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Women and International Economic Law: An Annotated Bibliography

Uché U. Ewelukwa*

Table of Contents

I. Introduction

II. International Economic Law: Old Wine in New Wine Skin?

III. Towards Engendering International Economic Law: A Roadmap
   A. Women and International Trade
   B. Women, Work and the Global Economy
   C. Women and International Economic Institutions
   D. Globalization, Transnational Spaces, and Global Flesh Trade:
      Trafficking, Sex-Tourism, Prostitution, and Mail-order Brides
   E. Women, Globalization, and New Technologies
   F. Globalization, Women, and Violence
   G. Globalization and Women's Health
   H. Globalization, Citizenship, Democracy, and Immigration:
      Feminist Perspectives

IV. Selected Bibliography
   A. Women and Macroeconomics: Theoretical & Conceptual Analysis
   B. Women and International Trade
   C. Women, Work, and the Global Economy
   D. Women and Global Economic Institutions—The World Bank,
      The IMF, and the WTO
   E. Transnational Spaces and the Global Flesh Trade: Trafficking,
      Prostitution, Mail-Order Bride, Etc.
   F. Women and New Technologies
   G. Markets, Women, and Violence
   H. Globalization and Women's Health
   I. Globalization, Citizenship, Democracy, and Immigration:
      Feminist Perspectives

J. Regional Perspectives
   1. Africa
   2. Asia
   3. Central Asia, Eastern Europe, the Commonwealth of Independent
      States (CIS)
   4. The European Union (EU)

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5. Latin America, the Caribbean, and NAFTA
7. Surveys & Reports

V. Conclusion: New Horizons, New Visions—Research Agenda for the Twenty-First Century

I. Introduction

This bibliography is an attempt to capture a fast growing, but previously invisible, field in international economic law. It is an attempt to both demarcate an emerging field in international economic law, and to excavate “old” issues from the abyss into which they might have fallen. It references published work on the intersection of gender and international economic law, and the intersection of feminism and global market forces. The overall goal is to stimulate further research and to aid scholars, activists, and policy makers who work on this subject area. My hope is that it will contribute to the growing attempt to reconceptualize international economic law using multiple ideologies and methodologies. By pointing out gaps in current scholarship, this bibliography also aims at encouraging sustained research and serious scholarship directed at engendering macroeconomic laws and policies using a multiplicity of research tools and techniques.

The bibliography covers works that address women’s engagement with international economic law and institutions, and women’s engagement with old and new drivers of economic globalization. Emphasis is on new and emerging issues in international economic law. If this bibliography is to serve its intended purpose of encouraging further research and scholarship on current issues in international economic law as they affect women, some “old” and better-researched subject areas must be left behind. Unless they form part of a broader analysis, country-specific works have been excluded. This bibliography is by no means exhaustive of the work in this area, and will therefore remain a working bibliography to be updated periodically.

2. Publications on such themes as “Women and Development” are for the most part excluded. Compared to the scholarship on women and development, feminist analysis of trade and investment policies is still in its infancy and will be the primary focus here.
3. There are several reasons for this. For one thing, the correlation between global economic policies and women’s wellbeing is only now becoming the focus of intense research and scholarship. Moreover, the absence of gender disaggregated data in the review of most international economic policies continues to hamper serious scholarship. As a result, the full impact
Globalization is both a recent phenomenon and a historical process whose origins go far into the past. To examine women's varied interactions with global market forces is, therefore, to confront a serious dating problem: "When did the global epoch begin?" Moreover, though much talked about, globalization remains a poorly understood phenomenon. The result, Bruce Mazlish rightly notes, is that "[with] little real research as basis, there has nevertheless been a rush to normative evaluation." Yet, it is now generally accepted that globalization is changing both the fundamental principles of the nation-state, and the structure of international law and institutions. Given the fundamental transformations unleashed by the forces of globalization within nation-states and in the global arena, developing a feminist analytic of the global economy is a project demanding urgent attention.

