People Out of Place

Globalization, Human Rights, and the Citizenship Gap

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Deflated Citizenship

Labor Rights in a Global Era

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The tensions among globalization, national states, and the protection of individuals are perhaps nowhere more evident than in struggles to protect workers in developing countries. For the past century, labor rights have been defined through workers' localized struggles, in conflicts that have almost invariably been resolved through state regulation at the workplace. True, labor rights are increasingly discussed in universalistic terms: at the tail end of the twentieth century, there was broad international agreement about a core set of labor rights—freedom of association, freedom from bonded and child labor, freedom from discrimination—but the actual protection of those rights has been through mechanisms linked to citizenship, with more limited scope. In recent decades, however, globalization seems to have undermined the ability of national states to protect those rights, and weakened organized labor; many unions, especially in developing countries, seek new strategies to deal with newly mobile capital, in ways that highlight potential tensions between a language of universal rights and citizenship claims within the nation-state.

Since the industrial revolution, political citizenship has proved an essential component of workers' gains. Although militant labor movements generally focus on employers, for the past century labor's organizing strategies have almost invariably also targeted the state. Repeatedly, labor has used members' political clout to push democratic states to create social security nets, but even authoritarian states have sometimes regulated working conditions (Przeworski 1985; Rueschemeyer, Stephens, and Stephens 1992). While unions certainly negotiate with business, most labor movements have long viewed the political arena as crucial: national states set ground rules for collective bargaining, and state intervention is a critical factor in workplace conflicts. Around the world, militant labor movements have used the language of citizenship, often citing T. H. Marshall, to argue that full inclusion requires that states set a floor under citizens' living and working conditions, and to demand that states regulate the workplace in ways that grant greater dignity to workers and their families (Seidman 1994; Koo 2000).

Since the early 1990s, however, the discourse linking citizenship to labor rights has been steadily delegitimized: the neoliberal strategies pursued throughout the developing world have altered the relationship between states, business, and labor, in ways that often undermine states' willingness to regulate business or intervene in the workplace—and, increasingly, may reduce unions' willingness to call on states to intervene. An increased emphasis on global competitiveness has transformed relationships at work, raising new questions about how unions can or should defend their members' interests.

Globalization poses new challenges for organized labor: confronting a neoliberal state in a highly competitive global environment requires new strategies, each of which carries its own dilemmas. In this chapter, I first look briefly at how global market integration has reduced the likelihood that states, especially in developing countries, can protect workers' rights. Then I examine two very different responses on the part of organized labor to the dilemmas posed by capital mobility. In response to increased volatility and competition, many unions have sought a "high road" growth strategy, trying to raise skill levels and productivity in the effort to help their members compete in a global labor market. Many unionists hope that offering workers training and education will help attract high-wage jobs, but I suggest that these strategies create new dilemmas for unions, since they may undermine the bases of collective action.

A completely different approach seeks to avoid these dilemmas by completely bypassing what Gershon Shafir (in this volume) calls the "thinned" national state: many unionists seek to strengthen international labor links, looking for transnational mechanisms that might regulate transnational capital. In the penultimate section of the chapter, I argue that while this strategy may avoid the dilemmas of the first approach, most available mechanisms for international labor solidarity are limited at best, and at worst could exacerbate existing international inequalities. In conclusion, I suggest that unless international mechanisms are thoroughly reconstructed, organized labor will, almost inevitably, return to strategies that emphasize strengthening workers' citizenship rights and strengthening local states rather than looking to global institutions for enforcement and protection.

A Changing Global Context

Generally, discussions of globalization emphasize technological and institutional changes that create new possibilities for production, allowing greater flexibility in geography, design, and work organization. Many of these discussions mention, at least in passing, the way these changes alter workplace labor processes, suggesting that new patterns of production may realign the relationships between workers, unions, management, and states. An increasingly open international economy—in which trade, production, and financial processes increasingly operate on a global level, and capital moves around the world at will—is said to undermine national control over economic processes, reducing states' abilities to manage the domestic economy and complicating labor movements' relationships with states.

These views are not simply academic: they are expressed daily around the world, as policy-makers and activists confront what appear to be dramatic and rapid changes in the organization of the international political economy. Throughout the 1990s, aging social democrats like Nelson Mandela, Fernando Henrique Cardoso, and Kim Dae Jung promised fundamental reform of authoritarian, inegalitarian developmentalism; but in the face of global pressures, in an era when state-centered developmentalist options have been discredited by the collapse of Eastern European–style socialism, their reforms have followed the neoliberal pattern, removing tariff barriers, privatizing state enterprises, encouraging exports. Once, militant labor movements expected that democratization would bring to power governments sympathetic to workers' concerns, and through the 1980s labor movements tried to build strong ties to democratic oppositions, articulating class-based demands for better wages, social services, and full citizenship. In the late 1990s, however, unionists' conversations took on a slightly confused tone: the militant union strategies that seemed appropriate as a challenge to authoritarian rule now seem to threaten economic growth.

Throughout the developing world, former unionists who are now cabinet members entreat former colleagues to moderate their demands in the face of globalization, and union leaders express concern that their own members' militance will frighten away the international capital on which their jobs depend. Workers seem to accept that globalization brings a new precariousness: attempts to engage in the kind of general strikes that marked militant unionism in the 1980s have repeatedly failed in the more complicated climate of the 1990s, as many workers seem reluctant to risk their jobs for a larger struggle. Where once labor federations framed members' demands in terms of "full citizenship," they are likely now to speak instead of the need to maintain productivity and employment in the face of ruthless international competition (see Koo 2001; Webster and Adler 2000).

