

EXPLORATIONS ON HUMAN RIGHTS

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ABSTRACT

The notion of rights is a powerful one, but the channels through which they have been promoted and enforced since World War II have militated against the more radical promise of rights. These explorations examine the question of economic rights with an international focus. The contributions touch on such diverse topics as the international peasant federation called La Vía Campesina, heterodox and social economic analyses, and the informal sector. The authors address the question of human rights with respect to the conditions that delimit and enforce these rights, the connections between macroeconomics and human rights, social movements that strive to protect these rights, and the different theoretical approaches to incorporating rights into an academic framework. Though each contribution's methodology and focus are different, the composite takes an important step in evaluating this very critical question of economic rights that greatly affects individual lives, social conditions, economic policies, and the study of economics.

KEYWORDS

Human rights, resistance, development, the informal sector,
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I. TRANSGRESSING RIGHTS: LA VIA CAMPESINA'S CALL FOR FOOD SOVEREIGNTY

Rajeev Patel

No matter how badly they subsequently mangle his opinions, undergraduates studying politics are always grateful for Jeremy Bentham's crisp thoughts on rights: "[N]atural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense, – nonsense upon stilts" (1816/2002: 330). Bentham is not, however, offering a blanket condemnation of the possibility of rights – his point is a little more subtle; he is skeptical of rights talk in the absence of a concomitant legal framework. To speak of rights without tying those rights to specific laws that delimit and enforce

those rights is, under Bentham's rule, either to speak nonsense, or to make the kind of error that he saw being made by the Jacobin philosophers – to mistake the argument in favor of rights with those rights themselves: “wants are not means; hunger is not bread” (Bentham 1816/2002: 330). My provocation in this short piece is to suggest that if, today rights are important at all, they are so as means to mobilizing, as getting from hunger to bread. If rights are important, they are so for the way they change society, not law, and are best understood as a means to end want, as possibly playing a part in the fight from hunger to bread.

Of course, law is a social construct, and it is strictly “nonsense” to think that legal changes are not simultaneously social. But I argue that without the hard work of social mobilization, legal transformation – even of the most profound stripe – amounts to little. This has important implications for those organizations, in both the global North and South, with ambitions to progressive change within a “rights” framework. I make this case by drawing inspiration from an organization that makes claims for rights that are part of no legislation and where the rights in question are thoroughly ill-defined. This definitional haziness isn't lazy: it's both tactical and principled. It is based on the belief that the content of the rights can best, and can only, be filled by those who demand them.

Within the US liberal legal tradition, Critical Legal Studies scholars have argued that, in the main, the law is the realm of the powerful, a mechanism through which the strong dress their will upon the weak (see, e.g., Peter Gabel 1984). This has been challenged by Critical Race Theorists, who rejoin that within law, the language of rights has offered a means for people of color to enter the conversation (Patricia J. Williams 1991). Rights, for people of color, has conferred a means to personhood, to recognition (Nancy Fraser and Axel Honneth 2003). Yet although this may have been true in the immediate aftermath of the US Civil Rights Era, and even though there are cases when rights can successfully and predictably be deployed against power, Duncan Kennedy (1997) notes that these cases are few, and more often, the successful use of rights is contingent on a range of factors removed from the letter of the law, factors such as the prevailing political climate, the success of social mobilization, the disposition of the judge hearing the case, the skill of the attorneys involved, and so on. Daria Roithmayr extends these ideas, suggesting that rights can remain useful in the struggle for social change, in one of two ways. They can either become a platform for strategic action, amid a broader set of struggles or, alternatively, they can constitute a mechanism for subverting “rationalist assumptions about the relationship between race and law” (Daria Roithmayr 2001: 1117). In other words, while it's unlikely that rights-based legal challenges will succeed in providing progressive outcomes in a conservative social and political context, rights-based challenges can work

as means to change that context, either as part of broader mobilization or as a way to attach the unimpeachable characteristics of rights to novel domains, such as gay marriage.

La Via Campesina, the international peasant federation adopted both these tactics. Conceived at the beginning of the 1990s, La Via Campesina has claims to being the world's largest social movement, consisting of member-based peasant and landless peoples' organizations in Asia, Europe, the Americas, and Africa. It acts as a coordinating body for its various member organizations, which include the Landless Peoples Movement in Brazil, the Karnataka State Farmers' Association in India, and the Confederation Paysanne in France. As Annette-Aurélié Desmarais (2002) notes, the origins of La Via Campesina lie in the agricultural liberalization components of structural adjustment policies, which had the effect of deepening rural-urban income inequalities and increasing the power of capital over the interests of the rural poor in rural agricultural areas. These policies did a great deal of harm to small-scale farming communities. At the same time as the policies arrived, so did certain NGOs and individuals from the North and South. They offered to represent to donors and aid agencies the rural constituencies affected by these policies, even though these constituencies were perfectly able to represent themselves and actively rejected the politics of these agencies (Rajeev Patel 2006). Over its first decade, La Via Campesina has sought to provide a platform and a means for different peasant groups with progressive political visions to meet, combine, and join forces against institutions that its membership sees as furthering neoliberal agricultural politics, such as the World Trade Organization. La Via Campesina also works to provide analysis to identify problems shared by membership, such as market-based land policies (Michael Courville, Rajeev Patel, and Peter Rosset 2006).

La Via Campesina seems to appreciate the importance of conventional rights demands in making its claims for justice for those worst affected by the increasing neoliberalization of agriculture. NGOs working in support of La Via Campesina have produced important documentation of the violation of peasants' (particularly women's) rights (La Via Campesina and Foodfirst Information and Action Network 2005) and are seeking to expand existing human rights legislation to cover peasant rights.¹ In this, they push for an advance of the first kind – in which they create a platform for strategic action at the same time as peasants' rights are fought for in national politics, legislatures, and societies. Yet in addition to using the conventional paradigm, La Via Campesina has been advocating a new kind of rights politics, which constellates around its idea of food sovereignty. In this, it offers a transgressive idea of rights. To see why, it's important to contrast food sovereignty with its more widely known counterpart – food security. Food security, defined at the

1996 World Food Summit, is said to exist “at the individual, household, national regional and global levels, ...when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life” (Food and Agricultural Organization of the United Nations [FAO] 1996).

Food security is agnostic about the production regime, about the social and economic conditions under which food ends up on the table. Its definition is compatible, for example, with a full employment economy in which everyone eats at McDonald’s or, more likely, an economy with less than full employment in which people are persuaded that the food they are fed on welfare is culturally appropriate, safe, and nutritious. The right to food, opposed only by the US government at the 2002 World Food Summit, is compatible with a range of policies that militate against human rights enshrined in the UDHR including equality before the law regardless of property status; free of concerns of security and servitude; in peaceful assembly; with social security; and the right to work (United Nations 1948: articles 7, 2, 3, 4, 20, 22, 23 respectively).