Women's interaction with the international economic order is not new. For Third World women particularly, interaction with international economic actors in the form of transatlantic slave traders, oversea trading companies or colonial officers on their Majesty's "civilizing" mission dates back, at least, to the sixteenth century. In the twentieth century, the activities of new drivers of globalization such as the World Bank, the International Monetary Fund (IMF), the World Trade Organization (WTO), and transnational corporations have meant an expanded network through which women in different corners of the globe are drawn into the global economy. The decade of the nineties was particularly significant given the unprecedented integration of national economies and the ascendance of the World Trade Organization. The decade also witnessed a new resolve by women to engender the international economic order. Increasingly, women are challenging the dominant economic orthodoxy driving the global economy. Essentially, feminist scholars and women's rights activists challenge the notion that international economic laws and policies are gender neutral. Overall, while neither the process of globalization nor women's interaction with the global economy is anything new, what is new is a renewed resolve by marginalized groups to have their voices heard on matters that intimately affect them. What is also new are fresh attempts by the world's women to probe the normative defenses of globalization as embodied in the liberal of macroeconomic policies on women's lives remains to fully measured or understood. See Barbara Starke, *Women and Globalization: The Failure and Postmodern Possibilities of International Law*, 33 *Vand. J. Transnat'l L.* 503 at 525 (2000) (noting that "[d]ata assessing the impact of globalization on women remains largely unavailable.")

4. Bruce Mazlish, *A Tour of Globalization*, 7 *Ind. J. Global Legal Stud.* 5 (1999). Most scholars seem to agree that while globalization is not new, several factors distinguish the present form of globalization from that of the past such that it can be concluded that the world is entering into a new era: the era of globalization or "a global epoch."

5. *Id.*

6. As Mazlish rightly notes: "too many people pass judgement on the process of globalization without having much understanding of it." *Id.* at 6.

7. *Id.* at 6.

narrative. The question that is increasingly asked is: "[w]ho gains from the global order?"

II. International Economic Law: Old Wine in New Wine Skin?

"Lawyers," Oscar Schachter once noted, "are accustomed to pouring new wine into old bottles." So it might be with the term "International Economic Law," a fast-emerging successor to the field of "International Business Law" or "international trade." Gradually, international economic law has emerged as an important field in international law superceding international business law and international trade law in importance, at least in the perception of its adherents. The rise of international economic law, Kenneth Abbott notes, is "less a result of external changes in rules and institutions than of internal changes in perception, especially about scholarship." Undoubtedly, the norms and institutions that affect international economic law have undergone significant changes over the years. However, the changes have been largely of institutional evolution rather than fundamental changes in the rules of the game. For example, while the Uruguay Round has produced a number of new agreements, these essentially are not radically different from what was, but "rest solidly on traditional foundations." The emergence


10. Dunne, supra note 9, at 19.


12. See generally Kenneth W. Abbott, "International Economic Law": Implications for Scholarship, 17 U. Pa. J. Int'l. Econ. L. 505 (1996). Commenting on the new and fashionable trend towards "international economic Law" rather than "international business law," Abbott notes that while the rules and institutions that affect international economic activity have undergone significant changes in recent years, "a new appellation is not needed because of any fundamental transformation in the law itself."

13. See generally Joel Trachtman, The International Economic Law Revolution, 17 U. Pa. J. Int'l Econ. L. 33 (1996). Notably, the University of Pennsylvania Journal of International Business Law recently changed its name to Journal of International Economic Law. See also Jeffery Atik, supra note 1 at 1235 (noting that, "[T]he most ardent champions of international economic law see it as a central discipline, where the positivist tools of legal realism are applied to what has been an arid, doctrine-encrusted branch of legal science. International economic law, in this view, claims the entire field of international law as its object of study."

14. Abbott argues that, "[t]he definition and boundaries of scholarly disciplines like international economic law, international business law, or international law as a whole are not material facts, out in the world to be discovered." Rather, "[d]isciplines are constructed in the minds of those who work within them, and they change as mental boundaries are redrawn." The increasing use of the term international economic law simply "reflects a new set of intellectual boundaries among interested scholars." Abbott, supra note 12, at 506.

15. Id.

16. Id.

17. Id.
of international economic law as a new field demonstrates the increasing importance of this area of international law and is an attempt by a growing number of scholars to reassert its importance, Abbott argues.\textsuperscript{18} For women, whose issues are traditionally treated as social welfare issues rather than economic issues; the need to inject a gender dimension to this field is of fundamental importance.