This shift is of course consistent with what Bierstecker (1995) has called "the triumph of neoliberalism" in the last two decades. Generally, discussions of globalization treat labor more as a factor of production than in terms of living workers, individually or collectively, and view unions' demands as threatening the very basis of economic growth (see World Bank 1996). Although business leaders frequently overstate the likelihood of capital flight, and underestimate the ability of states to intervene in labor relations in a globalized era, there is a great deal of evidence that threats of capital flight and job loss have undermined European social democratic coalitions, and led governments to back away from labor-friendly efforts to regulate business (Kapstein 1999, Golden and Pontussen 1992). In the United States, Human Rights Watch

concluded in 2000 that "workers' freedom of association is under sustained attack in the United States, and the government is often failing its responsibility under international human rights standards . . . to protect workers' rights" (Human Rights Watch 2000).

In developing countries, where organized labor must be as concerned about creating new jobs as about preventing capital flight, and where infrastructure and social services are often woefully undeveloped, those global pressures loom even larger: business and political leaders alike warn that investors will avoid countries with high labor costs or high tax rates, going instead to places where workers are paid even less, and where states are even more willing to reduce tax rates or environmental standards. In fact, it was largely at the insistence of developing-country government representatives—who feared that efforts to police global labor standards could complicate low-wage countries' ability to attract investors and to export their products to advanced industrial economies—that the 1996 Singapore Declaration of the WTO ministerial meeting concluded, "We reject the use of labour standards for protectionist purposes, and agree that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put into question" (WTO 1996).

What does globalization mean for labor in developing countries? The optimistic view focuses on job and skill creation: by spreading industrial growth around the world, globalization's new possibilities for far-flung industrial siting is expected to give historically undeveloped countries a new basis for integration into the world economy. From this perspective, an increasingly liberalized trade regime will push countries to more efficient, cheaper production processes; the combined effects of the GATT and of new production possibilities will stimulate countries to be more productive, seeking niches in which they may have a comparative advantage—and leading to greater economic growth around the globe. Countries that manage to attract new industrial investment may gain jobs for more skilled workers, with new opportunities for high-wage industrial employment and job creation (World Bank 1996).

In this view, globalization promises new factories, new jobs, and new skills to workers in far-flung parts of the world; new technologies offer new possibilities for economic growth and productivity, and workers should be grateful for the chance to participate. By working together with management to find new productive niches—new efficient production processes, new products, or new international markets—this perspective suggests that workers and unions can help find a "high-skill, high-wage" route to prosperity and development. Workers' skills will provide the basis for future negotiations with employers: skilled and efficient workforces, cooperating with management to raise productivity, will be able to demand higher wages, since employers will be more

dependent on their workers' participation in production; gradually, the benefits will trickle out to the entire economy, and all boats will float in a rising tide (World Bank 1996).

More skeptical analysts, however, suggest that international competition narrows workers' options. First, economic restructuring—particularly the pressure on developing countries to open their markets and increase exports—has routinely involved massive layoffs in the large, often state-owned companies that served as the basis of industrial expansion for most late industrializers, undermining the relatively privileged core of many developing-country labor movements (Candland and Sil 2001; Webster and Adler 2000). But even beyond the cold shock of restructuring entailed in the shift from import-substitution to export-oriented development strategies, many analysts suggest that globalization could lead to a "race to the bottom," as developing countries competing for new investments are forced to offer low wages and a stable cheap workforce in order to attract multinational capital (Greider 1997; Lipietz 1987; Ong, in this volume). Industrialized countries may be able to draw on historical assets to retain high-wage jobs—educated workforces, developed infrastructures and labor markets, and easy access to the world's wealthier consumers; but most analysts assume that developing countries—even those with relatively skilled workers—find low wages, low taxes, and limited regulation the easiest incentive to offer potential investors (Moody 1997).

Both of these perspectives probably hold some truth. New technologies have reorganized the physical location of industrial production, may involve new skill requirements for industrial production, and certainly permit new managerial strategies. New technologies have allowed the spread of industrial production to new sites, stimulated the production of nontraditional commodities and products for export, and promoted increasing international competition. And some analysts suggest that these technological innovations increase the possibilities for migratory labor, as workers and their families travel to new work sites, remit wages, and send information about labor markets back to their homes (Sassen 1998).

But this process of geographic expansion is far more uneven than a seamless vision of globalization often implies, and not all jobs are equally good ones. Regional differences in infrastructure and sectoral differences in the applicability of new technologies combine with managers' historical and racial prejudices (Kaplinsky 1995; Posthuma 1995). Many parts of the world have been left completely out of the new wave of private investment, or have found that their new "niche" is limited to producing primary commodities—minerals or nontraditional crops for export to consumers in industrialized regions (Stallings 1995). Much foreign investment does not involve sophisticated new technology or require skilled workers: many export-processing zones simply bring old equipment to new, cheaper workers, especially in labor-intensive areas like

apparel, export-oriented agriculture, the lower end of the electronics industry, or even pink-collar call centers and data processing (Bonacich and Appelbaum 2000; Cowie 1999; Freeman 2000; Kaplinsky 1993).

Even when sophisticated technologies are brought to developing-country locations, the change has not always strengthened the workers' position on the shopfloor. Workplaces may be organized to reduce the possibility that even skilled workers could disrupt production; technologies that seem linked to greater trust and cooperation in advanced industrial contexts—in what is often called "post-Fordism"—may look meaner, rather than leaner, when embedded in the more authoritarian and hierarchical workplaces that persist in postcolonial settings (Juarez and Babson 1998; Kaplinsky 1995; Shaiken 1995; MacKay 2001; Posthuma 1995).