Food sovereignty, by contrast, runs like this:

Food sovereignty is the people’s, countries’, or state unions’ right to define their agricultural and food policy, without any dumping vis-à-vis third countries. Food sovereignty includes:

- prioritizing local agricultural production in order to feed the people, access of peasants and landless people to land, water, seeds, and credit. Hence the need for land reforms, for fighting against GMOs (Genetically Modified Organisms), for free access to seeds, and for safeguarding water as a public good to be sustainably distributed.
- the right of farmers, peasants to produce food and the right of consumers to be able to decide what they consume, and how and by whom it is produced.
- the right of countries to protect themselves from too low priced agricultural and food imports.
- agricultural prices linked to production costs: they can be achieved if the countries or unions of states are entitled to impose taxes on excessively cheap imports, if they commit themselves in favor of a sustainable farm production, and if they control production on the inner market so as to avoid structural surpluses.
- the populations taking part in the agricultural policy choices.
- the recognition of women farmers’ rights, who play a major role in agricultural production and in food. (Peter Rosset 2003; La Via Campesina 2003)

It's a fascinating proclamation, not least because of how the right is conceived. Bentham's trick in distinguishing real rights from imaginary ones involved recasting the right into a duty. If a right carried with it a clear understanding of the social agent whose duty it was to protect the right, the right was a real one. One imagines he'd react rather negatively to the language of the food sovereignty call. It is systemically vague about the bodies responsible for guaranteeing these rights.

This vagueness is precisely the point of the declaration. La Via Campesina has precise formulations of demands for international trade in other declarations (e.g., *The Tlaxcala Declaration*, La Via Campesina 1996). Food Sovereignty, by contrast, is a call for a right to a right. It is a multi-layered challenge to the existing business of human rights implementation, taking direct aim at the neoliberal agencies that structure the selective application of rights in support of capital, and which sees a one-size-fits-all approach to agriculture, as opposed to the context specific results generated by democratic deliberation. By leaving the venues of subnational engagement open and by invoking social formations with contradictory internal demands (no 'peoples' have a single and unifying perspective on food policy, after all), La Via Campesina calls for new political spaces to be filled with argument. This is, in other words, a call for a mass re-politicization of food politics, through a call for people to figure out for themselves what they want the right to food to mean in their communities, bearing in mind the community's needs, climate, geography, food preferences, social mix, and history. In this mass engagement, a rights-driven food-system policy is one outcome. More important, though, is the building of a sustainable and widespread process of democracy that can provide political direction to the appropriate level of government required to see implementation through to completion. This is, in other words, a transgressive use of the discourse of rights.

This invocation of radical mass politics has strong lineages in theories of socialism (Ernesto Laclau and Chantal Mouffe 1994). In this case, however, we can best understand it not as a development of radical democratic theory but as a practical solution to the varieties of state and sub-state problems in agriculture, where democratic political engagement around rights emerges is the most pragmatic mechanism for maintaining local-level food security.

Of course, if the explicit aim of the politics of food sovereignty is to politicize the production and consumption of food and, indeed, to move away from productivist language to a discourse of "growers and eaters," then there's a very clear litmus test of the success of the politicizing project. We will know if the promise of food sovereignty has been realized when we see explicit discussions of gender politics and food production. Women's production of food, particularly in the global South, is the great unspoken assumption of the current food system. According to the Food and

Agricultural Organization of the United Nations, women grow between 60 and 80 percent of the food in developing countries, yet own less than 2 percent of the land (Food and Agricultural Organization of the United Nations [FAO] 2006). This vast disparity is the last frontier in discussions of contemporary agrarian grassroots politics and one that seems tailor made for the food sovereignty solution. The politicization of women's work in the food system is to call into question the integrity of that system and to ask searching questions about its control. By requiring that women's agrarian productive and reproductive labor be recognized as a political fact at both the household, community, regional, and national levels and by recognizing that women's labor is the *sine qua non* of local food independence in the global South, La Via Campesina has set the bar high for its worldwide peasant movements base.

There is of course, no guarantee, even after women's labor has been named as political, that progressive outcomes will follow. This is the risk of the radical democratic political project and the dangers of romanticizing the local as opposed to the global are very real. Yet, alongside the rights in the Universal Declaration and the Covenant on Economic, Social, and Political Rights, food sovereignty begins to look very attractive. It builds on, rather than trumps, the basic rights enshrined in the fundamental human rights texts, but it tackles explicitly the issue of enforcement by seeing it as a corollary of the problem of political mobilization.

The model of human rights politics advanced by La Via Campesina is rather different from the dominant models with which we have become familiar, and one that recognizes and deals proactively with a global political context in which rights are honored more in the breach than the observance. The tactic here is not for social movements to become accountants of rights violations, submitting their reports and their recommendations to governments at the end of every period. This model of politics, which calls on the public to participate in the enforcement of human rights only passively, to be outraged when rights violations occur and send in letters to parliamentarians, is a particular solution to the problem of encouraging the state deliver on its promises. It is, however, a pacifying and ultimately patronizing view, in which a rights commissariat arrogates to itself the role of orchestrator and conductor of the public's chorus of disapproval – and it is a view that has its adherents in both the global North and South. This view of rights contains within it a conventional and hegemonic view of the operation of democracy, citizenship, and participation. It systematically cuts the general public out of the loop in terms of policy formulation, instead deploying the public as a means to the particular policy goal of the group.

La Via Campesina's approach to rights is transgressive, insofar as it orients itself not toward the institutions that enshrine, enforce, and police rights, but toward the people who are meant to hold them. The approach

operates not by pointing to extant rights and their violations but by using the language of rights to summon an active politics over a social domain that has, through progressive agricultural liberalization been technicized and rendered “anti-political” (James Ferguson 1990). It offers a way of resuscitating rights, of repoliticizing them, and creating the social and political context without which, as we see too often in this moment of neoliberal triumphalism, rights become nothing but the legitimating cover for international plunder.

II. EXPLORING COLLABORATIONS: HETERODOX ECONOMICS AND AN ECONOMIC SOCIAL RIGHTS FRAMEWORK²

Radhika Balakrishnan

Since the end of the Cold War, many economists, human rights scholars, and activists have attempted to create an alternative economic model in response to the problems posed by the current global economic system: growing insecurity of employment, the increase in rural and urban poverty, the growing gaps between the rich and poor, the erosion of quality of life due to growing environmental degradation, cutbacks in spending on social services, the privatization of public goods, and setbacks to gender equality and to the well-being of children. Some effects of economic globalization are also evidenced by the growing deficits in the balance of trade; economic and political insecurities, which are created by volatile capital mobility; imbalances in economic and political autonomy and functional sovereignty between developed and developing countries; and problematic increases in the power of corporations and of international institutions, such as the World Trade Organization (WTO), the International Monetary Fund (IMF), and the World Bank (WB).