What is the scope of international economic law and how does it differ from the field of international business law or international trade? To start with, "economic" is a much broader term than "business" or "trade," and encompasses subjects traditionally outside the purview of business law. International economic law, thus, encompasses national and private law that affect international business transactions, international rules, and institutions that shape economic relations among nations, international, and transnational rules and institutions that shape international monetary affairs and development assistance.\textsuperscript{19} Two components of the field—international and economic—deserve a closer attention. With respect to the term "international," Abbot cautions against the "considerable temptation to focus unduly on the prominent interstate arrangements" to the disregard of vital domestic arrangements.\textsuperscript{20}

The study of international economic relations, thus involves at least five levels of law. At the highest level is supranational law;\textsuperscript{21} next is the traditional international law, including treaties and decisions of international institutions, such as the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (the World Bank), the WTO, and the International Court of Justice;\textsuperscript{22} next is transnational law reflecting increasing cooperation among national government agencies at the sub-state level.\textsuperscript{23} This is followed by a broad range of national laws of importance to international

\begin{enumerate}
\item \textsuperscript{18} Id.
\item \textsuperscript{19} Abbott sees the new boundaries of international economic law as representing some vertical and horizontal integration in scholarship on hitherto separated subject areas. The most significant change, he would argue, involves vertical integration: "international economic law brings together the kinds of rules and institutions (predominantly national or even private) that directly affect international business transactions with those (predominantly international or transnational) that shape the economic relationships among nations and other public actors." \textit{Id.} at 506–07.
\item \textsuperscript{20} \textit{Id.} at 507.
\end{enumerate}

\begin{enumerate}
\item \textsuperscript{23} Prime examples would be the growing cooperation and information-sharing arrangements among national regulators of banking, antitrust, and investment.
economic activity. At the lowest level are a growing number of privately generated rules emanating from private actors, such as those providing arbitration services.

What about the term "economic"? In both the vertical and the horizontal dimensions, the term economic is broader than the term business, Abbot notes. There are several reasons for this. The definition of economic law and policy is constantly expanding, and the "[t]he boundaries between policies, regimes and rules considered to be 'economic' and those considered part of other intellectual categories are shifting and becoming more porous." What this means is that "many of the most interesting issues in international 'economic' law today could as easily be described as issues of environmental law, human rights or feminism." In comparing international trade to international economic law, Atik notes:

"Here we find international trade law and much more. International economic law includes monetary law, competition/antitrust law, intellectual property and law and development. It embraces (or should embrace) alternative perspectives, such as Third World and feminist critique, and interdisciplinary approaches, and concerns itself (or should concern itself) with the distribution of wealth and justice and with the preservation of culture, the environment and peace." The implications for women of this expanded definition of economic law and policy are enormous. At the very least, it permits a tearing of the veil to allow a sustained scrutiny of once sacrosanct policy domains. Moreover, it invites the integration of presumably "non-economic" issues into trade policy and investment debates—issues important to women and traditionally ignored. These issues were traditionally separated from broader macroeconomic policy debates, sterilized, and treated under benign labels such


25. It might have once been hard to imagine private actors heavily influencing the international economic regime, yet this is increasingly so. "The law-like quality of this private activity," Abbott notes, "is greatest in the field of arbitration and in international commercial transactions, where trade association contracts and rules and codifications of practice like Incoterms and the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce order economic behavior worldwide." Abbott, supra note 12, at 508.

26. Id.

27. Id. at 510.

28. See, Atik, supra note 1, at 1231. He notes that international trade, by contrast, "designates a specialization within the profession," suffering from "an absence of meaningful dialogue from within and without international trade law. [I]nternational trade is sealed within its vessels; the bottle may be transparent (one can see it from without), but is confined all the same." Id. at 1231–32.
as child and maternal welfare, rural development or third world development. Extending the breath of what is conceived as international, beyond the traditional multilateral arrangements is also important to women because interactions between women and the global economy are often mediated through a host of non-state actors outside the purview of classical international law. Overall, the benign and often sanitized language frequently encountered in international trade and business instruments is deceptive and has traditionally precluded a sustained scrutiny of embedded gender biases.