Moreover, labor is often denied much support from its strongest potential ally in the neoliberal world, where states are severely constrained by the fear of capital flight. High tax rates could chase away investments, while higher wage bills undermine international competitiveness. Globalization may thus further erode state revenues in countries that already lack social services or infrastructures—a prospect that undermines the possibility that developing-country states will be able to educate workers to give them skills that might increase their bargaining power with employers, or create the social security net that historically strengthened labor's ability to organize in advanced industrial countries.

This tension is most clearly reflected, perhaps, in the proliferation of export-processing zones—sites in which states often agree not to enforce existing labor law, as part of a subsidy package offered to foreign investors. As a development fashion, these zones create new dilemmas, involving a complicated tradeoff between investment, job creation, and the enforcement (much less improvement) of existing labor law. Indeed, in the effort to attract new jobs to their countries, many developing-country governments have proved more likely to provide services to new export-processing zones than to their own citizens. Governments are more likely to publish brochures advertising the "nimble fingers" of their willing workers (Ong 1987; Lee 1998) than to insist that investors provide health and safety protections, more likely to call migrant workers who remit needed foreign exchange "national heroes" (Parreñas 2001) than to solve unemployment by funding public works or infrastructural development. From this perspective, globalization will inevitably intensify inequities, further weakening already poor nations, and making workers who are already unskilled and poor increasingly vulnerable to the demands of international capital.

Unions and Economic Restructuring

What do these constraints on development strategies mean for labor? As international financial analysts regularly remind developing-country policy-makers, workers who threaten labor militance to gain higher wages or better conditions

could frighten away investment, losing union members' jobs. In this climate, labor unions from Australia to Zambia have found themselves cooperating in "social pacts," accepting constant or even reduced wages and benefits in order to sustain investment (Lambert 2000). Elected governments may have replaced authoritarian regimes, but economies have been hammered by the multiple processes that are often lumped together under the term *globalization*—reintegrated into the world economy under neoliberal economic policies. Again and again, democratically elected governments have found themselves unable to pursue any alternatives to private investment and the market as the sole engine of economic growth. In the era of neoliberalism, democracy has regularly coincided with privatization, restructuring, and the opening up of national economies—undermining (sometimes quite literally, as in the case of South Africa's mining unions) the main stronghold of organized labor.

Faced with the perceived threat that they are engaged in a global "race to the bottom," many union strategists have shifted their focus: instead of seeking to strengthen workers' claims on employers and the state through collective action and political strength, many unions have begun to look at improving members' skills, hoping to attract and retain investment by offering increased productivity and competitiveness. The "high road" vision generally demands cooperation between labor, management, and the state, all trying to attract and retain jobs at the higher-value-added, higher-paid ends of global commodity chains, generally by making workers more productive. At the enterprise level, unionists have often found themselves cooperating actively in employer-initiated efforts to restructure the workplace, to raise productivity, and to enhance efficiency. At national levels, union confederations seek strategies for creating new jobs, especially high-wage jobs, rather than engaging in combative negotiations with employers.

New technologies and new managerial strategies have provoked a new set of discussions among unionists. Especially from the enterprise perspective, a newly competitive environment has increased concerns about productivity and efficiency, reducing employer commitment to specific individual workers while raising employer interest in increasing workers' skills. From São Paulo to Seoul, firms are increasingly demanding high school or even university diplomas for shopfloor factory workers, and many analysts stress the value that firms place on keeping skilled, productive workers at work (Carillo 1998). Correspondingly, many workers may find that their careers are being reshaped by the demands of flexible production. Where workers and employers once aspired to relatively stable relationships, where a sizeable minority of workers could assume that they would spend their careers within a single enterprise, workers today may experience a more staggered career, as they move from job to job, selling their services on a short-term basis—sometimes not even as employees, but as independent contractors, a circumstance that further removes them from traditional industrial relations frameworks (ILO 1998a).

Labor market volatility is certainly exaggerated by the managerial strategies fashionable among transnational managers—strategies that may involve new technologies, but that also reorganize work to reduce managerial risk and vulnerability to state regulation. Casualization, outsourcing, piecework, and subcontracting, especially when combined with "just-in-time" techniques, undermine workers' sense of security in their jobs, redesigning the relationship between workers and employers. Often discussed as if they were primarily the result of changing technology, these managerial strategies reach further than technological innovation alone could predict: when a mine in South Africa subcontracts cleaning services to a company composed of the mine's former employees, there is almost no change in technology, but the relationship between the mine management and the cleaners has changed dramatically. Similarly, when an automobile company subcontracts different components of its autos to companies composed of former employees, sometimes even located within the same factory, the managerial strategy is less a reflection of new technologies than of a new emphasis on risk reduction and cost-cutting (Seidman 1997; Posthuma 1997).

These new managerial strategies erode long-term job security with a single employer, and they have been reinforced by legal changes throughout the developing world, as labor laws have been revised to increase labor market flexibility. Throughout Latin America, discussions of labor law reform focus on making hiring and the use of labor more flexible, a discussion no longer led by unions but by entrepreneurs (Marquez 1995; Frenkel and Royal 1997). In South Africa, black workers only gained protection from arbitrary dismissal or state regulation of workplace relations with democratization, in 1994; but under the impact of globalization employers now insist that these new labor rights introduce labor market rigidities that impede competitiveness. Even in a relatively high-employment context such as the United States, many analysts emphasize the increasingly flexible and unpredictable pattern of individuals' work patterns (Bluestone and Bluestone 1992); in developing-country contexts, where unemployment rates are often in high double digits, "flexible labor markets" create great insecurity for workers at all skill levels. The character of labor processes—still racialized, everywhere, but no longer rigidly so even in South Africa—is shifting, to incorporate a core of skilled, relatively privileged workers in a far more consensual factory regime, while leaving excluded and marginalized those workers who are less educated, often older. But even workers in that core are generally more uncertain about the future than they might once have been.