While activists and scholars have confronted these problems in a variety of ways, I am particularly interested in heterodox macroeconomics and human rights approaches that use economic, social, and cultural rights (ESCR). Both approaches use structural and individual levels of analysis, though in different ways. Heterodox macroeconomics concentrates on aggregates – such as inflation, unemployment, and growth – and prescribes remedies in terms of changes to macroeconomic structures. The human rights approach uses normative categories of rights to analyze the insecurities and sufferings generated by globalization and prescribes remedies that focus on protecting human rights, especially economic and social rights. Despite the shared concerns of these two approaches, there has been insufficient cross-pollination and joint collaboration.

A number of conceptual and pragmatic factors affect the possibility of even greater collaboration. To engender this collaboration we need to

understand where the points of divergence lie, where the normative theoretical frameworks of these critiques and their analyses of problems both overlap with and deviate from each other, and how these frameworks might sometimes suggest quite different ways of undertaking practical responses to the problems connected to the global economy. I believe that there are often important disconnections between these two frameworks. An attempt to bring them into a productive and critical conversation with each other on both theoretical and practical levels seems useful and timely for all those engaged in or supportive of activism around issues connected to economic globalization.

The human rights framework examines the constitutional obligations of a state to individuals living within its territories as well as a series of international agreements entered into under the auspices of the United Nations. According to the International Human Rights Internship Program (IHRIP):

A rights-based approach is founded on the conviction that each and every human being, by virtue of being human, is a holder of rights. A right entails an obligation on the part of the government to respect, promote, protect and fulfill it. The legal and normative character of rights and the associated governmental obligations are based upon international human rights treaties and other standards, as well as national human rights constitutional provisions. (2000: 14)

Some of the salient rights that advocates most often cite are: the rights to education, health, employment, and freedom from discrimination. Human rights activism focuses on the violations and deprivations that different groups of individuals suffer and seeks to promote human development and to protect important human capacities against the vulnerabilities and insecurities unleashed by economic forces. Inherently the human rights framework brings into question the role of the state. A human rights framework can be used as an ethical compass to assess the macroeconomic policies imposed by state or international actors.

Heterodox economists and feminist theorists have contributed to the rights discussion through their use of the capabilities approach first introduced by Amartya Sen (1980, 1982, 1985, 1992, 1999). This approach has been discussed at length in a special issue of *Feminist Economics* on Amartya Sen's work (Bina Agarwal, Jane Humphries, and Ingrid Robeyns 2003). In particular Martha C. Nussbaum argues:

[C]apabilities have a close relationship to human rights... In effect they cover the terrain covered by both the so-called first generation rights (political and civil rights) and the so-called second generation rights (economic and social rights). And they play a similar role,

providing a basis for cross cultural comparison and philosophical underpinning for basic constitutional principles. (2003: 36)

Though it is beyond the scope of this paper to discuss the usefulness and use of a capabilities approach in human rights, it is, however, clear that more work needs to be done on the philosophical as well as practical uses of capabilities in terms of holding states accountable for either rights violations or the provision of positive rights, such economic and social rights.

Heterodox macroeconomics concentrates on macroeconomic structures and policies that generate human insecurities and sufferings and prescribes remedies in terms of changes to these structures and a vision of economic policy that is responsive to human needs. This heterodox analysis is diverse in its perspective and draws from a range of economic theory, but it is grounded in a critique of mainstream neoclassical theory and neo-liberal economic policy. How might we regulate macroeconomic processes in ways that do not sacrifice the interests of vulnerable people in developed and developing nations and generate economic policies that are genuinely compatible with the universal protection of human rights? Both human rights frameworks and macroeconomic analyses attend to practices at the international, national, and local levels in their study of current problems and proposed solutions. It is of immense practical importance to see how their respective concerns and solutions may collaborate at all three levels. These two frameworks may provide mutually illuminating and enriching theoretical lenses and practical strategies that can jointly work to foster both human rights and economic development. It is also possible, however, that there might be some real differences both within and across these frameworks about the kinds of political and economic structures that are envisioned as short and long term solutions to various threats to human economic security at a global level.

Sovereignty

Different understandings and evaluations of “sovereignty” constitute one site of tension between human rights frameworks and heterodox economic frameworks. Closer attention to various aspects of sovereignty might lead to a more shared understanding of these issues than often exists between activists working under these two frameworks. Many development-based critiques consider the erosion of national sovereignty by the movement of international capital and the policies of international organizations like the IMF and WTO to be a serious problem that needs to be rectified to promote people-centered development.³ Human rights advocates appear to pull in the opposite direction on issues of sovereignty – since their policies seem to require making nation-states more accountable to

international norms and might lead to a more nuanced understanding of the multiple facets of sovereignty (International Council on Human Rights 2003).

One example of a specific issue that might elicit different responses in developed and developing nations is the issue of labor standards as a part of WTO-controlled trade regulations. Many large unions in the US, as well as some of the larger international trade union federations that work in both developed and developing countries, for instance, supported including labor standards as part of the WTO mandate and making labor conditions a part of its trade agenda. Some trade unions in developing countries backed labor standards in the WTO because they felt that it would be the only enforceable mechanism that would require their governments to meet minimum labor standards at the national level.⁴ On the other hand, many activists from developing countries opposed WTO-mandated labor standards on several different grounds (Third World Network 1994; Nicola Bullard 2001). First, the decision-making processes at the WTO are not sufficiently democratic and weigh heavily in the favor of large and developed economies. Second, the decisions emanating out of this body are to be applied uniformly across the world without any allowances for national variation. Third, these policies are seen as a protectionist tool of the Global North, backed by sanctions that hinder the ability of developing countries to fully participate in the global trade regime. The activists were concerned about the possibility that their countries would lose international market share compared to those countries that could easily meet the standards.

Naila Kabeer (2004), for example, provides a clear and succinct summary of the arguments that are prevalent among activists and scholars regarding including labor standards in trade agreements. She draws from important empirical evidence to illustrate the problems of trade-related labor standards and the prevalent inequality in the global economic structure.

Many activists and scholars have argued that the International Labour Organization (ILO) is better suited to ensure labor standards because sovereign nations must individually ratify ILO conventions. Implicit in the ratification of ILO labor standards is a national buy-in to create strategies to ensure adherence to these nationally adopted standards. In addition, the ILO's tri-partite decision-making structure is considered more transparent and reflective of a more encompassing range of interests due to the involvement of labor, business, and government. Critics of the ILO-centered approach contend that even nationally ratified conventions can be ignored easily because the ILO cannot apply punitive sanctions.