International economic law is particularly well suited to interdisciplinary scholarship. A "big tent, embracing multiple subdisciplines, methodologies and approaches," international economic law welcomes feminist methodologies and approaches and permits perspectives form the social sciences such as history, sociology, and anthropology. Consequently, the literatures referenced in this bibliography transverse various fields. Scholarships from fields as diverse as sociology, cultural studies, anthropology, political science, critical theory, and post-modernism have been included. Bearing in mind Abbott's caution that "the boundaries of 'international economic law' can become constraining, rather than liberating, unless care is taken to interpret them broadly," this bibliography carries with it the caveat that it does not attempt to demarcate in any clear intelligible fashion the scope or boundaries of the field. The scope covered is, rather, largely influenced by the current literature on women, feminism, and the global economy.

III. Towards Engendering International Economic Law: A Roadmap

How could trade liberalization disproportionately impact women? How is it possible that, arguably, gender-neutral macroeconomic fiscal and monetary policies such

29. Abbott sites three recent developments to buttress his point. "The first is the escalating demand for harmonization of national regulatory programs in pursuit of a 'level playing field' for trade and investment. The second "is the rise of the concept of sustainable development" which essentially "links environmental and economic concerns. The core of the concept is the idea that economic growth and environmental protection are neither discrete nor inherently contradictory goals. Instead, they are structurally interrelated, and even may be mutually supportive." A noticeable trend today as a result is a new willingness to incorporate in "economic" instruments such as the Bogor Declaration on the Asia-Pacific economic community or the Miami Declaration on the Free Trade Area of the Americas the concept of sustainable development. "A third development is the linking of economic and social policy." This is reflected in the growing call for social clauses in trade agreements. Abbott, supra note 12, at 508-09.


as structural adjustment, de-regulation, and privatization affect women differently? Is it possible that foreign assistance is traditionally structured in ways that marginalize women? Is the Network for Women and Development Europe (WIDE) right in its conclusion that “trade, investment and competition policies, like macroeconomic fiscal and monetary policies are not gender neutral” but are “formulated by men and have strong male biases”? How could the drive to privatize key social sectors have a different impact on women and girls? Is globalization a phenomenon whose effect has been largely exaggerated by women’s groups or is it the threat of the twenty-first century? And, is there any consensus on the conceptual basis and agenda for a feminist macroeconomic policy in the twenty-first century?

A. Women and International Trade

The 90s was a decade of intense proliferation of multilateral trade agreements that paved the way for further integration of regional and global economies. How and in what ways does trade liberalization alter the world’s social and economic norms? What is the impact of trade liberalization on women in the informal sector or agriculture, for example? What is the relationship between women and the WTO? Is a gender-fair ethical code of conduct in world trade feasible?

Despite the reported negative impact of trade liberalization on women’s lives, gender analysis of trade is almost nonexistent. Looking at vocabulary, women argue that the whole discourse of international trade is framed in masculine terms. The main negotiators and drafters of trade agreements are overwhelmingly men. At a normative


34. Id.


37. WIDE, supra note 33, at 2.

38. At a recent conference on “Women and Alternative Economics” organized by WIDE, participants were almost unanimous in their conclusion that “the biggest, and least addressed, problems for women everywhere in the world today are in the arena of trade.” “Trade” they concluded, “is a missing link in the development and economy debate that needs a closer analysis by feminists.” See WIDE, supra note 33; European Union Development and Trade Policy and Its Role in International Institutions, available at www.eurosur.org/wide/b001_07.htm.

39. WIDE argues that at the level of vocabulary, international trade is framed in masculine terms as reflected in the vocabulary of war, conquering, penetrating, and killing. See WIDE, supra note 33.
level, people-centered considerations have, traditionally, been excluded from the theory and conduct of world trade and from trade documents that ultimately emerge. At the center of the globalization debate, therefore, is the impact of neo-liberal economic prescriptions—open market, exports production strategies, tariffs, and quota elimination—on vulnerable groups. Consequently, a growing body of scholarship engages in a gender analysis of regional and global trade regimes such as NAFTA and the WTO.