A volatile labor market, unemployment, and informalization threaten unions' ability to represent workers in collective bargaining arrangements. Even in Europe and the United States, where labor protections remain relatively strong, employers are increasingly concerned about ensuring that their workers can offer the skills and productivity they consider necessary for global competition, and become less willing to respect workers' seniority. Efforts to upgrade workers' skills, and to reward productivity rather than seniority, are increasingly commonplace in management strategies, and unions around the world have found themselves engaging in efforts to raise productivity in the workplace, cooperating with employers to increase industrial competitiveness.

But in countries still undergoing industrialization, these processes create real dilemmas for union strategists. In countries where formal sector workers could be said to represent a relatively privileged group, and where skill levels are generally quite low, the temptation to treat low wages as a comparative advantage in the international economy—to pursue what analysts sometimes refer to as the "low road" strategy of industrialization—are strong. To fight that temptation, developing-country unions seem increasingly prone to participate actively in efforts to increase training and skill levels. Accepting the language of competitiveness and human capital, many unions seek to raise members' skill levels, to attract foreign investment to mid-wage sectors as a strategy for sidestepping the "race to the bottom"—a shift involving a profound reorientation in labor strategies.

Rather than emphasizing citizenship and incorporation, organized unions increasingly aim to prepare individual workers for a competitive labor market. Instead of an older rhetoric of democratization and citizenship, union federations around the world have engaged in national policy discussions around employment, and in specific efforts to design and implement new training schemes for workers in the manufacturing sector. Working together with employers and the government, labor federations try to increase the skills that workers bring to the labor market, to ensure that workers' training meets employers' needs, and to strengthen the possibility of attracting well-paid jobs to their country.

In many developing countries, unionists and government officials, along with those industrialists who understand the changes wrought by a democratization and globalization, are beginning to move toward creating internal labor markets, factory-based training programs, and wage differentials based on productivity. In South Africa, the Congress of South African Trade Unions has been actively engaged in efforts to develop new training policies and certification programs across all sectors of the economy, as it seeks to ensure that black workers receive the skills and certification needed for jobs in a rapidly changing labor market. The thrust of union strategy has been to establish a new framework linking grading, training, skills development, and pay in the industry. These changes are linked to new forms of work organization, such as teamwork, which have in turn impacted on the broader skills development strategy of the country and led to a new Skills Development Act being passed in 1998 (see Hirschsohn, Godfrey, and Maree 2000). Similarly, in Brazil, the major union federations have been increasingly engaged in providing training to their members, and in helping members adjust to new patterns of

employment and work. Even the Central Unica dos Trabalhadores, Brazil's most militant federation, has accepted a $20 million grant from the Brazilian government to create its own training program for metalworkers, hoping to both prepare union members for a newly volatile employment pattern and increase skills enough to attract future investment in the industry.

As they shift to an emphasis on training, unions struggle to balance two very different dynamics: on the one hand, labor continues to define itself through an emphasis on collective mobilization, while on the other, unionists are drawn into designing vocational training programs stressing common interests between employer and employee. This cooperation entails choices that can undermine worker collective action. Ironically, democratization outside the factory can create new divisions in working-class communities: when South African state policies no longer enforce racial segregation and hierarchy on the shopfloor, or when the Brazilian government no longer enforces a rigid wage squeeze, skilled and semiskilled workers may no longer see their interests as clearly linked to those of the unemployed, the poor, or their less-skilled neighbors. But new strategies aimed at raising worker productivity and worker-management cooperation are also divisive, creating new and difficult dilemmas (Buhlungu 2000; von Holdt 2000). Should unions enter into compacts with employers or even with democratically elected governments, representing the interests of employed workers while abandoning the concerns of the unemployed, when the unemployed are often themselves former union members who have lost their jobs in the course of economic restructuring? Should unionists restrain strikes over factory-based issues—wages, working conditions, new labor legislation—in order to attract more foreign investment, hoping to create new jobs and, hopefully, more sustainable economic growth?

The long-term implication of this approach remains unclear. Government officials seeking to create jobs and labor federations may view training programs as a way to raise skills and attract higher value-added industries to the region; but local employers trying to compete in international markets may be more concerned about lowered costs than about raising skill levels. Further, organized labor's efforts to raise skill levels risk reinforcing existing divisions in the labor force: older workers, often barely literate, are frequently ineligible for training programs, so that unions find themselves supporting programs that are closed to old stalwarts from the shopfloor. Lacking any alternative project or vision, unionists may find themselves narrowing their gaze to individual workers, preparing them to compete better for jobs in a savagely fierce labor market, rather than trying to build a broader, more coherent working-class identity.

Where the discourse of citizenship once provided the basis for an inclusive vision of unions' constituencies, the language of competitiveness and productivity is a narrow one, undermining labor's ability to develop collective demands, collective identity, or collective action. Over the past century, labor movements have frequently been faced with these kinds of dilemmas, which stem from the fact that while many unions represent a small core of employed, often relatively privileged workers they generally claim to speak in the name of the working class. Historically, unions have managed the tension by appealing to the state, to create a context in which labor rights are respected, to prevent employers from replacing militant workers with cheaper ones, to provide a social security net that benefits all citizens. In the context of global competition, however, when even governments in advanced industrial countries claim that they cannot control capital's movements, labor movements are more likely to find themselves in social pacts with democratically elected governments than in opposition to them, hoping to attract capital to create jobs for their members, and engaging in training programs to make their members more productive and competitive in global markets. The shift is an understandable one, but the strategy directs labor's gaze away from mobilizing collective identities, or articulating broad-based interests, to an individualized perspective that mirrors the logic of the market. In doing so, it risks further undermining the ability of the state to regulate capital, by complicating the possibility of building labor-friendly political coalitions in the future.