The issue of national sovereignty is much more contentious in the developing world than in the developed world. The use of international mechanisms such as the WTO creates very imbalanced power dynamics. Mainstream economic theory states that the opening up of trade capitalizes

on the comparative advantage that each country has either in capital or labor. However, this idea contradicts the notion of international labor regulations that would reduce the comparative advantage of the large labor supply in many developing countries.

Economists as well as human rights advocates have been struggling with the notion of minimum standards that need to be followed, whether in terms of labor standards or basic needs. Naila Kabeer argues that “[t]he only basis on which global labor standards are likely to be either possible or compatible with principles of justice, given the present unequal international order, is if they are linked” (Kabeer 2004: 31). This clearly illustrates the need for heterodox economists to work with human rights advocates to inculcate the global economic inequities in any attempt to devise a minimum core content.

Minimum core content

The concept of “minimum core content” was derived from the UN International Covenant of Economic, Social, and Cultural Rights. According to IHRIP: “The ‘minimum core content’ of a right is the intangible baseline level that must be guaranteed for all persons in all contexts. It indicates a minimum below which no government should perform, even in unfavorable conditions” (2000: 153). These minimums are not well-articulated or put into effect but do provide an ethical and legal basis for heterodox economists and human rights activists to pursue.

Currently heterodox macroeconomic analysis does not have a well defined and agreed upon notion of a “moral minimum.”⁵ Ailsa McKay (2001) provides an important critique of the literature on citizen’s basic income and argues for the need to divorce work from income in order to take into account the gendered impacts of the basic income approach. She also provides a summary of the literature on basic income approach. The work in economics on examining the content of a basic income based on labor or merely the provision of sustenance or survival needs further discussion.

For instance, the human right to food might be minimally cast in terms of ensuring that all individuals have entitlements to a basic amount of sustenance necessary for survival and functioning. In a world where millions of individuals fail to receive even this modest sustenance, such a minimalist account of a human right to food has genuine practical import. A heterodox economics framework could be an asset in enriching rights-based understandings by widening the picture of what is required for a community to enjoy significant dignity and security in the context of food production and consumption. It might offer a richer account of what groups of individuals need – protections for their access to land and resources necessary to produce and to obtain foods that are part of their

traditional diets and attention to environmental conditions that affect their ability to produce and process their food.

While development discourses are often inattentive to rights-based notions of a “moral minimum,” human rights frameworks often ignore the nature and implications of market forces, which development discourses more adequately theorize.⁶ When might market forces be conducive to protections of the human right to food, and when might we need to insulate people’s entitlements from the impacts of the market? The theoretical concerns of development discourses offer rights frameworks valuable guidance about the possible role of the market in guaranteeing or inhibiting the moral minimum of the human right to food. It would be useful to know the significance of differences in understandings of the human right to food and the theoretical and practical considerations that produce these differences of perspective between and across the two frameworks. The idea of a minimum core goes beyond food to also address issues that pertain to a global understanding of work and labor standards.

Right to work

The rights to work, to safe working conditions, and to fair wages are connected to conditions of work and are designed to protect those who labor in different segments of the economy. Some economic rights, such as the rights to safe conditions of work and to reasonable working hours, might best be understood as protecting people’s capacities as workers. Other economic and social rights such as the rights to education or healthcare, which facilitate people’s empowerment as workers, might also aim to empower other aspects of their lives, such as their capacities to be citizens capable of effective political agency – “a civic minimum.” Some rights characterized as economic and social rights – rights to periodic holidays with pay and rights to unionize – seem to assume the prototype of a waged worker with an identifiable employer in the formal sector and seem difficult to map straightforwardly onto the conditions of informal sector work. These rights enshrine a notion of a market-led industrializing economy. The changes in the global economic framework toward flexible production and an increasing reliance on informal sector workers bring to the fore questions about the usefulness of human rights norms in dealing with a large part of today’s working population. This framework is also inadequate in addressing the unpaid work of women and the concerns of social reproduction.

The work of feminist economics in particular would be useful in enlarging the idea of work that is upheld by human rights covenants and expanding this framework to include unpaid work, the care economy, and work that does not fall into the formal sector definition as it exists in human rights instruments. The human rights framework can also help extend the

right to work to include the much broader notion of the right to livelihood, which would then have greater implications for macroeconomic policy as well as trade agreement. Human rights and concepts of non-discrimination and substantive equality, if taken broadly, can also provide a basis to think about what is work and how should it be remunerated. The above examples are by no means exhaustive but are meant to illustrate where and how a multidisciplinary approach could serve as the basis of a new strategy to address the negative effects of global economic forces and policies.

Opportunities for collaboration

Agendas for economic and social rights often fail to grapple with the possible constraints current economic policies impose on the realization of those rights. Without understanding the macroeconomic causes of human misery and the insecurities generated by particular economic policies, human rights activism might be reduced to uphill battles to provide minimal protections, without adequate strategies to critically counter the macroeconomic forces generating the problems that human rights activists are trying to fix. Understanding macroeconomic issues is necessary to assess the feasibility of particular human rights solutions across very different national and economic contexts, where both the scope of human rights problems and the resources to guarantee protections vary enormously. For example, work that uses budgets to analyze the right to health has been very effective in identifying how well or poorly a government fulfills its obligation by pointing out the lack of expenditures and misdirection in funds (See FUNDAR [2004]). Rights-based budget analysis work, however, does not generally identify the underlying macroeconomic policy assumptions used by governments to develop their budgets. Therefore heterodox economists could enrich a rights-based analysis to develop an advocacy strategy on the right to health that would go beyond asking for increased funding for health and could challenge the overarching economic framework.

Conversely, the heterodox critique of structural adjustment policy could benefit from incorporating a rights-based approach. For example, if a country's constitution guarantees the right to healthcare then an IMF-imposed policy that requires the government to cut public health expenditures would violate its constitutional obligations to its citizens and, therefore, violate people's human rights. Human rights norms mandate that governments progressively realize rights and use their maximum available resources to provide for the rights. Both these conditions would be violated by IMF-imposed structural adjustment policies.

There is also work to be done in the human rights field to incorporate a gendered analysis of economic and social rights. Feminist economists have

done a great deal of work to develop a gendered analysis of macroeconomic and international trade and finance.⁷ This theoretical and empirical analysis needs to be integrated into the economic and social rights framework. Some of this work has already begun (Diane Elson 2002), though more needs to be done in order to push the human rights framework beyond its original mandate.

