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# WOMEN AND THE GLOBAL ECONOMIC ORDER: A FEMINIST PERSPECTIVE

Shelley Wright\*

## INTRODUCTION

Women's position within international economic law is an extremely complex story. Women are affected in different ways by the operation of economic systems depending on their class, race, nationality, religion, language, disability, sexual preference and education.<sup>1</sup> This last point, education, is one of the most crucial determinants of women's capacity to operate effectively in economic terms.<sup>2</sup> Although the enormous diversity among women makes the picture of their economic burdens and contributions more complicated, the theoretical application of differences among women should not obscure the harsh reality that women universally perform a disproportionate amount of the world's work for a very small share of the world's resources. The Joint Consultative Group on Policy (an umbrella organization coordinating policy studies for various United Nations bodies) has found:

Numerous studies provide unassailable evidence that the stereotypical gender division of labor is a reality throughout the world. There are only

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1. See Christine Chinkin & Shelley Wright, *The Hunger Trap: Women, Food and Self-Determination*, 14 MICH. J. INT'L L. 262 (1993) (discussing the different affects women undergo in society); see also Shelley Wright, *Economic Rights and Social Justice: A Feminist Analysis of Some International Human Rights Conventions* 12 AUST. YB. INT'L L. 241 (1992) [hereinafter AUST. YB. INT'L L.] (analyzing conventions regarding economic rights from a feminist perspective); Hilary Charlesworth, *The Public/Private Distinction and the Right to Development in International Law*, 12 AUST. YB. INT'L L. 190 (1992) (hereinafter Charlesworth).

2. United Nations Department of Public Information, *Women: Challenges to the Year 2000*, U.N. Dep't of Public Information, 1991, at 41, U.N. Doc. DPI/1134, U.N. Sales No. E.91.L.21 (1991) [hereinafter *Women: Challenges to the Year 2000*] (finding "[E]ducation is the single most important weapon to combat sexual stereotyping and discriminatory attitudes towards [sic] women.").

minor variations from place to place, mainly in the extent to which women have responsibility for providing as well as preparing food and in the scale of remunerated activities they undertake in addition to household tasks. Women almost universally work longer hours than men. The addition of remunerated activities to women's workload leads to little or no reduction in their domestic tasks.<sup>3</sup>

The ideological construction of the world into public and private spheres is also important. Western liberal theory has constructed the private sphere of home, children and domesticity as the space where women live and work for much of their time. This sphere tends to be hidden—invisible to the public world of law, governments, States, international institutions and transnational corporations—the sphere where men are said to live and work.<sup>4</sup> Men typically have access both to the private world and the public world of international law and legal structures. But women have greater difficulty in penetrating the public sphere. In addition, this Western division of the world into public and private spheres helps maintain an international economic order which perpetuates social dislocation and poverty both in First World countries and the Third World. The private world of the North American housewife, as well as the public worlds of law, business and government, rely on the labor of low-paid workers, female and male, on farms and factories throughout the world.<sup>5</sup>

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3. Joint Consultative Group on Policy, *Women and Structural Adjustment: Operation Implications for Member Organizations of the JCGP* 1, 8 (1992) [hereinafter *JCGP WID Sub-Group Issues Paper*] (An Issues Paper of the JCGP WID Sub-Group).

4. See Hilary Charlesworth, Christine Chinkin & Shelley Wright, *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613, 638-43 (1991) [hereinafter Charlesworth, Chinkin & Wright] (discussing the public/private distinction in international law); see also Ruth Gavison, *Feminism and the Public/Private Distinction* 45 STAN. L. REV. 1 (1992) (focusing on a feminist critique of the types of public/private distinctions and normative engendered judgments implicit in the distinctions); Frances Olsen, *The Family and the Market: A Study of Ideology and Legal Reform* 96 HARV. L. REV. 1497 (1983) [hereinafter Olsen] (asserting the inadequacies of reform strategies which do not contemplate the dichotomy between market and family); CAROLE PATEMAN, *THE SEXUAL CONTRACT* (1988) (discussing the implication of gender as a 'natural' contract vis a vis a 'civil' contract as the analogue to the private and public sphere); KAY SAUNDERS & RAYMOND EVANS, *GENDER RELATIONS IN AUSTRALIA: DOMINATION AND NEGOTIATION* (1992) (analyzing the interaction of men and women in Australia).

5. See Patricia Zavella, *Mujeres in Factories: Race and Class Perspectives on Women, Work, and Family*, in *GENDER AT THE CROSSROADS OF KNOWLEDGE: FEMINIST ANTHROPOLOGY IN THE POSTMODERN ERA* 1, 312-36 (di Micaela Leonardo ed.,

One of the consequences of the United States/Canada Free Trade Agreement and the subsequent North American Free Trade Agreement (NAFTA) has been to increase the mobility of capital in North America, thereby making jobs in the workforce extremely vulnerable to corporate decisions to close factories and relocate businesses to regions or countries where costs (especially labor costs) are lower.<sup>6</sup> For Canada, this

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1991) (demonstrating that the American fruit industry, particularly in California, Texas and Florida, could not exist without the work of illegal migrant labor from Mexico and Central America as well as that of indigenous Chicana women, men and children in the United States). This fruit finds its way to First World supermarkets and the shopping baskets of First World women performing one of their primary functions - consumption of food products for their families. *Id.* Women who harvest crops, or who perform repetitive tasks as assembly line workers in factories, not only work long hard hours in seasonal employment for low wages, but they must also perform their usual household tasks for their own families. *Id.* The double work load of such women is itself exploitative. *Id.*; see also CYNTHIA ENLOE, *BANANAS, BEACHES & BASES: MAKING FEMINIST SENSE OF INTERNATIONAL POLITICS* 124-150 (1990).

6. See Saskia Sassen, *Economic Globalization: A New Geography, Composition, and Institutional Framework*, in *GLOBAL VISIONS: BEYOND THE NEW WORLD ORDER* 61-62 (Jeremy Brecher et al. eds., 1993) [hereinafter Sassen] (showing the flow of capital across international borders has increased dramatically since 1985). Saskia Sassen estimates that foreign direct investments (FDI's) in developed countries has increased by an average annual rate of 46% since 1985. *Id.* The flow to developing countries has also grown since 1985 by an average annual rate of only 22%. *Id.* Capital investment has, however, enormously favored developed countries: 57% of all FDI's in the 1980s went to five countries. The United States, Japan, United Kingdom, Germany and France also accounted for 70% of all outflows of direct investment. *Id.* By 1985, 75% of all FDI stock was invested in the developed world. *Id.* Since the banking crisis of 1982, the net flow of financial resources from the developed to the developing world has been negative. In the 1980s the share of capital flows to the developing world fell by six percent. *Id.* Between 1985 and 1989 Southeast Asia's share of the world's capital flow increased from 37% to 48%. *Id.* This translates into a massive transfer of capital into the hands of a fairly concentrated group of investors within the Group of Seven (United States, Japan, United Kingdom, France, Germany, Canada and Italy) *Id.* Xabier Gorostiaga has observed about the shift in capital flows in the 1980s:

[T]he net financial transfers from the South to the North were the equivalent of ten Marshall Plans. In the case of Latin America, according to the most recent Latin American Economic System (SELA) report, foreign debt-service payments alone were 80% more than the total amount of foreign investment in Latin America . . . .