Seeking New Alliances?

For every unionist who has gotten involved in efforts to attract investment, raise productivity, and improve competitiveness, however, there are probably as many or more who favor a very different approach, one that seeks to create a different kind of globalization. Historically, labor's vision has long claimed to be transnational—even when most of labor's energy has been focused on national states. A discourse of international labor solidarity was already well established by the end of the nineteenth century, articulating a universalist appeal that was expected to transcend borders and underpin a new social order. Over the past twenty years, as ruthless globalization has intensified existing inequalities and created new ones, countless labor analysts have argued that so long as the voices of workers and their communities are ignored or silenced, globalization will continue to marginalize whole segments of the world's population. A transnational workers' movement, it is argued, could serve as the core of a democratic challenge to the current exclusionary pattern.

Labor's global history is not, of course, unproblematic. While organized labor often speaks the language of international solidarity, labor's actions have generally reflected a more narrowly defined nationalism: labor federations have been much more likely to protect workers' immediate interests rather than broader class goals. In the last century, European labor unions supported imperialist campaigns and colonial projects; in the United States, unions often led campaigns to restrict immigration or to impose segregation. After the Second World War, American unions purged themselves of internationalists,

allying themselves with American foreign policy and supporting conservative unionists around the world. During the Cold War, although international labor organizations routinely called on workers of the world to unite, they remained closely linked to superpower foreign policies, and few union leaders superceded their national identities (Bergquist 1996; Silverman 2000).[1]

In the post–Cold War world, unions struggle to develop an internationalist vision. Militant unionists in recent struggles from South Korea to Nigeria have explicitly distinguished between workers: they frequently claim to represent citizens (especially male ones) while excluding migrants, women, and unskilled workers. Even in South Africa, where progressive unionists are acutely aware of the dangers posed by exclusionary unionism, union officials face xenophobic pressures from members who see immigrants from the rest of Africa as competitors in an already flooded labor market. Though labor leaders try to redefine workers' interests to include broad issues like democracy, inclusion, or child care, nationalism remains an all too easy choice.

Labor's organizational dynamics certainly help perpetuate this pattern. Accustomed to working within a single national framework, within national laws and institutions that have few international parallels, union leaders often limit their appeals and their imagination to a local constituency. Moreover, union bureaucrats are generally stretched thin, focused on more immediate problems than those of building long-term links with workers around the globe, while sectoral "internationals" are rarely capable of mobilizing real support, and have few resources to share.

Even with new technologies like e-mail and faxes, constructing meaningful international links takes time, money, translators, energy—resources that few unions have to spare, especially in poorer nations. Where international links between unions exist, they usually stem from the work of small groups of committed activists—and even then, one can question the depth of these linkages. Creative attempts to find new bases for transnational union activism, such as organizing workers internationally by sector, by multinational employer, or by links along a commodity chain, have had little impact, especially considering the amount of attention those attempts have garnered (Alexander 1999; Wells 1999; Williams 2000; Wilson 2000; Zinn 2000).

How much international discussion has to take place before a majority of union members redefine their identities to privilege international worker solidarity? Efforts to build transnational unionism run into persistent differences in workers' interests across national lines, stemming as much from differences in structural location as from simple organizational patterns. Aside from workers' perceptions that they are engaged in a global competition for new investment—since jobs that "move" from Los Angeles to Mexico could be seen as creating new jobs for Mexican workers—how far do the concerns of workers in Central America really coincide with those of workers in Milwaukee? At what point might they diverge, impeding a common project? Consider a basic

aspect of the contemporary global economy: pressures from the WTO and the IMF have forced governments in developing countries to lower protective tariffs and slash subsidies, opening their markets to international competition and privatizing state-run companies. Workers are experiencing drastic insecurity, as economic restructuring creates new volatility in sectors once relatively privileged by state development strategies—a volatility often worsened by the elimination of hard-won legal protections for workers in the name of increasing labor market flexibility to attract investment. When the AFL-CIO presses the U.S. government to impose tariffs on foreign-made steel to protect the American steel industry—and thus to protect its members' jobs—those tariffs block sales of steel produced by non-American workers, in countries like Brazil and South Korea, and threaten those workers' jobs.

Given those real structural differences, transnational labor solidarity will always require some negotiation. Democratization of international trade bodies could create welcome possibilities for workers' voices, but we should remember that those voices may not speak in harmony: Will unions in industrialized countries be willing to support the restoration of protective barriers in developing countries, or to provide subsidies to developing countries' industries, if those tariff barriers restrict potential export markets? Conversely, how will workers in developing countries respond to persistent efforts by workers in industrialized regions to retain skilled, higher-paid jobs, particularly when those efforts are all too often phrased in terms that imply that less-educated third-world workers are less skilled, less productive, or less worthy?

Discussions of transnational unionism seem destined perpetually to reinvent themselves: countless volumes include the phrase "new labor internationalism" in their titles, as if this time, perhaps workers will find ways to supercede their differences. And there is, of course, a great deal of creative energy going into thinking about how unions might confront globalization. For the past ten years, for example, some of the strongest labor movements in the developing world have met regularly, seeking to develop a "southern" labor vision that could offer a unified alternative to current patterns of globalization (Buhlungu and Webster 2002).