One particularly important aspect of the inquiry is the impact of trade liberalization in agriculture on Third World women in their role as caregivers, consumers, and agricultural workers. In the Philippines, declining income from basic food production and small farms is reported. Several factors account for this including the influx of cheaper foreign products, the conversion of agricultural lands for “development” projects, and speculative land pricing. Because a significant proportion of Third World women are subsistent farmers, they are impacted by reductions in price of local goods which are caused by trade liberalization in agricultural products.

By exposing the women’s condition in a marketized world, scholars attempt to resist the false narratives of global progress as a result of free trade. Overall, despite the assurances that the bark in the new trade agreements may be worse than their bite, the world’s women remain very concerned.

B. Women, Work and the Global Economy

Globalization, *The International Business Reports*, is increasing women’s employment opportunities worldwide. Statistics tell a different story, however. According to surveys by Windham International and the Employee Relocation Council, women filled only ten to fifteen percent of overseas assignments with U.S. multinational firms in 1998. Marian Stanley, founder of Global Resource Institute, acknowledges that the disadvantages of being a woman in an international assignment are real in her opinion. While economic liberalization may have expanded the economic opportunities of women in many countries, several questions still persist: What forms of economic opportunities are open to women in the global economy? How have women fared under conditions of intense industrial restructuring characterized by informalization of employment and flexibilization of labor? In China, for example, while women have benefited from expanded economic growth, they also make up the majority of those laid off from their jobs (as much as 80 percent in some sectors) and the majority of the unemployed. The same is true in Brazil according to women’s groups reports.

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42. The argument is that “owing to the shortage of skilled international managers, multinational corporations are eschewing the myths of the past and recruiting more and more women for top jobs in foreign countries.” See Women’s Global Career Ladder, 7 INT’L Bus. 57 (1994).
44. Id.
45. WEDO, supra note 40, at 52.
46. Id. at 38. Since 1996, more than one million people have joined the ranks of the unemployed in Brazil. Of this figure, women constitute two-thirds.
There is clearly an urgent need to probe the assertion that economic globalization will expand the employment opportunities of women. The relationship between multinational corporations and the exploitation of female labor in developing countries also demands closer attention.

C. Women and International Economic Institutions

Have existing international economic institutions—the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (the World Bank)—outlived their usefulness? Has anything that is important for women really changed in the organization and policy of these institutions? How and in what ways do the activities of these institutions impact the lives of women? Globalization means that the economies of an increasing number of countries are driven by external multilateral institutions such as the World Bank and the International Monetary Fund (IMF). Through avenues such as Structural Adjustment Programs, these institutions impose highly contested neo-liberal economic policies on already weak states. The hasty externally driven initiatives have often proved very costly for vulnerable groups. Structural adjustment programs emphasize export-led growth and privatization without due regards to local needs and circumstances. Structural adjustment has usually involved reduction in public investment and expenditure, slashing of subsidies on basic food stuff and agricultural resource (fertilizers), reduction of budgetary provision for social spending and development, and is usually accompanied by the 4 "Ds"—deregulation, deflation, devaluation, and denationalization.47

The privatization of state-owned cashew-processing industry in Mozambique is a prime example of the impact that hasty, externally driven structural adjustment initiatives have on women and whole populations. Under the prescriptions of the World Bank, when the cashew factories were privatized, raw cashew nuts rather than processed nuts were exported, and the twenty percent tax imposed on exports was removed. The result was catastrophic. The cashew industry collapsed resulting in job loss for about 7,000 of the 9,000 cashew industry workers, the majority of who were women. A 1997 IMF-World Bank study admitted that the peasants gained nothing from liberalized export.48

Cost recovery policies, overnight introduction of school fees, and cut backs on spending for education also appear to have a detrimental effect on young girls. A common report is that in most countries female enrollment in schools are falling, and thus a widening gap between the educational levels of girls and boys is emerging.49 In Bulgaria, where privatization involves as much as forty percent of state-owned property, women's groups are concerned that women will not benefit from the process.50