Heterodox macroeconomic analysis could likewise benefit from a better understanding of the human rights framework. Often the human rights framework is criticized as being overly individualistic; as not grounded in an understanding of macroeconomic issues; as committed to “Western” norms, discourses, and agendas; or as being too tightly focused on juridical aspects and government structures. While such criticism might have some validity in specific instances, rejecting the human rights framework entirely is unwarranted. The rich normative categories of human rights frameworks – of individual dignity and of entitlements that are not appropriately sacrificed to utilitarian calculations of social or economic good – provide useful ethical and political supplements to the terms of a macroeconomic critique. Macroeconomic processes are intrinsically complex, and all their intricate consequences are often difficult to foresee with great accuracy. Therefore, even progressive macroeconomic policies concerned with promoting human economic security might periodically create unforeseeable unfortunate consequences at local, regional, and national levels.⁸ The commitment of a human rights framework to the dignity and flourishing of all individuals might, in such cases, be necessary to ensure that particular groups of individuals do not “fall through the development cracks,” lacking remedies for insecurities that threaten their survival and well-being. The universalism and individualism of human rights frameworks might be a powerful complement to macroeconomic policies.

Progressive macroeconomic policies are also difficult to generate and maintain in a political vacuum, where there are no democratic mechanisms to ensure political attention to the insecurities different groups of individuals endure. Therefore, human rights paradigms that attend to the structures of governance and legal frameworks and to issues of democracy and representation seem to be necessary allies to struggles to generate and sustain more humane macroeconomic policies.

Conclusion

Any attempts to provide practical solutions to problems of human economic security under either framework need to include thinking concretely about the specific institutions and organizations that will be the bearers of the obligations relevant to securing humane development and to ensuring the enjoyment of human rights. If rights discourse on economic issues is to go beyond “manifesto rights” (the merely normative assertion

of rights) and provide a set of institutional and practical mechanisms and policies to render these rights capable of being enforced and guaranteed, we need institutions and structures that can and should undertake the obligations to enforce these rights.

What are the mechanisms available to call attention to economic and social rights violations, and which institutions will guarantee remedies available to redress such violations? How might the institutions that monitor and remedy human rights violations communicate and cooperate with the institutions that are responsible for macroeconomic planning and development policies? We need to think concretely and substantively about the variety of local, national, and international institutions and mechanisms that might be collectively deployed to address different problems; to articulate which policies and protections might best be assigned to local, national, or international structures; and to envision how these levels might cooperate with one another. How might national political systems, levels of national resources and development, and national location in the global economy make a difference to assigning obligations to ensure economic rights to different nation-states? Resources themselves do not lead to the state's obligation to ensure certain rights, but often resources are cited as a reason for the failure to fulfill rights. I would like to think about the various features of the national economic and political context that make it possible for NGOs and political institutions to pursue local policies that enhance humane development and economic and social rights and about the various factors that work as impediments.⁹ My attempt in this paper is to put forward a call to others working on these issues to cross disciplinary boundaries and forge new alliances in order to develop a conceptual framework that could more effectively hold governments and international institutions accountable in terms of human rights norms and regulations.

III. WORKERS IN THE INFORMAL SECTOR: SPECIAL CHALLENGES FOR ECONOMIC HUMAN RIGHTS

Uma Narayan

Introduction

Informal sector work, which is disproportionately done by women, raises concerns pertaining to the protection of economic human rights. Informal sector work excludes work directly done in the formal sector, which comprises work for wages in the public sector and the "recognized" segments of the private sector, such as working for corporations, for registered private businesses, or as a recognized self-employed

professional.¹⁰ The informal sector constitutes a disproportionately large component of the economies of developing nations. Women in Informal Employment Globalizing and Organizing (WIEGO) estimates that the share of formal sector wage employment in high income countries is 84 percent, in middle income countries is 58 percent, and in low income countries is 17 percent. They estimate that informal sector work accounts for more than half of nonagricultural employment in Latin America and the Caribbean, nearly half in East Asia, and as much as 80 percent in other parts of Africa and Asia. WIEGO's data explicitly excludes informal work activities in the agricultural sector and appears to exclude legally prohibited activities such as sex work. If these informal income-generating activities were factored in, the informal sector in the developing nations would be even more sizable than estimated. In any case, WIEGO concludes that the majority of economically active women in developing countries are in the informal sector.¹¹

Many poor women in developing countries work in the informal sector; thus, it is often regarded as a primary site for women's economic empowerment in those countries. Since the 1980s, a growing number of NGOs, international donor agencies, and private businesses have committed themselves to "poverty alleviation through small enterprise development" (Cathy A. Rakowski 1994: 433). Katherine N. Rankin notes: "A consensus has recently emerged among scholars and practitioners of development that microcredit – in the form of small loans for the purposes of promoting small-scale enterprise – can provide a veritable panacea for poverty worldwide" (2001: 18–9). This essay assesses some of the normative implications of this trend, given that informal sector work raises serious concerns about the protection of women's economic human rights. I will offer a classification of economic human rights, show how it is particularly difficult to protect these rights in the informal sector, and describe the variety of obstacles faced when attempting to protect the economic human rights of informal sector workers.

Types of economic human rights and their special relevance for informal sector workers

Although the early liberal tradition in political philosophy concerned itself mostly with civil and political rights, the current tradition gives more currency to the notion of "economic rights," as evidenced by a variety of international human rights documents that recognize and include economic rights. The Preamble to the United Nations Universal Declaration of Human Rights recognizes "freedom from fear and want" as "the highest aspiration of the common people," and the body of the Declaration recognizes a number of rights that warrant being called economic human rights (1948). These include the rights to own property, to work, to

free choice of employment, to just and favorable conditions of work, to equal pay for equal work, to a reasonable limitation on working hours, to periodic holidays with pay, and to form and join trade unions (United Nations [UN] 1948: Resolution 217A 111).¹² Acknowledging economic rights as human rights has made it possible for a number of human rights organizations to articulate their concerns and demands in terms of economic human rights. Morally speaking, human rights are considered entitlements that should be granted to all individuals in order to protect and secure their personal dignity. Rights offer individuals protection against dignity-eroding harm and deprivation that might befall them as the result of the actions of other individuals, institutions, or the state. Nation-states have the central responsibility to respect, protect, and promote the human rights of their citizens.

I will distinguish between different types of economic human rights and proceed to discuss the ways in which informal sector work specifically raises concerns for the protection of each of these types of rights. One set of economic human rights consists of what one might call “basic subsistence rights.” Article 25 of the Universal Declaration of Human Rights declares: “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 . . .” (UN 1948). These are “economic rights” in the sense that they are entitlements to the material resources needed for survival and subsistence. While individuals often obtain resources such as food and shelter by means of income gained from work, such basic subsistence rights clearly need to be guaranteed to everyone regardless of their status as workers. As feminists have pointed out, a considerable amount of the subsistence and care-giving work that women do is not recognized as work, and many factors of human dependency, ranging from age to ill-health, render individuals temporarily or permanently unable to work (See for instance Eva Feder Kittay [1999] and Eva Feder Kittay and Ellen K. Feder [2003]). In addition, economic conditions are not always such that there is enough income-generating work for all those who need it, and the work available does not always generate sufficient income to provide for the basic needs of a worker and her dependents. While any human being might find herself in a predicament where she is unable to provide for her subsistence needs, the possibilities of such vulnerability are not equally distributed among all people. For instance, those who are poor are more likely to face this predicament, since they have few resources to fall back on in times of hardship. In addition, those whose employment is insecure, and whose abilities to generate income are unpredictable, are more likely to encounter these problems than those who have secure, well-paying jobs. Without exaggerating the conditions of formal sector work, it is still true that informal sector work is more unstable than formal sector work.