But faced with the prospect of persistent global capital mobility, unionists around the world have begun to discuss creating new transnational mechanisms to protect labor rights, arguing that if national states in developing countries are too weak and too dependent to enforce rights, transnational mechanisms could help regulate working conditions and wages, putting a floor under the conditions of the most vulnerable workers around the world. But as I will suggest in the remainder of this section, many of these mechanisms are problematic: building on existing international hierarchies of power, they often seem likely to replicate or even worsen them, in ways that are often overlooked in discussions of transnational labor. The most commonly discussed mechanisms—including labor standards in trade treaties, corporate

codes of conduct, and even the ILO's effort to develop core labor rights—tend to rely on mechanisms of international trade for enforcement, a pattern that may pose real problems for developing countries' workers.

Including labor standards in international trade treaties may be the favored mechanism of American unions, but the strategy is viewed with some distrust on distant shores. From the late 1960s, American human rights activists sought to tie American international aid to countries' human rights records, hoping to persuade repressive dictatorships to reduce human rights violations (Keck and Sikkink 1998). Following this example, American labor rights activists have argued that by including labor rights concerns in trade treaties, the United States could push its allies and trade partners to protect their workers in return for favored access to American markets (Harvey, n.d.); under the Clinton administration, some trade treaties included American insistence on labor law reform. Some sympathetic academics suggest that bilateral trade treaties—especially the promise of easy access to North American and European markets—can push countries like Cambodia to adopt labor legislation (Candland 2002). Others point to the inclusion of labor side agreements in the North American Free Trade Agreement, which have allowed Mexican, U.S., and Canadian unions to insist that each government enforce existing labor legislation (Compa 1996)—a mechanism that could certainly enhance worker protections in many countries, since labor laws on the books are often stronger than their execution in practice would suggest.

Nevertheless, many developing-country unionists remain skeptical. Trade treaties are by nature blunt weapons: economic trade sanctions could be imposed on a country like India because of poor working conditions or child labor in agriculture, for example, but the workers most immediately affected would be those in export-oriented industries, where organized labor might well be stronger. Even more important, trade-related social clauses give leverage only to the governments of countries with large markets—that is, to governments in advanced industrial countries. Given current American and European domination of world markets, the imbalance is striking: if the United States were to insist that Cambodia change some aspect of its labor regulation, Cambodia risks losing access to its most important market, while if Cambodia were to block U.S. imports over some issue, the United States would probably barely notice. How would poorer nations, with insignificant economic clout, enforce labor standards on anyone else? Or is this to be a one-way process, in which rich countries, whose workers are also global consumers, use their market clout to enforce standards upon the rest of the world?

Perhaps most important, many developing-country activists remain concerned that American and other powerful governments might manipulate labor-related trade treaty clauses for other political purposes—a pattern that has clearly been visible in the way human rights clauses have been invoked as tools in larger geopolitical conflicts. Many developing-country policy-makers worry that putting labor clauses in trade treaties would simply increase the already overwhelming power of advanced industrial countries over their neighbors. What would stop American presidents from invoking "social clauses" for the wrong reasons, to undermine trading partners' sovereignty rather than to protect workers? If the past history of American policy is any guide, labor clauses would as likely be used for American gain as to protect developing-country workers; as Pakistani labor researcher Karamat Ali argues, "Labor standards in trade agreements will always be susceptible to being used to pressure intransigent governments for political purposes" (Ali 1996: 271). Especially if trade-related labor clauses were used to pressure developing-country states—threatening employment and economic growth in developing countries by blocking access to markets—their use could effectively weaken, rather than strengthen, the voices of organized labor outside U.S. borders: if publicly revealing labor violations could place at risk a country's entire growth strategy, unions could easily find themselves caught between exposing labor violations and being blamed for unemployment linked to trade sanctions.

These concerns become recurrent themes in discussions of how to incorporate labor standards in multilateral trade organizations, especially in the workings of the World Trade Organization. Suggestions that labor unions and other groups in civil society might redesign trade bodies, creating mechanisms through which global trade institutions might be forced to respond to the claims of a mobilized global citizenry (Evans 2000; Howse 1999), reflect a very real concern for the problems workers face with globalization; but again, many developing country activists view these mechanisms with distrust. Even if hitherto closed panels were accessible, the uneven power wielded by different governments within trade bodies, and the uneven power of different countries to impose sanctions through trade, makes these mechanisms problematic. As a body, the WTO has resisted efforts to include labor standards in trade rules, insisting at its 1996 meeting in Singapore that although its members remain committed to the observance of internationally recognized core labor standards the ILO is the competent body to set and deal with these standards. Perhaps more significant, the WTO ministerial conference asserted, "We believe that economic growth and development fostered by increased trade and further trade liberalization contribute to the promotion of these standards. We reject the use of labour standards for protectionist purposes, and agree that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put into question" (WTO 1996). But even if the WTO were to shift its position and agree to declare egregious labor violations to be "unfair trade subsidies," and even if it were to open its closed panels to voices from organized labor around the world, the threat that trade mechanisms would re-create existing international inequalities remains. So long as global trade rules rest on bilateral trade sanctions (currently the WTO's only enforcement mechanism involves individual countries decisions to block

market access to offenders), they are vulnerable to political manipulation and would leave the protection of workers' rights more dependent on the global power of consumers in advanced industrial countries than responsive to the voices of the world's most vulnerable workers (Khor 1994).

