



February 2014

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Recommended Citation

Jackie Smith, *Economic Globalization and Labor Rights: Towards Global Solidarity*, 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 873 (2006).

Available at: <http://scholarship.law.nd.edu/ndjlepp/vol20/iss2/15>

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ECONOMIC GLOBALIZATION AND LABOR RIGHTS: TOWARDS GLOBAL SOLIDARITY?†

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Globalization, or the increased integration of national economies, political systems, and societies, has brought new challenges and opportunities for workers and trade unions. Analysts of global change speak of a competition between two visions of globalization, one that emphasizes market relations and seeks to maximize profits, and another that emphasizes democratic values and seeks to promote international cooperation that prioritizes human well-being. In this latter view, markets are seen as just one aspect of society, and notions of human solidarity restrain market competition to curb its anti-social and unsustainable effects. Groups pursuing each of these contrasting visions of globalization advocate a system of international laws that will help bring about their preferred world order. The laws of markets and profit are championed by transnational corporate owners within the institutional framework of the World Bank, International Monetary Fund, and the World Trade Organization, while the laws of democracy and human rights are most strongly defended by unions and other citizens groups, working primarily through the much weaker United Nations system.

One reason that the position of workers and unions has declined so dramatically in recent decades is because workers in the rich countries of the “global North” have supported the economic globalization project, abandoning the value of solidarity in favor of narrowly defined and short-term interests. As a result, market globalization has been allowed to displace a more comprehensive, democratic, and rights-oriented alternative. But there are growing signals that the global economic system is in crisis. These signs include the current stalemate in global trade negotiations, declining voter participation across Western

† On April 4, 2006, the *Notre Dame Journal of Law, Ethics & Public Policy* hosted a symposium on The Future of Labor Unions. Jackie Smith was the second speaker at the Symposium. Her remarks have been revised for publication. See also Paul C. Mishler, Trade Unions in the United States and the Crisis in Values: Towards a New Labor Movement (Apr. 4, 2006), in 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 861 (2006).

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democracies, the emergence of international terrorism, and the expansion of large-scale protests against global financial institutions. This systemic crisis grows from the fact that our economy has globalized without a parallel strengthening of global political and social relationships.

Economic globalization has essentially enabled markets rather than people to determine how the world's resources will be used and distributed. It has hindered the development of democratic forms of global governance, and there is growing evidence that a "global democratic deficit" threatens the stability of global and national institutions.¹ If we are to prevent further violent resistance to the current order, we must find ways to embed the global economy in a global society. Increasingly, political and business leaders are recognizing a need to develop institutional capacities to better manage the global economy. They acknowledge that global peace and prosperity depend upon legitimate and capable institutions at both national *and* international levels. Effective democratic participation is required to insure such legitimacy, and labor can and must play a stronger role in helping to shape this emerging order.²

The business unionism that has characterized U.S. labor, which, as Paul Mishler argued, resulted from a separation of trade unions from the labor movement, effectively bargained away the rights of workers who are left out of formal trade unions. Moreover, the Cold-War politics that Mishler describes as undermining the U.S. labor movement had global repercussions as well.³ Conservative forces in U.S. unions formed the International Confederation of Free Trade Unions (ICFTU) more to do battle with the Soviet-influenced World Federation of Trade Unions than to actively defend and promote global protections for worker rights.⁴ The International Labor Organization (ILO) established a corporatist arrangement that facilitated U.S. economic expansion by granting limited benefits to unionized Northern workers while simultaneously undermining the rights

1. See, e.g., John Markoff, *Globalization and the Future of Democracy*, 5 J. WORLD-SYSTEMS RESEARCH 242-62 (1999), available at <http://csf.colorado.edu/wsystems/jwsr.html>.

2. See, e.g., RONALDO MUNCK, *GLOBALIZATION AND LABOUR: THE NEW GREAT TRANSFORMATION* (2002).

3. *Id.*

4. See Robert O'Brien, *Workers and World Order: the Tentative Transformation of the International Union Movement*, 26 REV. INT'L STUD. 533 (2000).

of non-unionized Northern workers as well as workers in poor countries of the global South.⁵

The policies of global economic institutions encourage (and in many cases coerce) countries of the global South to open their markets to trade and investment while promoting export industries. Systematic research on the effects of global economic policies suggests that they disempower workers in poor countries especially.⁶ The loan conditions enforced by the World Bank and IMF on developing countries prevent governments from regulating wages and enforcing worker rights. It should come as no surprise, then, that studies of dozens of countries have associated IMF policies with a systematic shift of income from workers to the owners of capital.⁷ Even political insiders are beginning to admit that global economy has failed to address persistent problems of poverty and inequality.⁸

Workers in the global North are increasingly aware that their decline has been caused by the very same global economic policies that have long plagued Southern workers.⁹ Even U.S. unions are learning that they must forge ties with other groups if they are to stem labor's demise.¹⁰ And as new groups—such as women, environmentalists, public health advocates, students, and others—bring their struggles into economic policy arenas, labor activists are finding plenty of possibilities for new alliances.