Informal sector workers figure disproportionately among those who are poor and lack insulation against economic crises, and they work in “an highly erratic and unprotected sector of the economy” (Winifred Poster and Zakia Salime 2002: 196).

A second set of economic rights pertains to provisions involving economic security such as social security, unemployment benefits, pension plans, and life insurance. All of these provisions share the feature of protecting the economic security of a worker and her dependents, enabling economic survival when she is out of work or unable to work. Without such provisions, persons and their dependents are exposed to extreme levels of economic risk and insecurity. In many instances, a person’s access to such rights-protecting provisions is linked to formal sector employment. In the US, for instance, rights to unemployment compensation are linked to being a “recognized” worker, and informal sector work often fails to be “officially recognized” as work. In addition, as scandals involving the domestic workers and nannies hired by potential political appointees show, factors ranging from her immigration status to the employer’s failure to withhold money for social security payments often compromise an informal worker’s access to social welfare benefits. While social security arrangements are being eroded in many developed countries, such provisions are even more meager or nonexistent in many developing countries. In general, such lack of provisions relating to economic security has particularly adverse consequences for informal workers who disproportionately lack protection for such rights.

The third category consists of economic rights that explicitly pertain to the nature and conditions of work. Human rights documents and the legal systems of many nations recognize some of the rights in this category, including minimum wage legislation, workplace health and safety regulations, rights to unionize, and rights to periodic holidays with pay. Although they are deemed “universal in principle,” many of these rights seem to conceptually assume the prototype of a waged worker who has an identifiable employer in the formal sector, an employer who is assigned the immediate responsibility for ensuring that the working conditions are in accord with respect for these rights. The situations of many informal workers do not map as clearly because they lack an identifiable employer who can be held accountable. The prospects for rendering such rights meaningfully “universal” seems to depend on whether or not they can be reconfigured to protect workers in the extremely heterogeneous sites of informal sector work. The serious heterogeneity in the activities that constitute informal sector work makes it difficult to create uniform solutions to protecting the economic human rights of workers in this sector. It seems possible to reconstruct some of these rights to cover some segments of informal workers, but it seems virtually impossible to expand them all, under existing conditions, to cover the situations of all informal workers. For instance,

there are attempts to set the pay for piecework in accordance with minimum wage legislation, and such a provision might protect some informal workers who are engaged in piecework. However, it seems very difficult indeed to imagine how to guarantee an independent market vendor a fair and stable recompense for the time and energy invested in informal activities such as vending. The returns on vending activities are far from regular or predictable, and vendors also suffer from loss and spoilage when they vend perishables such as cooked food or vegetables. Concerning such work activities, it seems difficult to ensure something akin to a minimum wage where the person's income is correlated to the amount of time and resources spent on the work activity. Similarly, the existence of some unions that represent informal workers shows that the right to unionize is potentially available to some segments of informal workers. However, many informal workers labor under conditions and circumstances where unions seem practically unlikely, even if possible in principle. Likewise, it is feasible to secure rights to periodic holidays with pay to some informal workers – for instance, a union might be able to secure a paid day off for domestic workers.¹³ However, it is once again unclear whether such a right could be practically extended to, let alone conceptualized for the full range of informal workers. For instance, many of those who run their own informal enterprises may not find it affordable to take time off and may work themselves to exhaustion, so it is difficult to imagine how they may be guaranteed paid vacations.

The work of organizations like the Self Employed Women's Association (SEWA) in India demonstrates that it is possible to protect the rights of some informal workers, both with respect to economic security and conditions of work. SEWA has attempted to use collective bargaining to make informal sector piecework rates correspond to minimum wage legislation. SEWA also shows it is possible to use collective bargaining to improve informal sector wage rates, make employment more secure, and provide training aimed at upgrading skills. Through integrated insurance services, along with savings and credit schemes, SEWA has given informal workers access to insurance and savings facilities so women informal workers can withstand crises like ill health or natural disasters. SEWA won the first ever Indian Supreme Court judgment in support of women street vendors and has succeeded in lobbying for the first international convention to protect home-based women workers. In addition, SEWA has unionized informal market vendors, which reduced the harassment they face from local authorities and has organized village women who own buffaloes into a milk cooperative, which links them to a district dairy federation that arranges for daily milk collection and frees them from the low pay local traders and merchants offer. SEWA is also strongly committed to providing childcare facilities for poor working women.¹⁴

SEWA's efforts show that it is possible for informal workers to secure some of the benefits of the formal sector for informal workers. However, organizations such as SEWA do not exist in a great many areas where women engage in informal sector activities, and it is far from clear that these strategies to empower informal workers are feasible in all developing countries, let alone all areas of India. The example of SEWA reveals both the possibilities and the limitations of protecting informal workers' rights. Furthermore, its strategies depend in large measure on workers' self-organization and self-reliance. Even if self-organization is an effective strategy in a number of contexts in the short run, such policies put the burden of securing rights on informal workers themselves. At the very least, a tension exists between such strategies and human rights regimes that accord primary responsibilities and obligations for rights-protection to the state.

**Some general obstacles to policy-making that protects the rights
of informal sector workers**

For many of the reasons discussed in the previous section, most informal workers today do not enjoy protection of their economic human rights and work under conditions that are far from respectful of their personal dignity. A variety of obstacles confront policy-making efforts to protect the economic human rights of informal sector workers, and given that it is an increasingly uphill struggle just to protect the rights of formal sector workers, the prospects of protecting the rights of informal workers, especially in developing nations, appear bleak.

Although the spread of human rights discourse across the world is often pointed to as one of the more positive faces of "globalization," the global order appears to lack any general consensus about the importance of protecting economic human rights. Jeanne Kirkpatrick, Reagan's UN Ambassador, derided the socioeconomic provisions of the Universal Declaration of Human Rights as a "letter to Santa Claus" (Joseph Wronka 1995: 1409). Ambassador Morris B. Abram followed a few years later by describing socioeconomic rights as "preposterous" and "an empty vessel into which vague hopes and inchoate expectations can be poured" (Noam Chomsky 2003: 55).¹⁵ If economic human rights were taken seriously, they would be unlikely to meet with such open derision and dismissal. This lack of consensus and concern is a significant obstacle to the efficacious protection of economic human rights. Admittedly, Kirkpatrick and Abram endorse neoliberal policies that are currently dominant and have led to a particularly adverse climate for economic human rights. Future changes away from the neoliberalism they endorse could strengthen the prospects for economic rights being taken more seriously.

