the world's energy and is used to generate approximately 40 percent of electricity worldwide. The United States, China, Russia and India all have large amount of coal reserves (The Environmental Literacy Council). In the United States, coal is produced in 26 states (National Energy Technology Laboratory).

There are two ways to mine coal. One is called surface mining, and the other is underground mining. Surface mining accounts for about 60 percent of the coal produced in the United States and is mostly used in the West, where huge coal deposits lie near the surface. Underground mining is more dangerous and expensive than surface mining. Today, underground mining accounts for 40 percent of the nation's coal production. In the U.S. there are about 70,000 men and women work in the coal mining industry. They are responsible for supplying the nearly one billion tons of coal needed each year. The average American miner is about 39 years old with more than a decade of experience, and three-fourths of miners have a high school or better education (National Energy Technology Laboratory).

‡The Effect of Coal Mining

According to the U.S. Department of Labor, coal mining fatalities totaled 47 in 2006. Death and injuries in mines are usually caused by fires and explosions. The fatality rate is a lot higher in underground mining than surface mining. 33 fatalities (or 70 percent of all fatalities in coal mining) took place in underground mining. According to a report from the U.S. Labor Department, most deaths and injuries that occur in coal mines are caused by machine handling,

slipping and roof falling. Coal miners suffer from occupational illnesses such as “dust diseases of the lungs” or “black lungs”, ear problems due to noise, carbon monoxide poisoning and cancer due to air pollution.

According to PayScale, a website that evaluates wages in all sectors of labor force, coal miners’ salaries are among \$24,000 to \$53,000 depending on the content of the job. Those who are at a higher scale of salary are drilling-machine operators or general machine operators. The salaries also vary depending on the location (different states) and the type of companies they work for (privately owned or government owned). The companies also have to comply with federal and state labor laws to meet the union standards and to protect their employees.

Coal mining is also damaging to the environment. It can cause heavy metals to dissolve and seep into both ground and surface water, which can disrupt marine habitats and deteriorate drinking water sources (Environmental Literacy Council). Its high sulfur content contributes to acid rain. Coal mining has destroyed more than 475 mountains, a million acres of hardwood forests, and a thousand miles of waterways through strip-mining. Moreover, the nation’s power plants, 618 of which are coal-fired, contribute a substantial quantity of our nation’s carbon dioxide, sulfur dioxide and mercury emissions (Biggers). There are debates over whether to continue using coal as one of the primary sources of energy, but coal still plays a predominant role in global economic forces.

‡The Mining Accident in Utah

In August 2007, six miners were trapped in a collapsed shaft in the Crandall Canyon coal mine in Utah. The rescue teams spent days using the latest equipment trying to get the miners out, but their effort eventually failed. All six of them died. This tragic accident brought mine safety issue into the spotlight once again, and triggered debates over whether American coal miners have

been abused. The company, Crandall Canyon Mine, has been investigated to determine whether or not it had followed the safety standards regulated by the federal mine safety agency (The New York Times).

Chapter 5: An Overview of American Human Rights and Labor Laws

The American Declaration of the Rights and Duties of Man is an affirmation of essential human rights by the nations of the Americas. The preamble states: All men are born free and equal, in dignity and in rights, and, being endowed by nature with reason and conscience, they should conduct themselves as brothers one to another (UMN, Human Rights Library). This document pertains to the fundamental rights and duties of citizens in North and South America.

The American Declaration of Rights and Duties of Man gave a foundation for the laws in various fields of human activities. U.S. Department of Labor, for example, has specific laws and regulations regarding mining to ensure miners' safety and benefits.

Coal miners in the United States enjoy coal-mine workers' compensation. The U.S. Department of Labor administers the Black Lung Benefits Act, since Black Lung Disease is the most serious concern in the coal-mining industry. This act ensures that miners who get sick receive monthly benefits from a reliable source (including their surviving relatives if the miner passes away) and proper medical treatment. Over 102,000 beneficiaries and 18,000 dependents received benefits from the Black Lung Disability Trust Fund in 2004. According to the compliance guide to the Black Lung Benefits Act, the last coal mine operator for whom the miner worked for a cumulative period of at least one year is usually responsible for the payment of benefits (U.S. Department of Labor).

Federal Mine Safety and Health Act of 1977 states that the first priority and concern of all in the coal or other mining industry must be the health and safety of its most precious resource – the miner. This statement is not only a recognition of the value of human lives, but a the recognition that the loss of miners is also the loss of a significant group of work force that helps provide the nation's energy supply.