We have described this structural phenomenon as an avalanche of North against South, of capital against labor. Never before in history, not even in colonial times, has such an extreme bipolarization of the world existed . . . .

phenomenon has meant relocation of industries to the southern regions of the United States. One of the fears NAFTA generated in the United States is that jobs will continue to migrate south to Mexico.<sup>7</sup> Although women, as a source of cheap labor, may benefit from access to these relocated jobs, this work is highly exploitative and features low wages, poor working conditions, suppression of trade unions, and little opportunity for security or advancement.<sup>8</sup>

The Chiapas indigenous peoples' uprising of January 1, 1994 contains some hidden lessons with regard to the way in which the international economic order operates, particularly in relation to its "new" seemingly progressive transformation toward free trade and a global market.<sup>9</sup> The

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Xabier Gorostiaga, *Latin America in the New World Order*, in GLOBAL VISIONS: BEYOND THE NEW WORLD ORDER *supra* at 69 [hereinafter Gorostiaga].

7. See Gorostiaga *supra* note 6, at 80 (stating that one of the principal policies of the current government in Mexico has been to drastically slash salaries: from 40% of GDP in 1976 to 23% in 1990). *Id.* Mexico has one of the highest debt burdens in the world. *Id.* In order to attract investment and trade, Mexico has not only entered into NAFTA but has also adopted strenuously neoliberal, or rationalist, economic policies involving exploitation of labor and natural resources on an unprecedented scale. *Id.*

8. See Donald J.S. Brean, *International Influences on Canadian Tax Policy: The Free Trade Agreement and US Tax Reform*, 1 CANADIAN TAX FOUNDATION, INCOME TAX ENFORCEMENT, COMPLIANCE AND ADMINISTRATION: CORPORATE MANAGEMENT TAX CONFERENCE 13 (1988) (comparing the impacts of the different taxes). This trend may begin to include Mexico since the completion of NAFTA. *Id.*; see Robert D. Brown, *The Comparative Impact of Direct Federal and State/Provincial Taxes on People Transfers in the Canada-US Context*, *Conference Proceedings: Law and Human Resources in the Canada-US Context* 16 CAN.-U.S. L.J. 227 (1990) (discussing the relocation of manufacturers, mainly in Ontario and Quebec, to Tennessee, South Carolina and other southern states since the economic downturn of 1991 to 1992); *The Canada-U.S. Free Trade Agreement: Final Text and Analysis* (John D. Richard & Richard G. Dearden eds., CCH Canada Ltd., Toronto, 1988) (analyzing the agreement); JOHN W. WARNOCK, *FREE TRADE AND THE NEW RIGHT AGENDA* (1988) (discussing the benefits and downfalls of the free trade agreement); see also Alan Holmes & Judith Bells, *The Fast-Track Debate: A Prescription for Pragmatism* 26 INT'L. LAW. 183 (1992) (discussing the debate surrounding the effects of NAFTA); Panel Discussion, *The North American Free Trade Agreement: In Whose Interest?*, 12 NW. J. INT'L L. & BUS. 536 (1992) (analyzing the different arguments regarding NAFTA and its applicability to different countries).

9. See Elaine Bernard, *Opposing the New World Order in Canada*, in GLOBAL VISIONS: BEYOND THE NEW WORLD ORDER, *supra* note 6, at 210 (noting that both the U.S./Canada Free Trade Agreement and its extension to Mexico through NAFTA has resulted in the galvanization and internationalization of the labor movement and a broad range of grassroots organizations in North America). The article continues:

revolt appeared to be a response to NAFTA's enactment in Mexico. There is no doubt that Chiapas is an extremely poor province of Mexico where the indigenous peoples have suffered oppression, poverty, and discrimination for centuries. One analyst has suggested that NAFTA, poverty, and discrimination do not fully explain what is happening in Mexico: "Mexico is at least two nations: the one present at the NAFTA coming-out party in Washington, and the one that reared its head in San Cristobal de las Casas on New Year's Day."<sup>10</sup> Mexican President Carlos Salinas de Gortari had, in fact (in conjunction with the World Bank), used Chiapas as a showcase for an anti-poverty campaign.<sup>11</sup>

Women are often the most vulnerable to repressive state policies affecting the economic viability of their regions. Regardless of external pressures, women continue to have the major responsibility for caring for children and the elderly, providing basic services and trying to maintain the cohesion of decimated families and damaged communities. Wherever male heads of families are arrested or killed, women must take over traditional male tasks as well. The most disturbing feature about the Chiapas revolt and various analyses thereof, is that the new international economic order is not only able to function very well within existing authoritarian (including patriarchal) structures, but may, in fact, depend on the continuing existence of these structures.<sup>12</sup>

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[U]nions, such as the Canadian Auto Workers and the Communications and Electrical Workers of Canada, have forged international links for cross-border organizing campaigns. Unions and the community-based groups are discovering that international solidarity work needs to be done at a grassroots level. While national union to national union links are important, so are local to local, community to community connections. The Action Canada Network and Common Frontiers have worked to bring together Canadian, US, and Mexican activists from the labor and popular movements opposed to the North American Free Trade Agreement.

*Id.*

10. Jorge Castaneda, *Chiapas Revolt: The Other Mexico Reveals Itself*, (Report for the Los Angeles Times reprinted in *TIMES-COLONIST*, January 9, 1994, at A5).

11. *Id.*

The problem is that the authoritarian, corrupt, oligarchical structures that have characterized Chiapas for decades were left untouched - or even were strengthened. The local authorities and the army worked with the cattle grazers in dispossessing the Indians of their communal lands. The ranchers got the land; the army and the police beat up, harassed and intimidated the indigenous landholders . . . . The Salinas regime threw money (in fact, not all that much) at the local problems but left the underlying causes intact. In fact, the main problem in Chiapas is not economic but political.

*Id.*

12. See Patricia J. Williams, *Disorder in the House: The New World Order and*

*the Socioeconomic Status of Women, in THEORIZING BLACK FEMINISMS: THE VISIONARY PRAGMATISM OF BLACK WOMAN* 118-19 (Stanlie M. James & Abena P.A. Busia eds., 1993) [hereinafter *THEORIZING BLACK FEMINISMS*] (describing the extreme mobility of "[F]ree trade zones, manufacturing islands whose operations can shift almost overnight from North Carolina to Mexico, or to Thailand, Los Angeles, or the Philippines."). Williams highlights the gender disparity in the garment and electronics industries where:

[E]mployers overwhelmingly favor female employees who are between the ages of 16 and 25 (because they are more malleable and passive); who are single (because they have no immediate responsibilities other than sending money back to a village located elsewhere, rather than having their family at their side); and who have no more than a sixth grade education (so that they can read instructions, but not read too much).

For example, in Guatemala:

For young uneducated women, the primary urban alternative to domestic service is to work in the rapidly expanding garment assembly factories—known as *maquila*—in the free trade sector. The *maquila* industry constituted only about two percent of the total work force in 1991, but that was the equivalent of twenty-two percent of the industrial workforce, and it is expected to increase another two hundred percent in the next few years. While government and business interests have promoted *maquila* production as the most promising economic phenomenon in the last thirty years, labor and human rights advocates warn that international investment in free trade enterprises has led thus far only to superficial benefits for Guatemala. "More money goes to Miami banks than to Guatemalan ones." . . .

For young women, the *maquila* are a mixed blessing. The typical worker is female, between fourteen and twenty four years old, unmarried, . . . (in rural *maquila* the workers are typically male). Her income is often additional income for the family and is an alternative to domestic service. An official in the Labor Ministry observed that increasing numbers of young girls were leaving school earlier and seeking work in the *maquila* factories. Guatemala's workforce is the least literate in the region, and women have a much higher rate of illiteracy than men. Critics agree that without a greater investment in education and training this is not a workforce which can develop the country . . .