The question remains open: Can global institutions create labor standards that would be universally applicable but still respect international variation, while simultaneously addressing and ameliorating existing international inequalities? The recent efforts of the International Labor Organization to strike such a balance are instructive, and, so far, disappointing. Founded in 1919, the ILO is one of the oldest institutions of global governance; though it lacks any direct sanctioning mechanism other than dialog with states found to permit systematic violation of workers' rights, it is also one of the few global institutions that has long institutionalized voices from civil society, with a tripartite structure that permits representation from unions, employers, and states. In the late 1990s, the ILO persuaded its member states to agree on a set of "core" labor rights: freedom of association and the right to bargain collectively; bans on forced labor and discriminatory labor practices; and efforts to eliminate child labor. At the same time, however, the ILO was compelled by pressure from developing-country representatives to accept that for many countries job creation, rather than job regulation, came first: within the very text of its 1998 declaration on core labor rights, the ILO affirmed that "the comparative advantage of any country should in no way be called in question by this Declaration and its follow-up" (ILO 1998a). Although most of the ILO's 175 member states had ratified at least some of the core ILO conventions by 2002, it remained unclear how, or even whether, the ILO could act in defense of these core rights if developing countries insisted that do to so would undercut their "comparative advantage" in international trade.

The ILO campaign to stop pervasive use of forced labor in Myanmar may be the exception that proves the rule. In 1998, an ILO commission found "abundant evidence" that the Myanmar authorities and the military had coerced large numbers of civilians to work in forestry, portage, construction, and even in private agriculture, for no pay and often under brutal conditions (ILO 1998b). In November 2000, the ILO called on member states to impose economic sanctions on Myanmar—the first time in its eighty-two-year history that the ILO took such action. By early 2002, largely because of economic sanctions imposed or threatened by governments including the United States and the European Union, the Myanmar government began to allow political opponents to appear in public, and allowed the ILO to open a special monitoring office in Yangon (Olson 2002). But should we understand Myanmar as the harbinger of increased ILO power to call attention to international labor violations, or as an international response to a larger campaign in which the United Nations, human rights and refugee organizations, and the ILO focused on broad human rights concerns, not labor violations alone? The initial impulse for ILO action regarding Myanmar came from human rights advocates, not from labor; but even if the ILO were the key actor, the question remains whether broad economic sanctions could ever be used to protect core labor rights in situations where violations are far less egregious, extreme, or widespread.

It is perhaps an indication of the long-term difficulties involved in global institutional design that many activists, including some working within the ILO, have turned instead to the private sphere, seeking to protect labor rights in developing countries through campaigns targeting individual transnational corporations rather than states. Through corporate codes of conduct and outside monitoring, this movement seeks to submit corporations who are inadequately attentive to workers' rights to the kind of international "shaming" processes that have effectively embarrassed governments guilty of human rights violations. The Internet and international communications, it is often argued, could allow instant access to corporate violations; some scholars suggest that consumers can effectively police the conditions under which goods are made, by refusing to purchase goods made under sweatshop conditions (Fung, O'Rourke, and Sabel 2001; Oliver Williams 2001).

This approach has been particularly visible in the apparel industry, especially in that part of the market dominated by well-known labels and aimed at college-age consumers. During the past twenty years, largely in response to changes in American tariffs on foreign-made clothing, brand-name apparel companies have shifted their production outside the U.S. Instead of owning their factories, they contract with smaller companies to produce clothes; the "label" companies provide design, quality control, advertising, and access to North American markets, while the contractors supply machines, hire workers, and compete with other small producers to meet the retailers' prices (Collins 2001; Gereffi 1994; Bonacich and Appelbaum 2000). Clothing companies are perhaps especially vulnerable to human rights–style campaigns: where marketing is entwined with brand labels, major companies are sensitive to the shame of association with global sweatshops, and—under pressure from American and European student and labor activists—some major companies have responded to activists' concerns. From about 1997, several large companies in North America began to discuss the possibility of working through outside monitors to improve working conditions in factories from El Salvador to Bangladesh, while nongovernmental groups in Europe and North America embarked on well-publicized campaigns around labor rights in the apparel industry. Many more companies were discussing building oversight of subcontractors' labor conditions into their global quality-control systems (Anner 2000; Schoenberger 2000; Ross 1997).

In 2002, even the ILO had apparently turned to global corporate managers as a last line of defense for workers in developing countries. In a program funded by the U.S. State Department, ILO personnel planned to work with managers in apparel factories in Sri Lanka and Central America, arguing that

companies as well as workers could benefit if global managers tried to improve working conditions. The program was aimed at

> identifying management systems and practices that enable domestic and international enterprises to achieve their economic and commercial viability goals while at the same time meeting the increased social expectations of the market and society. Issues that will be looked at will include management of networks, commodity and value chains, and management systems and practices for achieving good corporate citizenship and business social responsibility. (ILO Management Development Programme, www.ilo.org)

But as a long-term mechanism for protecting workers' rights, this approach, too, has its limits. Corporate codes of conduct, shaming, and what some business ethicists call "total responsibility management" rest on the threat of consumer boycotts of sweatshop goods; but secondary boycotts have always proved complicated for organized labor. First, of course, it is hard to keep consumers informed, even when they have access to websites; but it is even harder to persuade individual consumers to act on information. Although proponents of corporate codes of conduct point to telephone surveys in which American consumers insist that they care about the conditions under which goods are produced (Fung, O'Rourke, and Sabel 2001), most studies of actual consumer behavior suggest that price, taste, and convenience, rather than social responsibility, probably drive most purchasing decisions (Frank 1999).