The failures of globalization are creating new openings for advocates of more democratic approaches to global integration. For instance, the United Nations has become increasingly vocal in its criticism of the ways economic globalization has hampered global values such as development, equality, and human rights.¹¹

5. See ROBERT O'BRIEN ET AL., *CONTESTING GLOBAL GOVERNANCE: MULTILATERAL ECONOMIC INSTITUTIONS AND GLOBAL SOCIAL MOVEMENTS* (2000); Peter Waterman & Jill Timms, *Trade Union Internationalism and a Global Civil Society in the Making*, in *GLOBAL CIVIL SOCIETY* 2004/5, at 175 (Helmut Anheier et al. eds., 2005), available at http://www.choike.org/documentos/waterman_unions.pdf.

6. Robert O'Brien, *Int'l Monetary Fund, The World Bank and Labour in Developing Countries* (2004) (unpublished) (on file with the author).

7. *Id.*

8. See, e.g., ALLAN H. MELTZER, *REPORT OF THE INTERNATIONAL FINANCIAL INSTITUTION ADVISORY COMMISSION* (2000), available at <http://www.house.gov/jec/imf/meltzer.pdf>; JOSEPH E. STIGLITZ, *GLOBALIZATION AND ITS DISCONTENTS* (2002).

9. See KIM MOODY, *WORKERS IN A LEAN WORLD: UNIONS IN THE INTERNATIONAL ECONOMY* (1997).

10. See DAN CLAWSON, *THE NEXT UPSURGE: LABOR AND THE NEW SOCIAL MOVEMENTS* (2003).

11. For just one example, see UNITED NATIONS DEV. PROGRAMME, *HUMAN DEVELOPMENT REPORT 2005* (2005), available at http://hdr.undp.org/reports/global/2005/pdf/HDR05_complete.pdf.

The Human Rights Commission has passed numerous resolutions pointing to violations of human rights that resulted from the policies of global financial institutions.¹² But we lack mechanisms for addressing legal inconsistencies in the international system. States remain the subjects of international law, and we have no way to hold international organizations accountable to human rights or other laws. Moreover, the UN Secretary-General's High-Level Panel on Financing for Development concluded:

Despite recent worthy efforts, the world has no fully satisfactory mechanism to anticipate and counter global economic shocks. . . . [G]lobal economic decision-making has become increasingly concentrated in a few countries. Tensions have worsened as a result. For a range of common problems, the world has no formal institutional mechanism to ensure that voices representing all relevant parts are heard in the discussion.¹³

As I'm sure many here will appreciate, there is clearly a need for major innovations in international law to account for these deficiencies.

The ILO recently issued a report of its "World Commission on the Social Dimension of Globalization," which called for a "fair globalization."¹⁴ That report, which was reaffirmed by a UN General Assembly resolution in late 2004,¹⁵ called on political leaders to renew their attention to global solidarity, which it defined in the following terms:

Solidarity is the awareness of a common humanity and global citizenship and the voluntary acceptance of the responsibilities which go with it. It is the conscious commitment to redress inequalities both within and between countries. It is based on recognition that in an interdependent world, poverty or oppression anywhere is a threat to prosperity and stability everywhere.¹⁶

In short, there is abundant evidence that global markets on their own cannot meet the needs of human society, and indeed

12. See JACKIE SMITH, *CHANGING THE WORLD: STRUGGLES FOR GLOBAL DEMOCRACY* (forthcoming).

13. WORLD COMM'N ON THE SOC. DIMENSION OF GLOBALIZATION, INT'L LABOUR OFFICE, *A FAIR GLOBALIZATION: CREATING OPPORTUNITIES FOR ALL* 118 (2004), available at <http://www.ilo.org/public/english/wcsdg/docs/report.pdf>.

14. *Id.*

15. G.A. Res. 59/57, U.N. Doc. A/RES/59/57 (Mar. 30, 2005).

16. WORLD COMM'N ON THE SOC. DIMENSION OF GLOBALIZATION, *supra* note 13, at 8.

they pose fundamental threats to peace and environmental sustainability. The crises created by globalization have generated new openings for labor and other groups to help shape new institutions, values, and ideas that can better meet the needs of the world's people. I offer some thoughts on what this has meant for the future of unions.