Because of poor working conditions observers are concerned that long-term health problems are inevitable. Women already complain of respiratory and eye problems. Uninterrupted sitting, lack of healthy drinking water and undue restrictions on trips to the toilet will eventually cause kidney problems, and Collective Trauma Disorders . . .

Labor inspectors in Guatemala have reported that sexual abuse of women employees by fellow workers and management is pervasive . . . Inspectors say that women are routinely grabbed and intimidated into sexual favors.

*Id.*; see "Guatemala" in the *International Women's Rights Action Watch, IWRAP TO CEDAW COUNTRY REPORTS: 1994* 1, 6-7 [hereinafter *IWRAP TO CEDAW COUNTRY*

The closure of traditional male "breadwinner" jobs in developed economies also has a major impact on women. Women who have relied on the traditional role of housewife and mother within a monogamous marriage are vulnerable to poverty, marital violence and disruption as the shutting down of traditional male jobs increases. Such women are forced to look for work which is often low-paid. The alternative is social assistance. Women's responsibilities for feeding, clothing and providing shelter and education for their children again remains the same. Western women who engage in paid work generally spend around thirty to forty hours per week on housework. This expenditure occurs regardless of whether or not they have remained in a relationship with a man. Their paid work tends to earn considerably less than men's work so that women are underpaid for one job and unpaid for their second. It is estimated that even in a wealthy Western country, such as Canada, women receive only thirty-five to forty percent of the total income paid to all male and female recipients.<sup>13</sup>

An analysis of international economic structures illustrates that gender bias and discrimination are among the most important contributing factors to women's oppression on a global basis. International economic legal regimes contribute to this oppression. The nature of women's work, how we characterize economic rights, and the way in which countries formulate and implement global economic policies are all crucially important for any feminist analysis of the international legal order.

### I. WOMEN'S WORK

When we in the Western developed world think of "women's work" we tend to think of the following activities:

[P]reparing food, setting the table, serving meals, clearing food and dishes from the table, washing dishes, dressing her children, disciplining children, taking the children to childcare or school, disposing of garbage, dusting, gathering clothes for washing, doing the laundry, going to the petrol station and the supermarket, repairing household items, ironing,

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REPORTS] (emphasizing that Guatemala presents problems in the area of women's rights).

13. KATHLEEN A. LAHEY, *THE TAXATION OF WOMEN IN CANADA: A RESEARCH REPORT* (1988); see REGINA GRAYCAR & JENNY MORGAN, *THE HIDDEN GENDER OF LAW; Pt. 2, WOMEN AND ECONOMIC (IN)DEPENDENCE* 64-175 (1990) [hereinafter *THE HIDDEN GENDER OF LAW*] (discussing the position of women in other Western countries, emphasizing Australia).



keeping an eye on or playing with children, making beds, paying bills, caring for pets and plants, putting away toys, books and clothes, sewing or mending or knitting, talking with door-to-door salespeople, answering the telephone, vacuuming, sweeping and washing floors, cutting the grass, weeding, and shovelling snow, cleaning the bathroom and the kitchen, and putting her children to bed.<sup>14</sup>

Although modern "kitchen technology," fast foods and the supermarket have led to the belief that women now spend less time on housework, this assumption is not born out by research. Housewives in the Western model, who are not employed outside the home, still spend between sixty to eighty hours per week on household chores.<sup>15</sup>

But economic analysts do not normally characterize this activity as "work:"

Work comprises all activities which people carry on in order to live—or, as the old, classical economists put it—any effort to satisfy wants . . . . During [the] change from subsistence to exchange economies, the definition of work has been narrowed to the point where in high-technology societies it signifies only activities which bring in a cash income.<sup>16</sup>

Work became specialized and men's tasks have become privileged, i.e. given value within the marketplace.<sup>17</sup> A major task for feminist analysts has been to insist on the value of women's labor and to redress the

14. WARING, COUNTING FOR NOTHING: WHAT MEN VALUE AND WHAT WOMEN ARE WORTH 13 (1988) [hereinafter WARING] (discussing that women's activities and responsibilities are not valued by their male counterparts).

15. See Bereano & Arnold, *Kitchen Technology and the Liberation of Women from Housework*, in SMOTHERED BY INVENTION: TECHNOLOGY IN WOMEN'S LIVES 162-181 (Wendy Faulkner & Eric Arnold eds., 1985) (discussing the impact of technology on the daily life of the at-home women); JUDY WAJCMAN, FEMINISM CONFRONTS TECHNOLOGY; DOMESTIC TECHNOLOGY: LABOR-SAVING OR ENSLAVING 1, 81-109 (1991) (suggesting industrialization institutionalizes housewives by engendering specialization of household technology).

16. SHEILA LEWENHAK, THE REVALUATION OF WOMEN'S WORK 1, 16 (1992) (discussing the valuation of women's work).

17. See Charlesworth, *supra* note 1 (noting there have been a number of attempts at explaining the development of patriarchy and the dominance of male over female "work"); MARIA MIES, PATRIARCHY AND ACCUMULATION ON A WORLD SCALE: WOMEN AND THE INTERNATIONAL DIVISION OF LABOR (1986) [hereinafter PATRIARCHY AND ACCUMULATION ON A WORLD SCALE: WOMEN IN THE INTERNATIONAL DIVISION OF LABOR] (analyzing the social origins of "housewifization" and sexual division of labor); SPIKE PETERSON & ANNE RUNYAN GLOBAL GENDER ISSUES: CH. 4: GENDERED DIVISIONS OF VIOLENCE, LABOR AND RESOURCES (1993) (discussing sexual divisions of labor).

imbalance in gender roles, if not to eliminate them altogether. Major differences exist among feminists, however, as to how to achieve these goals. Is it better to try and bring women into the traditional workforce? If so, what about the specialized tasks of childcare and household maintenance? Should we incorporate these into the money economy, either through the imposition of notional values, or through the actual assignment of these tasks to paid workers? Or should we be looking at economic analyses which go beyond a cash nexus? If so, what would be our measure of value? And is there not a danger that one will factor the unpaid work of women in as a support to the existing money economy, thus entrenching women's subordination?

The Western normative model of women engaged in full-time, unpaid housework is now relatively uncommon as more women enter the workforce, marriages break up or women have children outside marriage.<sup>18</sup> The high incidence of marital breakdown and sole parenting in affluent countries such as Australia, Canada and the United States has revealed the extent of women's poverty, or what is now being called the "feminization of poverty".<sup>19</sup> Further, the work done by women is not counted as "work" in any system of economic measurement. Housework is not only unpaid, it is also of no value within material production.<sup>20</sup> The role of women as consumers, producers and caregivers is relied on within the Western economic model as freely given, thus reducing or eliminating the need for government or private enterprise to provide these services or subsidize them within the money economy. One can view the debate over "family values" in economic terms as a desire to retain women's unpaid labor, particularly in housework and childcare, while conveniently ignoring the double burden of paid and unpaid work this imposes on women. Women's role as producer is correlated with their primary role as reproducer of children and is invisible within economic structures.<sup>21</sup>

What characterizes "women's work," however, differs around the world. Within African economies, for example (despite internal varia-

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18. *Id.*; THE HIDDEN GENDER OF LAW, *supra* note 13, at 73-112.

19. See NANCY FRASER, UNRULY PRACTICES: POWER, DISCOURSE AND GENDER IN CONTEMPORARY SOCIAL THEORY 1, 144-87 (1989) (emphasizing the feminization of poverty); THE FEMINIZATION OF POVERTY: ONLY IN AMERICA? (Gertrude Goldberg & Eleanor Kremen eds., 1990) (discussing the "feminization of poverty").