And while the "branded" end of the apparel industry may be vulnerable to shaming, most transnational companies, even in apparel, are less visible—and most consumers are more price-conscious—than recent successful campaigns against Nike, Gap, and other labels favored by college students would suggest. Although efforts to develop "social labeling" have had some success in drawing attention to working conditions in specific commodities (particularly coffee and more recently bananas), most products are less clearly identifiable than branded clothing. Most labor activists recognize that few consumers will check websites daily for updates, even for items with labels; even more difficult would be the effort to mobilize boycotts against goods included as components in a larger product. For example, the ball bearings produced at a specific factory in central Mexico may be used in a wide range of products, carrying different labels; relying on transnational boycotts would require that consumers pay careful attention to new information about labor violations, and that they remember to end the boycott when the problem is solved. During a 2002 campaign by the American apparel workers' union over labor conditions in a Gap subcontractor in Guatemala, UNITE president Bruce Raynor said, "Our goal, which I think we're achieving, is to tie in the consumer mind and the public mind, Gap and sweatshops"—an association, as the *Women's Wear Daily* reporter noted, that "can be a powerful and lasting one" (Malone 2002).

And, of course, developing-country activists point to problems that parallel those that plague efforts to incorporate labor rights in trade treaties: transnational monitoring campaigns leave the power to enforce labor rights in the hands of global managers and consumers—largely located in advanced industrial countries—rather than empowering workers in the factories facing boycotts. Who will monitor the implementation of labor standards and codes, and will those monitors acknowledge all the local, contextual variations involved in defining labor-related concerns? Moreover, while it could be argued that transnational activism around labor in export-oriented sectors might improve standards throughout the economy through a demonstration effect, transnational campaigns carry the risk that they might inadvertently weaken efforts to organize workers to speak for themselves. The threat of consumer boycotts might get corporations' attention, but they may also undermine worker organization in developing countries, especially if workers believe that a transnational boycott might threaten the enterprise's survival—and thus their long-term job prospects.

Although labor rights are increasingly discussed in universal terms, there are no ideal transnational mechanisms for protecting them; specifically, there are no mechanisms able to increase workers' leverage in relation to transnational employers, or states' leverage in relation to multinational corporations. If globalization has complicated union efforts to mobilize workers for militant strategies, internationalist strategies may introduce another set of dilemmas. Like strategies aimed at attracting "high road" jobs, most proposed international mechanisms for protecting labor rights build on the logic of the global market, and thus they tend to build on, perhaps re-create, existing global inequalities, in ways that could further undermine the ability of developing countries to protect their citizens.

Conclusion

Globalization's tendency to "thin" the national state is perhaps nowhere more visible than in relation to labor rights: dependent on multinational capital to create new jobs, developing-country states are perhaps more likely to suspend labor legislation than to enforce it in their effort to attract investment, but even advanced industrialized countries have stepped back from protection of workers' rights. National-level unions have also experienced the pressures of globalization: neoliberalism has left workers' organizations around the world grasping for the "high road," hoping that by entering into corporate efforts to increase productivity they can protect their members' jobs against ruthless global competition.

And yet it may be too soon to abandon the nation-state. As Shafir (in this volume) points out, mechanisms for enforcing and protecting citizenship rights are fairly well developed; in the case of labor rights, at least, it is hard to see how global institutions will easily improve on the national state. Over decades, if not centuries, national states—often responding to politically mobilized workers, working through democratic processes—have created viable

frameworks for industrial relations, to oversee health and safety conditions at work, and to prevent employers from polluting local communities. States can pay attention to local context and variation and can deal with labor violations in specific sectors or factories more easily than the global mechanisms would allow. Above all, perhaps, there are well-established mechanisms through which states can be prompted to attend to concerns of local workers—at least, when states are democratically organized, and when they are able to insist that employers pay attention to broader interests and longer-term issues beyond immediate corporate profits.

It seems oddly ironic, given the long history of labor's reliance on citizenship claims to further workers' interests, that most suggestions for how organized labor might meet the challenges of globalization essentially overlook the state completely. Approaches that promote a "high road" growth strategy turn labor's view inward, to cooperation with corporate managers in raising productivity, and to training individual workers to compete on a volatile labor market—but these risk further dividing labor's constituency, undermining labor's political strength at the national level. Approaches that look outward tend to replace state-based mechanisms with the power of global markets—but these tend to rely heavily on the willingness and ability of advanced-country consumers to respond to labor violations in far-flung corners of the world rather than strengthening workers' capacity to demand reasonable working conditions for themselves.

Perhaps labor advocates should consider mechanisms that might strengthen, rather than surpass, state mechanisms. Efforts to broaden labor's constituency—beyond already skilled workers, to include the informal, marginalized, less-skilled workers who have historically been excluded from unions and who are especially vulnerable to the centrifugal forces of globalization—could strengthen labor's voice within national political arenas and reduce the likelihood that organized labor will be seen as representing only a relatively privileged labor aristocracy. Instead of focusing on transnational trade and corporations, perhaps international pressure could be designed to reinforce rather than bypass labor-friendly political coalitions, strengthening the possibility of national supervision and regulation of workplaces. Perhaps it could be designed to give greater voice, rather than less, to workers speaking on their own behalf.

Citizenship claims have long been articulated in opposition to the logic of the market; by contrast, labor strategies that build on the logic of global competition risk undermining the very basis of labor mobilization and the protection of workers' rights and dignity. If labor rights are to be strengthened and protected in a global era, perhaps we need to find a different logic: instead of letting the global market pressures dictate labor strategies and transnational campaigns, perhaps global institutions should seek to regulate those markets in ways that would protect workers' rights rather than further undermine them.

Notes

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1. This history proved to be of continued relevance as recently as 2002, when AFL-CIO allies in Venezuela briefly supported a business-friendly coup attempt against a democratically elected populist who had angered Washington.