Chapter 6: Conclusion

With the advancement of technology, the growth of population, globalization, and our surging demand for energy, it is almost impossible to stop what has already been started. For example, coal and petroleum are major sources of energy in our economy. The increasing demand for what we “need” in our daily lives is paid for by the half of the population of the world that lives in extreme poverty. We can’t wait to dump our computer that is no longer fast enough so that we can buy a new one with fancy designs and new programs. We can’t wait to get rid of our black cell phone so we can catch up with the fashionable pink. We update our car as our salaries increase. We enjoy conveniences daily, such as a hot shower, clean drinking water, warm beds, and abundant food, never thinking twice that these conveniences are luxuries for half of the population of the world. And yet, we have never ceased to complain about our lives, that life is never good enough, never fair enough, and that someone else is always happier, has a better lifestyle or a better job than we do.

What do such comparisons imply? Is it fair to let half of the people in the world pay for what we take for granted in our daily lives? What makes us think that we are more deserving of a better life than other people who are not sheltered or properly clothed and fed? When we are fortunate enough to be born into a society in which we have a better chance not only to survive but also to enjoy a higher quality and more pleasurable life, is it right or ethical to ignore those who are not as fortunate? Can we really recognize our world as humane and livable when we dump our garbage somewhere else and naively believe that it would just disappear from the face of the earth magically, without any knowledge that the garbage is collected and recycled by what we would call the “underprivileged” or those who live in Third World countries?

In the wake of the mining disaster in Utah, many Americans felt that their country's coal miners suffered from mistreatment. In actuality, however, American miners enjoy far better living and working conditions than their counterparts in South Africa's diamond mines. When the Utah mining accident took place, every effort was made to rescue the trapped miners. Three other men even died during the rescue attempts (FoxNews.com). In South Africa, by contrast, unknown numbers of diamond miners are "trapped" by the indecent living and working conditions that they experience every single day. Yet very few voices call for launching efforts to rescue Africa's diamond mine workers. The case studies in this paper illustrate that the miners' lives in America and in South Africa are so far apart that to compare the treatments of the miners in these two countries reveals human inequality and makes us reconsider the issues related to human rights violations.

However, as I mentioned in the first chapter, human rights embrace human morality, and such morality varies among different human groups and cultures. This creates great difficulties in agreeing about which rights are human rights that should be recognized internationally. Just as His Excellency Mr. Liu Huaqin, head of the Chinese delegation, declared in his 1993 speech to the United Nations World Conference on Human Rights in Vienna:

The concept of human rights is a product of historical development. It is closely associated with specific social, political, and economic conditions and the specific history, culture and values of a particular country. Different historical development stages have different human rights requirements. Countries at different development states or with different historical traditions and cultural backgrounds also have different understanding and practice of human rights. Thus, one should not and cannot think of the human rights standard and model of certain countries as the only proper ones and demand all countries to comply with them (Angle 1)

I do not disagree with the assertion that it is difficult to implement human rights in every single country due to cultural factors. However, the idea of human rights emphasizes the significance of

human life and human dignity, and the bottom line is that we are all human beings. As humans, we have the same desire to achieve the universal goals of “happiness” and lives “free of pain and suffering”. If a mine worker suffers injury or illness due to the demand of his work and dies as a result, his wife is left widowed and his children become orphans, so they have no other means of survival. I believe that these conditions could not be accepted as a “happy” and “decent” life in any culture. I believe humans have a common conscience to sympathize with one another. I also believe that there is a universal meaning to human rights, and that such rights can be accepted universally based on this common conscience.

The birth of human rights and the growing cognizance of the importance of such rights draw a boundary between what it means to be human and the role of inequality in defining human existence. Perhaps historically we have relied on slavery to achieve what we call “civilization” today. Perhaps without slaves literature and philosophy would not have flourished, math and science would not have burgeoned, and our technology would not be as advanced as it is today. But because of slavery and those who were oppressed and abused in order to produce the world as we see today, our world now has the technology to replace oppression. We can still define what it is to be human in a universal form despite cultural diversity. The concept of human dignity has progressed and advanced through numerous historical events and human activities. We have learned, maybe very slowly but gradually, from the mistakes we made and the wars we declared. We are now stepping into a new era where there are more choices and opportunities for mankind. It is up to us to make a good choice, and I believe that with a good conscience and awareness we can make choices based on goodness and respect for human lives.

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