20. See WARING, *supra* note 14 (discussing the de-valuation of women's work by men).

21. See AUST. Y.B. INT'L L., *supra* note 1 (discussing International Human Rights Conventions from a feminist perspective).

tions) women make other contributions and carry other burdens.<sup>22</sup> Since the introduction of cash crop and primary industries in many developing countries, women have had to manage a greater role in caring and providing for their families. This often includes subsistence farming and marketing of produce as well as household work and child care. The backbone of the "informal," i.e. hidden or unmeasured, economy in much of Africa is the work of women. The "informal economy" can in fact form a significant proportion, if not the majority, of the real working economy of developing countries. Where the men have migrated to industrial or agricultural work elsewhere, women become the effective centers of all economic and family life within their villages, neighborhoods and districts.<sup>23</sup> Daily tasks might include fetching water and firewood (tasks pollution, drought and deforestation complicate), preparing food, caring for children, as well as working in the fields where up to seventy-five percent of the food consumed in Africa is grown.<sup>24</sup> The

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22. See Jane Guyer, *Female Farming in Anthropology and African History* (stating there is an increasing number of literary sources addressing the position of rural women in Africa); Nadine Peacock, *Rethinking the Sexual Division of Labor: Reproduction and Women's Work among the Efe*, in GENDER AT THE CROSSROADS OF KNOWLEDGE: FEMINIST ANTHROPOLOGY IN THE POSTMODERN ERA, *supra* note 5, at 257-77, 339-60; Susie Jacobs & Tracey Howard, *Women in Zimbabwe: Stated Policy and State Action*, in WOMEN, STATE AND IDEOLOGY: STUDIES FROM AFRICA AND ASIA 1, 28-47 (Haleh Afshar ed., 1987) (discussing women's standing and rights in Zimbabwe); see also Winston Charter, *The Rights of Women, the African Charter, and the Economic Development of Africa* 7 B.C. THIRD WORLD L. J. 215 (1987) (discussing the position of women under the Banjul Charter); LYNNE BRYDON & SYLVIA CHANT, *WOMEN IN THE THIRD WORLD: GENDER ISSUES IN RURAL AND URBAN AREAS* (1989) (providing a more general account of women in Third World agriculture); PATRIARCHY AND ACCUMULATION ON A WORLD SCALE: WOMEN IN THE INTERNATIONAL DIVISION OF LABOR, *supra* note 17 (analyzing gender issues of women in the international workplace); Chandra Mohanty, *Under Western Eyes: Feminist Scholarship and Colonial Discourses*, in THIRD WORLD WOMEN AND THE POLITICS OF FEMINISM 1, 51-80 (Mohanty, Russo and Torres eds., 1991) (providing a detailed and devastating critique of white Western feminist descriptions of women in the developing world).

23. See *Country Reports on Madagascar, Zambia and Senegal*, in IWRAW TO CEDEW COUNTRY REPORTS, *supra* note 12, at 19, 23 and 49 (discussing the situations in those countries); see also *The Reports on Guyana, Colombia and Ecuador*, at 9, 30 and 35 (demonstrating that the phenomenon is not confined to Africa). *Id.*

24. J. Price Gittinger, et al., *Household Food Security and the Role of Women* 1, 3 (World Bank Discussion Paper 96). This author states that:

It is now well-known that the African farmer is usually a woman; women produce nearly three quarters of all food grown in Africa . . . . In many African societies women do all of the food processing, fetch most of the water and fuelwood, pro-

only alternatives are to seek work for low wages in agricultural enterprises, or migrate to the cities where the choices often revolve around urban poverty, domestic service, low paid factory work or prostitution.

Constant over-work that existing economic standards do not deem "productive" burdens the lives of most African women.<sup>25</sup> Their provision of basic services is under constant threat from the introduction of Western development models and the shift from subsistence farming to cash-crop agriculture. The Western model of the private sphere extends to development projects overseas such that "Women in Development" issues are often seen as revolving around motherhood, ignoring the crucial roles that women play in the agricultural and market economy.<sup>26</sup>

## II. INTERNATIONAL STANDARDS FOR ECONOMIC WELL-BEING

There are many possible feminist perspectives on international economic law. One approach would focus on the right of all persons to social justice, a more equal allocation of resources, and an adequate standard of living or "economic well-being" that includes individual rights to food and freedom from hunger, adequate health care, a healthy environment, housing, education, social assistance of some form in the case of sickness, disability or some other social disadvantage, and freedom from civil strife and war. One might regard these rights as necessary for the "creation of conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations."<sup>27</sup> The right to an adequate standard of living is set out, with particular reference to the position of women, in the Universal Declaration of Human Rights:

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duce 70% of the food, handle 60% of the marketing, and do at least half of the tasks involved in storing food and raising animals. In addition they work extensively on cash crop production, laboring on other peoples' crops to earn much-needed cash for their families. They also do nonagricultural work, to earn extra money and still find time to take an active role in community self-help activities.

*See also Women: Challenges to the Year 2000, supra note 2, at 41 (emphasizing the importance of education for the promotion of women).*

25. *See* WARING, *supra* note 14 (discussing the de-valuation of women's work by men).

26. Diane Elson, *Women in Development, Seminar paper given to the Integration of Women in Development 9-11 reprinted in, 1 WOMEN 2000 1 (1991) [hereinafter Women in Development]* (asserting views for the advancement of women).

27. *See* U.N. CHARTER art. 55 (developing the purposes of the Organization as set out in Article 1).

25.1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

25.2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.<sup>28</sup>

This broad statement is reaffirmed in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which contains perhaps the most widely accepted formulation of the internationally guaranteed right to an adequate standard of living:

11.1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

11.2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programs, which are needed: (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.<sup>29</sup>

One advantage of a feminist perspective focusing on economic well-being and the right of all people to an adequate standard of living is that it requires constant reference to the reality of women's experiences. This view focuses on women's traditional roles in the private sphere in providing these basic services, therefore, it is impossible to avoid the conclusion that women who receive little, if any, recognition or reward for their work largely provide international economic and social

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28. G.A. Res. 217A, U.N. Doc. A/6546, at 141 (1948).

29. International Covenant on Economic, Social and Cultural Rights, *opened for signature*, Dec. 16, 1966, 993 U.N.T.S. 3, 6 I.L.M. 360 (entered into force Jan. 3, 1976).

rights.<sup>30</sup> Another advantage of this approach is that there is already a body of international law, particularly within the ICESCR, which can be elaborated, discussed and even implemented. But there are also serious disadvantages.

First, by focusing on women's traditional roles in providing for basic economic and social services we run the danger of replicating the very economic and social constructions which oppress women and trap them in positions of exploitation. We then may focus too exclusively on women as victims, or on women working individually or in small groups to redress their victimization. We may leave larger fields of economic and political power out of the discussion. Secondly, by relying on an already existing discourse of rights we may fail to question the underlying assumptions of that discourse, including the division between political and civil rights from economic, social and cultural rights. Rights tend to focus on individuals. Even group rights, however, are inadequate to capture the complexity of women's economic positions. Finally, although specific measures such as Article 11 of the ICESCR exist to focus the discussion and to provide possible solutions, the rights are drafted in ways which ignore women's contributions and needs. The language refers to an adequate standard of living for "himself and his family", assuming that the Western nuclear family model is the global norm.<sup>31</sup> The need to ensure equitable distribution of food supplies assumes that development, technology transfer, the dissemination of knowledge (specifically scientific knowledge) and agrarian reform are necessary. The basic assumption of Article 11 is that of a Western concept of growth and development, technical and scientific assistance and "reform" of agrarian techniques, none of which may be appropriate to the guarantee of economic well-being to a particular group of people, or within a particular region. The rights to education, housing, social security and other economic and social rights are based on similar assumptions.