A revitalization of labor movement activism is evident in the participation of the AFL-CIO in protests against the World Trade Organization and other global institutions. The unprecedented U.S. labor opposition to the war in Iraq also signals that we're entering a new era of labor relations in this country. Observers have identified the emergence of "social movement unionism" in the U.S. and elsewhere.¹⁷ In short, the failures of economic globalization have generated new possibilities for a revival of transnational labor activism.¹⁸ As globalization spreads, it generates new threats to people and the environment, opening up new possibilities for labor to form ties with other movements.¹⁹

The technologies that facilitate global economic exchange also aid transnational organizing around alternatives to market-led globalization. The internet and low-cost travel have allowed people from a wide array of backgrounds to come together to share experiences and develop new understandings of how their local conditions are shaped by global policies. And transnational corporations themselves facilitate transnational alliances as they abandon workers in country after country in an endless search for ever-cheaper labor. Together these forces of globalization have contributed to the emergence of new associations and diverse networks that are increasingly described as "global civil society." Global civil society helps articulate and defend universal social values from the threats posed by global markets and undemocratic states. It is here that we see the possibilities for redefining the global relationships between society and economy.

As the first truly transnational social movement, labor is a central player in global civil society. With over 150 million mem-

17. Graham Taylor & Andrew Mathers, *Social Partner or Social Movement? European Integration and Trade Union Renewal in Europe*, 27 LAB. STUD. J. 93 (2002).

18. Lowell Turner, *Reviving the Labor Movement: A Competitive Perspective*, in RESEARCH IN THE SOCIOLOGY OF WORK 23 (D. Cornfield & H. McCammon eds., 2003).

19. See Robert O'Brien, *Workers and World Order: The Tentative Transformation of the International Union Movement*, 26 REV. INT'L STUD. 533 (2000); Robert O'Brien, *Globalization, Labour Autonomy & Community*, (Inst. On Globalization and the Human Condition, McMaster Univ., Working Paper, forthcoming 2006), available at <http://globalization.mcmaster.ca/wps.htm>.

bers in the ICFTU alone, core labor associations bring important resources to global civil society, along with a rich history of struggle and an identity that can help bridge national and other differences. But despite its numbers and its relative wealth, labor must find new ways to engage with other sectors of civil society as well as with its own members if it is to successfully combat threats from the forces of economic globalization.

Labor's revitalization has contributed to, and been shaped by, a much wider process of transnational social movement mobilization that has taken place over recent decades. Since the early 1980s, the world has seen a dramatic proliferation of transnational organization by citizens working on a wide array of issues ranging from human rights to environmental protection, peace, and economic justice. Many of these groups have mobilized around United Nations conferences to advance new international legal commitments such as the International Land Mine Ban and the International Criminal Court.²⁰ They have become increasingly sophisticated at pressuring governments to integrate a broader social agenda into international accords and to match their words with their deeds by implementing international agreements. They have cultivated increasingly dense networks of ties that help make up what I have called the "connective tissues" between global and local level politics. They have done so, moreover, largely independently of organized labor.

As the late 1990s brought new attention to the global financial arena, a growing array of environmental, human rights, and other issue-based organizations and networks joined labor in challenging the global economic project. These groups tended to be less formal and hierarchical than traditional labor organizations, and many also brought notions of internal democracy that challenged conventional practices in many major trade unions. They also brought new understandings of the causes and consequences of globalization as well as its effects. This challenged the response to economic globalization favored by largely male, northern-dominated union groups, who called for the addition of labor clauses to existing agreements and institutions. But groups with greater representation from the global South oppose such initiatives because they believe such agreements actually

20. See Marlies Glasius, *Expertise in the Cause of Justice: Global Civil Society Influence on the Statute for an International Criminal Court*, in *GLOBAL CIVIL SOCIETY YEARBOOK*, 2002, at 137 (M. Glasius et al. eds., 2002); Richard Price, *Reversing the Gun Sights: Transnational Civil Society Targets Land Mines*, 52 *INT'L ORG.* 613 (1998).

undermine democracy and workers' rights in the global South.²¹ Many activists prefer to promote international accords that are better able to protect human and labor rights but that are also more democratic and accountable both to countries outside the West and to citizens. In short, transnational mobilizations have challenged organized labor (particularly in the global North) to work for democracy both within their organizations as well as in the broader global system.