47. Id. at 90.
48. WEDO, supra note 40, at 119.
49. In Costa Rica, adolescent girls constitute a high number of drop-out of schools. The same is true for China where in light of traditional attitude towards women and girls, families are less able to find funds to educate their daughters as fees for education increase. Id. at 52.
50. Id. at 42. Under the IMF and World Bank adjustment program, Bulgaria has witnessed mass layoffs (on average 25 percent) and imposed part-time work that affects mainly women. The same is true for South Africa, where the IMF's macroeconomic policy prescription is embodied in a new program GEAR (Growth, Employment, and Redistribution), which calls
**D. Globalization, Transnational Spaces, and Global Flesh Trade: Trafficking, Sex-Tourism, Prostitution, and Mail-order Brides**

Globalization is birthing new "dark" enclaves—unregulated transnational spaces where money is exchanged for sex in increasingly complex transactions. Modern breakthroughs in information technology are bringing about a transformation and sophistication of the global flesh trade. Despite the proliferation of regional and international instruments, some dating back to the early twentieth century, purporting to address the problem of trafficking and prostitution, the problem has persisted not only in the third world, but also in transition economies. In Belize, a combination of foreign military presence, growth of the tourist industry, dire economic conditions, and high unemployment has led to increased prostitution. Moscow now harbors an estimated 20,000 to 30,000 prostitutes, while as many as 50,000 women leave Russia each year to work as prostitutes abroad.

What macroeconomic forces shape the decision of women who choose sex over other income options? How does sex work inform our knowledge of how the structures of the international economic system transform women's lives in poor countries and how these women confront and ultimately embrace the present global economic crisis? Are the new sex workers victims of the global economic restructuring or a new breed of savvy entrepreneurs attempting to take advantage of the global linkages that exploit them? Is the global sexual landscape altogether exploitative or does it offer more than sex and money to participants? What is the role fantasy, opportunity myths, and global media (CNN Effect) in the equation?

**E. Women, Globalization, and New Technologies**

On the one hand, new technologies can be used and are being used by women and women's organizations worldwide to forge new empowering alliances. On the other hand, for extensive trade liberalization, privatization, reduction of minimum wage, reduction of social spending and public service, and relaxation of export controls. Not surprisingly, the strongest opposition to GEAR has come from women's groups in the country. Liberalization is reported to be having a severe impact on women, particularly, in key industries such as clothing, textile, and leather that has been opened to foreign competition. Not surprisingly, the strongest opposition to GEAR has come from women's groups in the country. Liberalization is reported to be having a severe impact on women, particularly, in key industries such as clothing, textile, and leather that has been opened to foreign competition. Id. at 162.

52. WEDO, supra note 40, at 33.
53. Id. at 151.
54. The increasing use of online dialogues and net conferences by women and women's rights groups suggest that, in many respects, women are benefiting from the unprecedented advancement in new information and communication technologies made by leading global technology corporations. Popular on-line dialogues include the Women Watch; the UN Internet Gateway on the Advancement and Empowerment of Women (www.un.org/womenwatch/forum/index.html); CEDAW-in-action, an internet working group focusing on the work of CEDAW (www.sdnp.undp.org/ww/lists/cedaw.htm); and Women-Action, a global information and communication network established to enable NGOs to actively engage in the Beijing + 5 review process (www.womenaction.org).
hand, questions about access and control suggest that new technologies may carry with them new forms of marginalization and exclusion. The need for additional research in this area is evident.

Do new technologies empower women or threaten women's security and survival? How should gender awareness be integrated into technology transfer and how? Does technology empower or disempower women? To what extent are the technology needs of women reflected in the current global technology processes? What is the current and potential impact of the explosion of information and communication technologies in the developing countries? To what extent do questions of access reveal new patterns of marginalization of women within the new global informational space?

F. Globalization, Women, and Violence

In Mexico, violence, especially in the most populated cities, is increasingly associated with poverty and the effects of the 1994 economic crisis. In Ciudad Juarez on the northern border, one woman is killed every month on average. Over the past three years, some 100 women have been killed. In the countries in transition in Eastern Europe, increasing violence against women has also been reported.

Several questions are clearly raised regarding the relationship between globalization and women's safety and well-being in the private and public sphere: What is the relationship among globalization, economic development, and increasing violence against women? Does marketization exacerbate women's poverty and powerlessness, thereby making them far more vulnerable to violence, sexual harassment in the home as well as in the workplace, trafficking, forced prostitution and other forms of abuse? Does the new consumerist culture associated with globalization create conditions under which an increasing number of women experience violence? Does globalization, by producing a new, vulnerable labor force, indirectly encourage violence against women?