### III. ECONOMIC RIGHTS AND SOCIAL JUSTICE

Our existing definitions of "economic rights", including the right to an adequate standard of living, tend to replicate Western priorities and

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30. See Barbara Stark, *Nurturing Rights: An Essay on Women, Peace, and International Human Rights* 13 MICH. J. INT'L L. 144, 150 (1991) (noting women do everyday to implement social and economic rights).

31. See *Women: Challenges to the Year 2000*, *supra* note 2, at 40 (stating that it is estimated that one third of the world's households are headed by women).

assumptions within both human rights and international economics. For example, the division between political and civil rights versus economic, social and cultural rights reproduces the separation between public/private, State/market, the State and market/domestic sphere and male/female. This division has had an effect on how economic rights and social justice are discussed, and how women are seen as fitting within this model. For example, it has been asserted (mainly by American and Western commentators) that economic, social and cultural rights must be subsidiary to political freedom.<sup>32</sup> What is forgotten is that political structures do not exist independently from the economic world and that "freedom" is not something which can exist in the abstract. By dividing rights into public and private spheres, and by incorporating the marketplace within the private sphere, a rigid and unrealistic dichotomy is set up between what is political and what is economic. Economic well-being is seen as something which needs to be protected from State interference or, in the alternative, promoted by State management. Political freedom becomes an abstract concept completely separated from economic considerations.<sup>33</sup>

The activities represented within the public/private dichotomy really are not segregated, of course, in this fashion. Feminists have identified significant interference by the public realm, especially the state, within the private sphere.<sup>34</sup> In addition, each sphere is itself fragmented and diverse. In international law, one can sub-divide the "private" sphere

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32. See Philip Alston, *International Law and the Right to Food*, in *FOOD AS A HUMAN RIGHT* 162, 163 (Asbjorn Eide et al. eds., 1984) (citing the statement of Michael Novak, President Reagan's Ambassador to the U.N. Human Rights Commission at the time).

Many in the world are indeed hungry. But there is a prior issue. Less than half the world-barely a third is free. More than two-thirds is slave . . . Hunger, or at least poverty, is the long-trend line of the human race. Such poverty did not begin with the present generation or with the present-day economic systems . . . . If [President Carter] wishes to end hunger and poverty, let him first break the shackles of whole empires of the unfree . . .

*Id.*

See also Thomas M. Frank, *The Emerging Right to Democratic Governance*, 86 AM. J. INT'L L. 46, 46 (1992) (indicating that governments instituted to secure the unalienable rights of their citizens, derive their powers from the consent of the governed).

33. See Jorge G. Castaneda, *Perspective on Chiapas: The Other Mexico Reveals Itself*, L.A. TIMES, Jan. 5, 1994, at B7 (indicating that the Chiapas revolt resulted from a need for political change and not only due to economic problems).

34. See Olsen, *supra* note 4, at 1501 (noting that both the market and the family are thought of as part of the private sphere in opposition to the state).

into at least three overlapping layers: the activity of states within national boundaries (which would be characterized as public within domestic law), the market (which is sometimes seen as public and sometimes as private and which crosses national boundaries) and the home. As a consequence of our failure to recognize the complexity of what constitutes the private sphere, corporate structures are seen as either irrelevant to the rights discourse, or as distinct from questions of political control. The hidden private world of the home is subsumed within the larger polarized "private sphere." Women's roles become buried under several layers of ideological social stratification and transnational corporate decision-making is protected from political interference or political control.<sup>35</sup>

Finally, the term "economic rights" is limited to a particular range of rights associated with the social and the cultural. The right to work as well as the right to an adequate standard of living are regarded as basic economic rights. But the real holders of "economic rights" are not those who are usually concerned with unemployment or economic well-being. One might define more accurately economic rights as the right to generate, liquidate or mobilize capital; the right to employ labor at the lowest possible cost; the right to assign value to commodities (which increasingly means everything); the right to operate freely in the marketplace; the right to define the boundaries of that marketplace and the rules by which it operates. We do not normally characterize economic rights this way because to do so would bring the operation of corporate capitalism into direct relationship with the state and the discourse of rights generally. Instead, the "private" law of trade practices, commerce, contract and property, including real estate and intellectual property govern these economic rights. Social justice is seen as an issue within the rights discourse, but its relationship to and conflict with economic rights in their actual operation is hidden. For women, this disguise means that issues of employment, standards of living and economic well-being are not seen as directly related to major economic issues of, for example, corporate mergers and the creation of cartels or monopolies; the operation of free trade zones; the mobility of capital across national boundaries; or the fluctuations of currency and commodity prices.<sup>36</sup> By creat-

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35. See Shelley Wright, *Economic Rights, Social Justice and the State: A Feminist Reappraisal*, in *RECONCEIVING REALITY: WOMEN AND INTERNATIONAL LAW* 117, 134 (Dorinda Dallmeyer ed., 1993) (stating that "it is necessary to move away from a reliance on paternalistic or patriarchal structures which bury the claims of women, children, and others within internal or private relations").

36. See Gorostaiaga, *supra* note 6, at 68-69 (noting that the concentration of



ing a dichotomy between public and private, we not only artificially separate these areas of human activity, but we also presuppose how these spheres are defined and discussed. Because women are seen as inhabiting only the most private and hidden recesses of the private sector, our voices are doubly and trebly silenced.

#### IV. THE "BRETTON WOODS SYSTEM" AND DEVELOPMENT

An important but very controversial right is the right to development. In some ways this "right" does cross over into our revised definition of "economic rights" which is probably why many Western commentators are reluctant to grant it the status of a "right."<sup>37</sup> The politics of development are closely allied with the integration of First World and Third World economies and the requirements of world trade. Many of these policies have been formulated through the principles and guidelines of the United Nations Commission on Trade and Development (UNCTAD).<sup>38</sup> Other significant bodies or instruments are the World Bank<sup>39</sup>;

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capital within the Group of Seven nations led to a growing de-materialization of production, which has resulted in a shift toward lower real prices for principal raw materials). Automation of production also creates a loss of labor value relative to capital, which along with the de-materialization process, leads to a permanent structural deterioration of value relative to what are supposedly the South's comparative advantages in production and world trade. *Id.* This has contributed to the massive increase in poverty in the developing world including unemployment, population displacement, and an increased burden for women. *Id.* at 83.

37. See Charlesworth, *supra* note 1, at 194-203 (suggesting that the debate regarding priorities between civil and political versus economic, social and cultural rights often revolves around the status of development in international law). Third World countries tend to prioritize development, while Western nations are reluctant to do so. *Id.* The World Conference on Human Rights, held in Vienna during June, 1993, reiterated the position of the U.N. General Assembly taken in 1991, that "all human rights and fundamental freedoms are indivisible and interrelated" and "promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another." *Id.*; see *Status of Preparation of Publications, Studies and Documents for the World Conference: Report of the Secretary-General*, U.N. GAOR Preparatory Comm., 4th Sess., Agenda Item 5, at 7 U.N. Doc. A/CONF.157/PC/75 (1993) (stating that realizing the potential of the human purpose should be the central focus of development).