There is a sharp contrast between this dismissal of economic human rights and the ways in which concern for the civil and political rights of the citizens of developing countries are deployed as justification for western military interventions that putatively seek to restore democratic regimes in these countries. The fact that millions of workers in developing nations lack protection for basic economic human rights fails to generate an equivalent sense of obligation to assist them on the part of developed Western nations. In addition, economic policies that lead to a deterioration in the enjoyment of economic human rights – such as structural adjustment policies – are frequently endorsed as solutions for the economic problems of Third World nations.

Some development discourses that regard informal sector work as a key site for Third World economic development also reflect the lack of attention paid to informal workers' economic rights. In *The Other Path*, Hernando De Soto argues that state regulatory controls contribute to “stagnation” in the formal economy, leading to the emergence of an informal economy that escapes such regulations (1989: 3–15). De Soto suggests that developing economies need reduced state regulation of business. De Soto has justified criticisms of the ways in which state bureaucracy and corruption impede people's ability to do business and secure livelihoods in Latin American settings, as well as in other parts of the world. However, his criticisms often fail to distinguish problematic forms of state regulation from politically valuable forms. Eliminating state regulations that allegedly “hamper business” – including minimum wage laws, social security benefits, safe working conditions, and the like – would seriously erode workers rights, regardless of whether they are good for business.

The structural problems, addressed above that inhibit efforts to protect the economic rights of informal workers further compound the indifference to issues of economic human rights. Even powerful labor-focused international organizations such as the ILO face difficulties in extending their protections to informal workers. Discussing the prospects for applying core ILO labor standards in Third World countries, standards that are regarded as protections for basic economic rights, Ajit Singh and Ann Zammit point out:

Most developing countries are not only poor but have a sharply dualistic economic structure, extreme segmentation of the labor market, and surplus labor. In the mid-1990s, on average, only a small proportion of developing countries' labor force (15 per cent) had employment in industry and services in which they had a formal wage contract. For this segment of the labor force it is feasible to consider applying core ILO labor standards. In contrast however, 61 per cent of the labor force works in agriculture and another 22 per cent in

rural non-farm and urban informal employment... It is difficult to introduce and almost impossible to enforce ILO Conventions on this large part of the labor force. (2003: 200–1)

Singh and Zammit underscore the limit to the reach and applicability of current policies to protect workers' rights in developing countries with respect to workers outside the formal sector. Peter Brosnan makes a similar point when discussing the difficulties involved in enforcing minimum wage legislation in developing countries, underscoring the scope of the problem to protect the economic rights of informal workers. He says:

In the developing countries, the group that is most in need of the protection of minimum wages comprises people employed in the informal sector. However, conditions in the informal sector are difficult to police. Furthermore, informal sector workers may work outside established legal frameworks and thus not be entitled to the minimum wage. While the informal sector in the advanced countries employs between 2 per cent and 15 per cent of the labor force, the ILO estimates the share in developing countries at between 30 per cent and 80 per cent of the labor force. (Peter Brosnan 2003: 184)

Extending work-related economic rights to informal sector workers faces another large and paradoxical obstacle: the more one can extend such rights to informal workers, the more the informal sector becomes formalized and potentially loses its comparative advantages over the formal sector. It is not easy to see how one can empower informal sector workers with protections for their economic rights without the risk of shrinking the opportunities that this sector provides or without creating a hierarchy between legal informal sector workers with rights and illegal informal sector workers without rights – a hierarchy we have seen produced by some attempts to legalize sex work. Furthermore, the prospects for formalizing the informal sector seem uphill at a point when segments of the formal sector in both developed and developing countries appear to be getting informalized via shifts to part-time and contingent work.

Resources needed to protect the economic human rights of informal workers in the poor nations of the developing world pose another impediment. A serious attempt to protect economic human rights involves considerable costs, involving expenditures both on ensuring that people have the material resources needed to secure enjoyment of their rights and on enforcement mechanisms that ensure that those who are at risk of deprivation are efficiently protected. Under the current operation of human rights laws, such costs of protecting rights are assigned to specific nation-states, each of which is centrally responsible for safeguarding the human rights of its citizens. While developing nation-states that have large

informal sectors tend to be contexts where protection for economic rights is particularly pressing given the large numbers of poor people who are at greater risk, they also tend to be poorer nations whose national resources are relatively meager. These states' abilities to extract the revenues needed for protecting economic rights is limited by the large informal sector, as the informality makes it a difficult site for the states to secure revenues via licensing or taxation.

If the existence of a large informal sector simultaneously raises the costs involved in seriously protecting economic human rights even as it reduces a state's abilities to pay the costs of such enforcement, it creates a substantial practical conundrum for developing countries. While Alejandro Portes, Manuel Castells, and Lauren Benton call for states with large informal sectors to provide a "social wage" that would be directly extended to all citizens, to replace the benefits workers lose via informalization (1989: 310), they do not appear to adequately attend to the existence of this conundrum. I cannot emphasize enough the import of John Cross's question, "If the economy is progressively informalized, where is the state to extract revenues with which to even maintain the current levels of social expenditure?" (1994: 3).

The abilities of developed Western countries to protect workers' rights and to offer their citizens provisions like social security and healthcare appear to depend on their abilities to extract revenues from their sizable formal sectors. Given the costs that informality imposes on states, citizens, and workers' rights, it is easy to understand why many developed Western nations do not seem enthusiastic about the informal sector within their own economies. The European Commission declares informal employment is "contrary to the European ideals of solidarity and social justice" (Anne Renaut 2002: 55–8). A dominant concern in European discourse on informal work is the impact on public finances and the loss of tax revenue that "threatens the financing of the social services, which are already under pressure."¹⁶ The concerns about workers rights that are expressed include those pertaining to the fact that undeclared workers are not insured against accident, not covered by unemployment benefits, and lack entitlements to health insurance and pensions. The European Commission's concerns emphasize two important and connected costs of informality: the presence of workers who are not covered by the rights and protections accorded to formal sector workers and the concurrent weakening of state capacities to provide public programs that support to individual rights and social justice because of tax revenues lost as a result of informal work. There is a marked contrast between these discourses on informal sector work within the European Union and the often enthusiastic endorsement by institutions such as the IMF and World Bank and by many scholars and policy-makers of its potential to contribute to economic empowerment in the developing nations. While informal work is seen as problematic at least in some official

quarters in the developed nations, these problems are seldom given serious consideration when it comes to evaluating informal work in the developing nations, where it is often cast as a panacea for poverty. It seems a double-standard with respect to allegedly “universal” rights to advise these countries to embrace forms of development predicated on informalization, especially given that the levels of poverty make economic rights even more pressing concern in poor countries.