Peter Waterman has argued that organized labor must abandon the "Westocentric universalism" that has characterized much of its international activities in favor of a new type of internationalism that emphasizes democracy, equality, and decentralized forms of struggle.²² Waterman calls for a "complex solidarity" in which labor views itself as one actor among many in civil society, and where it seeks to foster dialogue and nurture democratic relationships as much as to mobilize collective action around workplace issues.²³ Solidarity in this sense is an active process of negotiating differences and constructing shared identities that accommodate global diversity while forging unity around a shared agenda of social transformation.²⁴ Because labor needs alliances with others in global civil society, it must learn new ways of acting in the world.²⁵

We are now witnessing an important era of democratic development, where growing numbers of people around the world are demanding more accountability and participation in global decisions that increasingly affect local contexts. Since 2001, many of these groups have come together annually within the framework of the World Social Forum process to develop ideas and programs for shaping a new global order. Advancing the slogan, "another world is possible," the World Social Forum has grown from roughly ten thousand participants in its first year to over one-hundred fifty thousand in recent years.²⁶ In addi-

21. Robert O'Brien, *Workers and World Order: The Tentative Transformation of the International Union Movement*, 26 REV. INT'L REL. 533 (2000); Peter Waterman, *Talking Across Difference in an Interconnected World of Labor*, in COALITIONS ACROSS BORDERS: TRANSNATIONAL PROTEST AND THE NEOLIBERAL ORDER 141 (Joe Bandy & Jackie Smith eds., 2005).

22. PETER WATERMAN, GLOBALIZATION, SOCIAL MOVEMENTS & THE NEW INTERNATIONALISMS 233 (1998).

23. *Id.* at 235.

24. *Id.*; see also Waterman & Timms, *supra* note 5.

25. See Taylor & Mathers, *supra* note 17.

26. Jackie Smith, *The World Social Forum and the Challenges of Global Democracy*, 4 GLOBAL NETWORKS 413, 414 (2004); Teivo Teivainen, *The World Social Forum: Arena or Actor*, in CHARTING TRANSNATIONAL DEMOCRACY: BEYOND GLOBAL ARROGANCE 247 (J. Leatherman & J. Webber eds., 2005).

tion, it has generated dozens of regional and hundreds of local variants around the world, dramatically expanding popular attention to global debates. The World Social Forum process has provided an opportunity for labor to interact with other members of civil society in ways that have certainly generated tensions but have also provided new sources of understanding and trust. The networks and projects that have developed through these meetings are moving in directions that can, if they are encouraged, help strengthen global solidarity and reverse some of the negative effects of economic globalization.

The World Social Forum is so important because it provides a space where diverse social movements can find ways to link their struggles. The history of unions in the latter part of the 20th century suggests that the interests of workers will be best served by a union strategy that focuses on strengthening civil society rather than on managing relations between employers and workers. In the World Social Forum, labor can find ways to connect with and support the many vibrant and growing movements that target the very same issues that have long plagued the world's workers. Living wage campaigns, anti-sweatshop initiatives, struggles for immigrant rights, and against cuts in social spending are all important to the overall effort to ensure decent livelihoods for workers. But the social bases for these campaigns lie mostly outside formal trade union structures, and indeed many activists in these campaigns recoil from the hierarchical and non-participatory structures of trade unions. By bringing such groups together under a common banner, the World Social Forum process can nurture the inter-personal ties that help bridge diverse communities. Unions need to embrace the World Social Forum and use it to help develop broad and deep networks within civil society.

Even as organized labor must adapt its approach to civil society, it is also clear that other social movements will fail to attract strong and broad support if they do not address the concerns of people *as workers*.²⁷ Globalized "lean production" puts growing pressure on workers' time, and, as a result, citizens have less and less time to participate in democratic politics. Insecure workers who are scrambling to make ends meet are ill-positioned to even think about the sweatshop workers who produce the goods they buy, much less to act on their behalf. And people preoccupied with the struggle to provide the basic necessities for themselves and their families are unable to be active participants in any democracy. Thus, all groups seeking to advance a more demo-

27. Taylor & Mathers, *supra* note 17, at 106.

cratic vision of globalization need to work towards enhancing the independent political and economic power of workers.

To conclude, what I've tried to argue here is that the global economy has systematically disempowered workers around the world, and we have now reached a crisis point. The failures of global markets to meet the needs of large segments of the world's populations is becoming increasingly difficult to ignore, and growing numbers are mobilizing in opposition to the dominant model of economic globalization. This has created new possibilities for a revitalization of unions and a reversal of labor's downward trajectory. In particular, the World Social Forum process has emerged as an important site where unions can engage with other elements of an increasingly global civil society. But effective engagement with this process will require that trade unions fundamentally rethink their organizing models and reorient their attention to the difficult but necessary work of nurturing civil society and democracy. For their part, other social movements must increase their attention to the plight of workers and find ways to help empower citizens to be informed and engaged citizens of their nations and their world. A key to achieving this is more conscious work to cultivate *global* solidarity that can unite many diverse groups around the aim of cultivating—in the words of World Social Forum activists—"one world where many worlds fit."²⁸

28. SUBCOMANDANTE MARCOS & JUANA PONCE DE LEON, *OUR WORD IS OUR WEAPON* 121 (2002).