38. *Declaration on the Establishment of a New International Economic Order*, G.A. Res. 3201, U.N. GAOR, 6th Spec. Sess., 2229th mtg., Supp. No. 1, at 527, U.N. Doc. A/9556 (1974); *Programme of Action on the Establishment of a New International Economic Order*, G.A. Res. 3202, U.N. GAOR, 6th Spec. Sess., 2229th mtg., Supp. No. 1, at 529, U.N. Doc. A/9556 (1974). UNCTAD was responsible for their formulation in the 1974 General Assembly resolutions on the establishment of a new

the International Monetary Fund (IMF);<sup>40</sup> the Lome series of Conventions between European Community Nations and their former colonies in Africa, the Caribbean and the Pacific;<sup>41</sup> the General Agreement on Tariffs and Trade (GATT);<sup>42</sup> and specialized agencies of the United Nations, notably the FAO, the United Nations Development Program (UNDP), UNICEF and the United Nations Development Fund for Women (UNIFEM).

The main determinants of how and to whom the right to development is in effect granted are funnelled through the policies of the "Bretton Woods System" developed out of the Bretton Woods Conference the United States and Great Britain initiated in 1944. The World Bank and the IMF were both created as a result of this Conference. A parallel trade body failed, but the GATT provided an international mechanism for the regulation of international trade.<sup>43</sup> The Organization for Economic Cooperation and Development (OECD) and UNCTAD have also

international economic order. *Id.*

39. Articles of Agreement of the International Bank of Reconstruction and Development, Dec. 27, 1945, 60 Stat. 1440, 2 U.N.T.S. 134, *amended*, Dec. 17, 1965, 16 U.S.T. 1942. Formally the International Bank of Reconstruction and Development.

40. Articles of Agreement of the International Monetary Fund, Dec. 27, 1945, 60 Stat. 1401, 1 U.N.T.S. 39, *amended*, July 28, 1969, 20 U.S.T. 2775, *amended*, Apr. 1, 1978, 29 U.S.T. 2203.

41. European Economic Community-African, Caribbean, and Pacific Countries: Documents from Lome Meeting, Feb. 28, 1975, 14 I.L.M. 595 (1975); European Economic Community-African, Caribbean, and Pacific Countries: Documents from Lome II Meeting, Oct. 31, 1979, 19 I.L.M. 327 (1980); European Community-African, Caribbean, and Pacific Countries: Documents from Lome III Meeting, Dec. 8, 1984, 24 I.L.M. 571 (1985); African, Caribbean and Pacific States-European Economic Community: Final Act, Minutes, and Fourth ACP-EEC Convention of Lome, Dec. 15, 1989, 29 I.L.M. 783 (1990) [hereinafter Lome IV]; see P. Kenneth Kiplagat, *Fortress Europe and Africa Under the Lome Convention: From Policies of Paralysis to a Dynamic Response*, 18 N.C. J. INT'L L. & COM. REG. 589, 601-03 (1993) (examining the critical provisions of the Lome Convention and how they have perpetuated economic stagnation in Africa).

42. General Agreement on Tariffs and Trade, Oct. 30, 1947, 61 Stat. pts. 5-6, 55 U.N.T.S. 187.

43. See generally Manuel Guitan, RULES AND DISCRETION IN INTERNATIONAL ECONOMIC POLICY 5-10 (IMF Occasional Paper No. 97, June 1992) (giving a brief history of the IMF); ROBERT E. HUDEC, THE GATT LEGAL SYSTEM AND WORLD TRADE DIPLOMACY 48-51 (1990) (outlining the historical development of GATT); Jonathan Carlson, *Hunger, Agricultural Trade Liberalization, and Soft International Law: Addressing the Legal Dimensions of a Political Problem*, 70 IOWA L. REV. 1187, 1209-13 (1985) (discussing the role of GATT in agricultural policy and food distribution).

been important contributors to the "Bretton Woods System" of liberalized world trade, although not formally part of it. The "Bretton Woods System" has gone through substantial changes since 1945, principally in the early to mid-70s when "fixed exchange rates, coordinated economic stimulation, and use of the U.S. dollar as the world's reserve currency" was abandoned and development policies shifted to structural adjustment programs in the newly decolonized developing world.<sup>44</sup> Although the "collapse" of the Bretton Woods system as it was formulated in the post-war era and the relative decline of the United States as the principal economic and military power in the world has resulted in the loss of such clear institutional structures as had previously existed, Japan, Europe and the growth of transnational corporations generally have continued the operation of the system in a modified form. There is little doubt that this global regulation of monetary, fiscal and trade policies has been the determining factor in the continuing economic colonization and exploitation of the majority of the world's peoples.

The World Bank was established to provide long term financial assistance to countries in post-war reconstruction and, subsequently, to Third World development. The main initiative for development programs in the Third World has been through World Bank Structural Adjustment Lending (SAL) Programs. The IMF regulates currency restrictions and manipulation, short-term financing assistance to countries with difficult external payments demands and provides a forum for the resolution of international monetary problems. Inevitably those states that gained independence after 1945 played no part in the setting up of these organizations and, as a result of "weighted voting" in which the interests of the major economic powers are safeguarded, still have minimal say in their management. The United Nations system, especially through UNCTAD, has provided an alternative structure that developing nations more heavily influence.<sup>45</sup> Neither system expressly recognizes the specific

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44. See Sassen, *supra* note 6, at 63 (articulating that these changes robbed the world economy of the institutional framework it operated under since the end of World War II).

45. See BADE ONIMODE, *A POLITICAL ECONOMY OF THE AFRICAN CRISIS* 219 (1988) (suggesting that an essential element of an African development strategy is the basic restructuring of the economy from its external dependence to a national self-reliance orientation); see also PETER KORNER, GERO MAASS, ET AL., *THE IMF AND THE DEBT CRISIS: A GUIDE TO THE THIRD WORLD'S DILEMMAS* 135, 155 (1986) (indicating that in many developing countries only the state is in a position to take the steps necessary for the development of the economy and any attempt by the IMF to seek greater efficiency by reducing the role of the state is wrong and noting that

needs of women and children in most instances, although the latest Lome Convention has recognized the need to include human, social and cultural interests, including the interests of the most-disadvantaged, within the context of economic development.<sup>46</sup>

The World Bank is probably the most significant international body addressing economic development. Assistance from the Bank, however, will usually require a country to accede to a program the IMF institutes. The IMF is mainly concerned "with short-term balance of payments stabilization," but it is also concerned with economic growth and employment.<sup>47</sup> IMF and World Bank programs usually involve the imposition of conditions for loans and assistance. "Conditionality" has long been a source of controversy, especially among developing and middle-income countries who the IMF has forced to readjust their currencies downward, and (in compliance with World Bank SAL Programs) to lower public spending and to impose strict limits on governmental intrusion into their economies.<sup>48</sup>

[T]he few detailed country studies of Fund programs which have been published, as well as interviews with officials outside the Fund conducted during the preparation of this report, do give grounds for the belief that, at least on some occasions, Fund programs have pressed measures on

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the resolution for UNCTAD clearly underlines the weakening of developing countries' negotiating position in the then current economic crisis). *See generally* VANDANA SHIVA, *STAYING ALIVE: WOMEN, ECOLOGY AND SURVIVAL IN INDIA 1* (1989) (suggesting that a model of development entails a degree of colonization); KATRINA TOMASEVSKI, *DEVELOPMENT AID AND HUMAN RIGHTS: A STUDY FOR THE DANISH CENTER OF HUMAN RIGHTS 29* (1989) (indicating that UNCTAD along with UNICEF have created programs designed to prevent the poor from getting poorer under the effect of adjustment); ROBERT KLITGAARD, *TROPICAL GANGSTERS 8-11* (1990) (giving a more anecdotal account of the World Bank's economic project in equatorial Guinea from the experience of an administrator).

46. *See* Lome IV, *supra* note 41 (explaining the impact of the Bretton Woods System on human rights).