More research and empirical study is needed to understand the relationship between globalization and violence against women.

G. Globalization and Women's Health

The relationship between economic globalization and women's health is another area demanding further studies. Questions are increasingly raised about the impact of

56. WEDO, supra note 40, at 114.
57. Id.
structural adjustment, health sector reform, privatization, and trade liberalization on women's health. How do macroeconomic policies impact women's health? This is an underdeveloped area of scholarship that is increasingly being researched. In Malaysia it is reported that women migrants in the electronic sector have suffered numerous health problems, such as miscarriages, cervical cancer, eye problems, and bladder infections; while women who work spraying pesticides in plantations suffer from skin and reproductive health problems. The crushing debt burden of countries in Africa, Latin America, and parts of South Asia has significantly impacted women's physical well-being as scarce resources are increasingly diverted from family planning and reproductive health programs.

H. Globalization, Citizenship, Democracy, and Immigration: Feminist Perspectives

Where do the locus of civil rights and obligations reside in the global economy? What new rights are acquired and what old rights and claims are lost? Patricia Fernandez Kelly argues that "gender, ethnicity, and migration are common factors that constrain the realization of citizenship, and its attendant rights and responsibilities" in the global economy. This raises interesting and often ignored questions about the meaning of nationality today, and calls for a reconceptualization of citizenship in ways that reflect present economic realities. Saskia Sassen, rightly asks can scholars "re-read and reconceptualize major features of today's global economy in a manner that captures strategic instantiations of gendering, and formal and operational openings that make women visible and can lead to greater presence in representation and participation[?]."

What about the female migrant? Women are increasingly migrating from countries marked by poverty to countries that appear to offer employment opportunities. In East Asia, a migratory trend from countries such as the Philippines and Thailand to countries

59. Health sector reform is now an integral aspect of structural adjustment policies that stress market principles in the social sector. The overall goal ostensibly is to minimize the bureaucracy and inefficiency of overly centralized systems and make health spending cost-effective by reorganizing services and resources. The means employed include: decentralizing management and budget to make the health sector more accountable; introducing cost-recovery mechanisms such as user fees and insurance; encouraging greater private and other non-governmental sector participation in health delivery; and modernizing administration through financial and management information systems.

60. In both rich and poor nations, privatization of basic public services and competitive market mechanisms is becoming the norm.

61. WEDO, RISKS, RIGHTS AND REFORMS: KEY FINDINGS (1999), available at http://www.wedo.org/monitor/riskfindings.htm. More than five years after the International Conference on Population and Development (ICPD) in Cairo in 1994, the Programme of Action adopted by some 179 nations is far from being accomplished. Among the factors that imperil the realization of the Cairo agreement are shortfalls in economic resources needed to realize the Cairo goals and the increasing negative impact of economic globalization on women's health.

62. WEDO, supra note 40, at 109.

63. Patricia Fernandez Kelly, Lecture at Johns Hopkins University (Feb. 7, 1995).

such as Malaysia, Japan, and Hong Kong is reported. Annually, hundreds of Latin American illegally women migrate to the United States. In the new host countries, migrant women are overwhelmingly concentrated in the industrial sector (such as the export processing zones and the electronics sector), the service sector (hotels, restaurants, and domiciles), and in the entertainment industry. Several questions inevitably arise. What macroeconomic policies account for this migratory trend? Does the process of globalization and migration result in net gain for women or their further exploitation? What new status do women acquire in their host country? Does globalization-induced migration lead to a net loss of citizenship and participation rights for women?

I. GLOBALIZATION, WOMEN, AND NEW SOCIAL MOVEMENTS:
A THIRD WAY?

Globalization is also breaking down the traditional divide between civil society in the first and third worlds. Call it transnational social networks or global civil society revolution, the truth is that communication technology is providing linkages between hitherto isolated groups in different countries and regions. What is more, globalization is much more forcefully linking the economic dilemma of women in the developed countries with those of women in developing countries in ways that render localized struggles for economic emancipation meaningless. The need thus arises for women to seek solutions that transcend national boundaries. It is now increasingly argued that laws responding to the gender wage gap can only succeed it they go beyond addressing domestic problems to address global issues. As globalization transforms the meaning of domesticity, women are challenged to unite in their effort to engender the international economic regime.