Taking the economic human rights of informal workers in developing countries seriously raises difficult questions about the routine practice of assigning the central obligations and responsibilities for human rights protections to nation-states. This tendency would not be problematic in a world where nation-states did in fact constitute a community of “sovereign equals,” which were relatively equally well endowed with respect to the resources required for protecting human rights and the economic and political autonomy required to direct their development in ways consistent with the protection of human rights. Currently the world we inhabit is not even close to resembling this situation. Countries in which economic human rights concerns are the most pressing are also relatively poorly endowed with the resources required for the protection of these rights. These countries are also most vulnerable to economic and political pressure to engage in policies, such as structural adjustment, that additionally erode and compromise the economic human rights of their citizens. Any attempt to take economic human rights seriously requires theorists, activists, and global to reconsider the importance of the standard assumption that each nation-state is alone centrally responsible for protecting the human rights of its citizens.

It is not my intention to let poor developing nations completely “off the hook,” absolving them of all responsibility for the miserable state of economic human rights protection in their contexts. Undeniably, national political will and social commitments can make a significant difference to the quality and extent of economic human rights enjoyed by the citizens of a developing country. While the economic and political sovereignty of developing nations is not entirely illusory, it does not come close to corresponding to the constrained autonomy they are often assumed to enjoy. Developing countries are enmeshed in a global economy where they arguably enjoy less economic and political autonomy than developed nations and are unequally endowed with the resources required for protecting the economic human rights of their citizens. Therefore a sincere concern for the economic human rights of the economically vulnerable citizens of developing countries would require major changes in the ways in which we currently conceptualize the rights-protecting capabilities and responsibilities of nation-states.

It is beyond both my abilities and the confines of this paper to offer a blueprint of what such changes would look like. In broad terms, however,

the changes would entail a wider dispersal of the obligations and responsibilities for protecting the economic human rights of the vulnerable populations of Third World countries. These obligations might entail redistributive measures, the burden of at least some of which falls on the affluent developed nations. Current proposals for imposing Tobin Taxes would be an example of such a redistributive measure. Tobin Taxes are envisioned as sales taxes on short-term currency trades across national borders, trades that are highly speculative. These taxes are seen as capable not only of reducing this volatile trading that contributes to financial crises but of generating revenues that could be earmarked to fund urgent human rights priorities such as poverty and hunger. A sincere commitment on the part of developed nations to assist in meeting the UN Millennium Development Goals would be another. However, the Tobin Tax proposal is far from being implemented, and many developed nations have not kept their promise to provide the 0.7 percent of their GNP needed to meet the Millennium Goals.¹⁷

Furthermore, protecting economic human rights of the global poor, who include a great many informal sector workers, requires commitments both on the part of developed nations and international financial and economic organizations to conduct the business of the global economy in ways that improve, rather than impede, the economic and political autonomy of developing nations, conferring on them a greater measure of equality and bargaining power than they currently enjoy. Such changes seem undoubtedly utopian at present, in the context of the dominance of neoliberal politics that contribute to increasing informalization and the weakening of states' abilities to resist compliance with these policies and to ameliorate the rights-violating consequences of these policies. Calling attention to a significant problem in the assumptions of current human rights discourses is a necessary first step to making it a matter of greater shared concern, a concern that must become widespread and acquire moral and political force before it can generate the practical measures needed to bring about improvements.

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NOTES

- ¹ NGOs cannot, as a result of La Via Campesina's founding constitutional principles, become members of the organization. There are, however, friendly relations between a handful of organizations and La Via Campesina's secretariat. The Foodfirst Information Action Network has launched the Global Campaign for Agrarian Reform, and La Via Campesina representatives sit on the steering committee for that project. Specifically, the Foodfirst Information and Action Network is looking to use the UN General Comment 12 to argue for a robust framework of economic, social, and cultural rights, in addition to civil and political rights for people living in rural areas (UN – Committee on Economic, Social, and Cultural Rights [UNCESCR] 1999).
- ² Some of the initial ideas in this paper were a result of long conversations with Uma Narayan.
- ³ See the work done by Third World Network (2001) review of Doha WTO Ministerial meeting and the work of the International Forum on Globalization (2000) analysis of Asian Financial crisis.
- ⁴ See International Confederation of Free Trade Unions (www.icftu.org) for discussion of WTO and labor standards discussion. There are many articles that have current analysis of this issue.
- ⁵ For work on the global living wage, see Mark Brenner (2004). This work does not use the concept of a universal minimum core content.
- ⁶ See Nussbaum's article (2003) for an argument on why the listing of particular capabilities is better at addressing the conception of the kind of person we might envision when we talk about human rights. In the same issue of *Feminist Economics*, Marianne T. Hill (2003) argues that the capabilities approach does not adequately deal with the structural of power within the economic system that creates deprivation. Hill's argument can also be used as a critique of the human rights approach.

- ⁷ See work by the International Working Group on Gender Macroeconomics and International Economics, such as the special issues of *World Development* edited by Nilufer Cagatay, Diane Elson, and Caren Grown (1995, 2000).
- ⁸ Macro policy changes intended to help increase formal sector employment might not foresee the impact on women workers or indigenous communities not connected easily to formal sector employment.
- ⁹ The dialogue between these two frameworks has already begun. The Ford Foundation funded an initial meeting; for the report, see Radhika Balakrishnan (2005).
- ¹⁰ Useful discussions and definitions of the informal sector can be found in Alejandro Portes, Manuel Castells, and Lauren A. Benton (1989) and Lourdes Beneria (2003).
- ¹¹ On its website, WIEGO describes itself as “a global research-policy network that seeks to improve the status of the working poor, especially women, in the informal economy through statistics, research, programs and policies and through increased organization and representation of informal workers.”
- ¹² Particularly relevant to the rights cited here are Articles 17, 23, and 24.
- ¹³ For an account of the struggles and benefits of organizing a union of domestic workers, see Marina Karides (2002).
- ¹⁴ For information about SEWA see Mirai Chatterjee (2001), Martha Alter Chen (2000), and Ratna M. Sudarshan (2002).
- ¹⁵ Jeanne Kirkpatrick quoted in Joseph Wronka (1995). Morris Abram’s, Statement, UN Commission on Human Rights, on Item 8, “The Right to Development,” February 1991, quoted in Noam Chomsky (1999).
- ¹⁶ European Commission, Communication Sur le Travail Non Declaree, Brussels 1998. Cited in Anne Renaut (2002).
- ¹⁷ Jeffrey Sachs (2003), UN special adviser on the Millenium Goals, states that the amount of assistance needed to meet the Goals is US\$175 billion a year, but only about US\$50 billion is currently available.

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