47. ROBERT CASSEN & ASSOCIATES, *DOES AID WORK? REPORT TO AN INTER-GOVERNMENTAL TASK FORCE 1, 75* (1988).

48. *See* JEREMY SEABROOK, *VICTIMS OF DEVELOPMENT: RESISTANCE AND ALTERNATIVES 9-10* (1933) (stating that "[d]uring the negotiations between the government of India and the IMF in the summer of 1991, one of the 'conditionalities' of the loan, which the government resisted, was a cut in food subsidies"). The article continues that "the representatives of the Western financial institutions should even consider the option of reducing food subsidies in a country where as many as 40% of the people do not have sufficient purchasing power to provide themselves with an adequate diet indicates something of the priorities of the IMF." *Id.* "It is clear that hunger, if not starvation, has become an instrument of economic adjustment." *Id.*

countries that were more severe than necessary; devaluations sharper than the balance of payments required, or credit ceilings tighter than needed.<sup>49</sup>

The purpose of World Bank SALs has been stated as follows:

[to] . . . support a programme of specific policy changes and institutional reforms designed to reduce the current account deficit to sustainable levels; assist a country in meeting the transitional costs of structural changes in industry and agriculture by augmenting the supply of freely usable foreign exchange; act as a catalyst for the inflow of other external capital to help ease the balance-of-payments situation. A further major purpose, in current circumstances especially, is to help recipient countries towards sustainable growth.<sup>50</sup>

A broad concept of development, as in the United Nations Declaration on the Right to Development, was accepted by the World Bank in 1991.<sup>51</sup>

The World Bank has committed itself to development policies that [encompass] not only higher incomes but also better education, higher standards of health and nutrition, less poverty, a cleaner environment, more equality of opportunity, greater individual freedom and a richer cultural life.<sup>52</sup>

The Bank is prohibited in its Articles of Agreement from straying into political or "non-economic" territory. For example, in Article IV, paragraph 10, the Bank may not "interfere in the political affairs of any member . . . Only economic considerations shall be relevant to their decisions."<sup>53</sup> In addition, the Bank must ensure that the proceeds of any loan are used only for the purposes for which the loan was granted, with due attention to considerations of economy and efficiency and without regard to political or other non-economic influences or considerations.<sup>54</sup>

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49. See CASSEN, *supra* note 47, at 78.

50. *Id.* at 82.

51. See Ibrahim F.I. Shihata, *Human Rights, Development, and International Financial Institutions*, 8 AM. U. J. INT'L L. & POL'Y 27-28 (1992) (noting development articulated in World Development Report and United Nations resolutions and declarations).

52. *Id.* at 28 (citing 1991 WORLD BANK ANN. REP.).

53. *Id.* at 30 (quoting International Bank for Reconstruction and Development, Articles of Agreement, art. IV, § 10 (1989)).

54. *Id.* at 31 (quoting International Bank for Reconstruction and Development Articles of Agreement, art. III, § 5(b) (1989)).

In the past such provisions have been used to limit the Bank's mandate to narrow considerations of economic efficiency and acceptability. The inclusion of broader issues relating to:

(1) alleviating poverty; (2) providing universal education; (3) promoting preventive and curative health care along with adequate nutrition; (4) improving the economic and social status of women; (5) ensuring that children and the elderly are cared for; (6) protecting the quality of life for refugees, especially those involuntarily displaced; (7) arresting the degradation of the environment; (8) conserving the environment for present and future generations; and (9) assuring the participation of people affected by development projects in the design and implementation of these projects,<sup>55</sup>

is a new and promising step in the direction of the Bank's policies.

There is little sign yet, however, that these policies are in fact being implemented. In particular, "improving the economic and social status of women" has not been a high priority of the World Bank. There are few programs or discussion papers directly addressing women's issues. There is a "Women in Development" or WID division of the World Bank, but it is at the lowest hierarchical level and appears to have little influence over other divisions and departments in their thinking on women's issues.<sup>56</sup> Where the WID unit of the World Bank has been most influential is in arguing that women must be brought into the mainstream of economic policy, rather than concentrating on maternity or child care issues as in earlier WID policies. Bringing women into the mainstream is seen by the World Bank as conducive to raising returns on investments and improving the balance of payments.<sup>57</sup>

But there appears to have been, as yet, no WID conditionality attached to any multilateral or bilateral loans for balance-of-payments support. WID conditionality would not in any case be seen as a step forward by the many women who have a concern for the self-empowerment of women.<sup>58</sup>

The consequences of IMF and World Bank policies on the economic well-being of a country can be severe. Currency devaluations often translate into inflation as foreign imports rise in price. The aim is to

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55. *Id.*

56. From discussions with World Bank officials both in the Legal and Women's Divisions, April 1992.

57. *Women in Development*, *supra* note 26, at 9.

58. *Id.*

make national exports more attractive, but where a country has little to sell overseas, or where it relies on one or two commodities controlled by First World cartels, the result may simply be a drastic lowering of the standard of living. Reduction in public spending may decrease a country's debt burden, but the principle losses will usually be in the areas of education, health care, social assistance, poverty relief and the provision of basic supplies of food, shelter, clean water and reasonably priced fuel. Women usually have the primary responsibility of providing these essentials to their families. Where the state retracts from assistance in these areas, it is on women that the increased burden falls.<sup>59</sup> Indeed, it appears that World Bank and other development projects rely on the unpaid labor of women to provide a safety net where social programs are cut. The Joint Consultative Group on Policy (WID Sub-Group) found that:

[P]olicy makers have understood perfectly well that women take on the bulk of household-level nurturing and, in the 1980's, they exploited that fact for policy ends. Moreover, *extra* unpaid labor is held to be available at the household level. It is implicitly assumed that women have free labor time, to be used either directly in production or to take up the slack and provide services replacing those no longer supplied under subsidy by the state. This is relevant to policies designed to mobilize resources, for instance, into production of marketable agricultural output, and to improve the cost effectiveness of social programs - for example, charging fees for health, education, water, and energy supplies. This *predisposes* policy makers to make such cuts in social services and amounts to a gender bias in the retrenchment programme.<sup>60</sup>

Development, as it is channelled through the financial, monetary and trading wings of the "Bretton Woods System" has tended therefore to entrench and extend a Western free market economic model in both the First World and the Third World. This capitalist model depends on growth and expansion, the proliferation and export of First World technology, the gearing of developing economies to servicing First World industrial needs and the exploitation and frequent despoliation of Third World economic and social structures. Women and children, because of their invisibility within the international economic system, have tended to suffer a disparate proportion of the burden.<sup>61</sup> Even more seriously,

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59. See JCGP WID Sub-Group Issues Paper, *supra* note 3, at 8 (discussing issues of women and their subsequent responsibilities of providing for their families).

60. *Id.* at 8-9.

61. See Ann Whitehead, *The Green Revolution and Women's Work in the Third*

the traditional unpaid labor of women as household workers, subsistence farmers and marketers and as the providers of basic services (characterized in international law as economic and social rights) provides the safety net and supporting infrastructure for the international economic order. Without the exploited labor of women, the system could not function.<sup>62</sup>

The policy directions of these institutions, and new arrangements under GATT, may however hold out the promise of more flexible and rational directions for the future. Free market policies, imposed by external influences on fragile economies, have often proven painful. Many developing countries have, however, worked hard for their inclusion within the GATT process in order to open up the markets of the developed world for their products. Substantial reciprocity has been demanded. But full reciprocity may work to the disadvantage of developing nations as their industries are forced to compete with major foreign transnational corporate players. The U.S. in particular has imposed serious retaliatory measures on countries which have not been, in the American view, sufficiently open to foreign (read U.S.) competition. This trend may increase under GATT and the new regional trade arrangements, particularly NAFTA. As has been said "[t]he new trade policies cannot be kept in place by fear of US retaliation alone. These policies must produce noticeable economic gains if they are to be sustained."<sup>63</sup>

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*World, in* SMOTHERED BY INVENTION: TECHNOLOGY IN WOMEN'S LIVES 193, 197 (1985) (discussing effects of Green Revolution on women's role in family labor and casual wage).

62. See SEABROOK, *supra* note 48, at 16-17 (describing exploitation of women as effect of industrialization); THEORIZING BLACK FEMINISMS: THE VISIONARY PRAGMATISM OF BLACK WOMEN, *supra* note 12, at 119 (describing exploitation of female factory workers). Vandana Shiva states:

[T]he market has depended upon women and their efforts to keep going. Women have continued to live a life where their contributions are not bought and sold. Their invisible work has helped the system to perpetuate itself. Women know that no market can be all-embracing. Women's role is to act in the areas of the exclusions created by the market. They must bear ever greater burdens of degradation inflicted upon both the resource-base and humanity. The same role devolves upon the Third World in the global economy. It is for us to make visible the parallels between the world of nature, the role of women and the Third World in this scheme of things; the degradation of all three are symptoms of the uncounted costs which the world must bear as the price of the success of the market economy. Until the South articulates itself along lines that parallel and mimic the feminist critique, we will be trapped into new subjugations.

*Id.*

63. Robert E. Hudec, *GATT and the Developing Countries*, 1 COLUM. BUS. L.



The 1980s saw a decline in nutrition levels for women and children in many parts of the world:

The economic crisis of the 1980's coupled with the remedial structural adjustment and stabilization programs imposed by international financial institutions, impeded efforts to supply clean water and sanitation . . . Women . . . suffered most, both from the economic crisis and from its bitter 'cure.'<sup>64</sup>

## V. RETHINKING ECONOMIC RIGHTS

The world is now increasingly operating as a global economic system where not even nations, let alone local communities, are able to control the progress of events. National boundaries are becoming more porous while both national and international bureaucratic structures are being geared towards servicing corporate/commercial agendas. The production of real goods, such as agricultural products, is becoming more and more governed by the requirements of the information and services industries, such as, for example, the commodities futures market. Global communications means that it is now almost impossible to escape from the new global economic order. Change must come at all levels of this process, not just the local, individual or communal levels. By focussing on women as providers of basic essentials at the level of the family, village or neighborhood we ignore the influence of women, or the power of feminist approaches, on a larger scale.

First, women as producers and consumers have a vast, largely untapped, reservoir of collective power that could be politically organized and used to achieve the recognition of economic rights *and* social justice for women as well as for men. This power has at times been exercised, as for example in environmental campaigns or anti-war movements. Women's traditional roles as food-gathers and providers means that they can, if they want, influence the harvesting and sale of food products which are environmentally or socially harmful. The ban against drift-net fishing, for example, was largely achieved through consumer boycotts conducted by women refusing to buy fish products resulting from this

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REV. 67, 77 (1992) (discussing potential problems with new trade policies in developing countries).

64. WOMEN: CHALLENGES TO THE YEAR 2000, *supra* note 2, at 18 (drawing international attention to the discouraging results of the appraisal of the implementation of the Nairobi Forward-looking Strategies Report by the Commission on the Status of Women).

type of production. At this level, women's "difference" can become the source of public power.

Second, a principal goal of liberal feminism is to increase the participation of women at all levels of existing political and economic structures. It is hoped that this increase of feminine participation may change the priorities of global planning. There are those who would argue that this greater participation would probably not make much difference. In the first place, it does not propose making radical changes to the structures themselves. Also, women who have achieved positions of power have not always demonstrated any different agenda from the men they emulate. But, not all women who achieve power are Margaret Thatchers. We simply do not know what the impact of more women at all levels of decision-making would be.<sup>65</sup> As a matter of simple democratic equity, women should be included. As the gender balance of power structures changes, it may be that the structures themselves may also change.

But neither martialling women's difference and traditional roles as a source of political power, nor pursuing the liberal agenda of increasing the opportunities for already privileged women to be included into existing structures is enough. There should be room in global economic policy for more radical proposals.

First, it must be emphasized that issues of health, housing, social welfare and education, i.e. economic well-being, are not peripheral matters. The economic agenda has, for too long, been occupied by irrational conservative forces who disguise their greed for power and wealth with terms such as "economic rationalism" or "free trade." It is not rational to relegate your workforce and potential customers to illiteracy, poor health, social disintegration and poverty. High levels of unemployment, for example, accompanied by decreasing levels of social assistance means that money does not circulate through the economy, products are not purchased, housing is not built and future workers and consumers are not properly socialized and educated. Women, who now carry double burdens of subsistence producers and consumers as well as nurturers, cannot be depended on any longer to hold up the increasingly top-heavy international economic order. The private sphere of unpaid labor is dis-

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65. See THEORIZING BLACK FEMINISMS, *supra* note 12, at 199 (discussing male domination of corporate executive positions); Williams, *in* THEORIZING BLACK FEMINISMS, *supra* note 12, at 11 (stating that "[i]n the USA . . . 95 percent of all corporate executives are still white and male, a figure that has not changed since 1979, when it fell from somewhere close to 100 percent.").

integrating both as an ideologically acceptable construct and as a matter of reality.

Second, the failure to recognize the centrality of economic well-being within the global economic order means that a continuing large percentage of resources will be spent on law enforcement, internal security and military expenditure. An impoverished and dispossessed population is also a disaffected and angry population. Social decay tends to produce social disruption, which in turn leads to violence and further decay. The political agenda remains preoccupied with controlling or disarming this population, or, where politically expedient, inflaming disaffection. This also effects the feminist agenda as issues of violence against women are given greater attention both nationally and internationally. Violence is a symptom of economic and political power disparities, but while the battering and abuse of women continues, prevention of violence must remain a priority.

There needs to be a real reassessment of what adequate economic goals might be and how "economic rights" are defined. Central to this reappraisal must be crucial issues of resource reallocation and the redistribution of power. But perhaps more fundamentally, a feminist analysis might help us redefine what economic power is and how it is exercised. In order to do this, feminist approaches must themselves be flexible and inclusive, avoiding rejection of unfashionable theoretical or practical perspectives. Liberal or Marxist approaches, presently discredited among most Western feminists, need to be reexamined.

Finally, an international perspective must force Western feminists to listen to the demands of non-Western women in their redefinition of the economic order and in their identification of our own complicity with the economics of oppression and inequality.

A feminist analysis might question the aim of unlimited economic growth and replace it with a more balanced and rational approach to the distribution of wealth and resources. "Economic rights" would cease to be either marginalized into the ghetto of social and cultural concerns or operate as a corporate power base hidden from international regulation. The connections between the right to work and the mobility of labor and capital under free trade might be more clearly (and less emotively) addressed. There is already evidence that policies of the World Bank are becoming more sensitive to formerly irrelevant "externalities" such as the role of women as productive workers both at the subsistence and cash economy level. The fever for corporate downsizing and labor reductions may already be subsiding as corporate decision makers recognize that making a large sector of the labor market redundant has a

profound impact on consumer driven economic spending. Finally, the huge and growing disparity between rich and poor both within national boundaries and internationally could be seen, not as a natural product of economic development, but as the result of politically motivated and economically short-sighted policies instituted by mainly male leaders. A feminist analysis can, at the very least, open up for question what has hitherto been treated as "natural," inevitable or even desirable in the global disparity of work, resources and value.