The question is now asked, is there an alternative to globalization—a third way, perhaps? Do the world’s women advance any feasible alternative to market liberalization associated with globalization? How do they respond to Thomas Friedman’s assertion that there is currently no coherent, alternative ideology to liberal, free-market capitalism, nor is one likely to emerge?65 Some internal housekeeping matters persist also: Is a global alliance between the world’s women really possible? Can the world’s women unite on the basis of true partnership and equality against the forces of globalization?

IV. Selected Bibliography

A. WOMEN AND MACROECONOMICS: THEORETICAL & CONCEPTUAL ANALYSIS


65. Thomas Friedman doubts that there will be a coherent and universal reaction to globalization. He argues that it is doubtful that “we will see a new coherent, universal ideological reaction to globalization—because I don’t believe that there is an ideology or program that can remove all of the brutality and destructiveness of capitalism and still produce steadily rising standards of living.” THOMAS L. FRIEDMAN, THE LEXUS AND THE OLIVE TREE 334 (2000).


B. WOMEN AND INTERNATIONAL TRADE


C. Women, Work, and the Global Economy


*Industrial Policies and Women's Work for the Future* (Swasti Mitter & Cecilia Ng Cheen Sim eds., UNU/INTECH 1997).


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V. Conclusion: New Horizons, New Visions—Research Agenda for the Twenty-First Century

Overwhelmingly, emerging reports from women's groups in different countries suggest that economic globalization is having a disproportionately negative impact on women. In Cameroon, for example, the Women Environment and Development Organization report that "many civil servants, predominantly women, have lost their jobs due to cutbacks," and "cuts in the public health care services have affected women more than men."66 The trend is not limited to the Third World. In Canada, the National Council on Welfare reports that "the downsizing in public and private sectors designed to make Canada more competitive in the global economy has cost women's well-being and increased women's poverty."67 And, in Luxembourg, economic globalization is reported

66. WEDO, *supra* note 40, at 44.

67. *Id.* at 46. A 17.4 percent poverty rate is reported. Single mothers with children under eighteen had a high poverty rate at 57.2 percent. Overall, 70 percent of women and children are reported to be living in poverty.
to be widening existing gaps between men and women in terms of their access to economic power, thus rendering women "practically invisible on the landscape of financial, commercial and economic policy-making." 68

Yet, despite renewed efforts at engendering international economic law, there are still very few comprehensive studies on the impact of macroeconomic policies on women. It is still not clear how and to what extent macroeconomic policies and trade and investment agreements affect women's access to credit, property, land, housing, environmental resources and education. Furthermore, the full impact of globalization on rural women or women with special disabilities is not fully known or documented. A greater number of empirical studies are needed to affect more concrete reform proposals.

Under pressure from feminist scholars and women's organizations, some governments have begun to introduce policies aimed at cushioning the most vulnerable groups from the harshest effects of economic liberalization and restructuring. The effects of these measures, however, need to be seriously evaluated. In other words, it is still not clear how these "band-aid measures" actually cushion women and their children from the full brunt of marketization. In China, the government has created re-employment projects and preferential credit policy, and has encouraged diversified means of education. 69 In Costa Rica, the National Plan Against Poverty emphasizes the provision of education and training to women heads of households.70 And in Ecuador, two funds exist to offset the adverse effects of globalization: the Fund for Social Investment (sponsored by the World Bank) and the Funds for Solidarity.71 Similar programs include the Program of Family Assignment (Honduras),72 the National Creche Fund and the National Credit Fund for Women (India),73 and the Social Dimension to Development Initiative and the Women's Development Fund (Kenya).74 Rarely have these new projects been subjected to serious scholarly evaluation. How women perceive these measures and the extent to which these measures fully address women's concerns about globalization remain to be evaluated.

Future research and scholarship must probe the successes and failures of the women's movement with respect to the goal of engendering international economic law and institutions. In recent times, campaigns targeting the policies of the key international

68. Id.
69. Id.
70. Id. at 56. Under the program, women receive economic incentive to participate and train in areas such as self-esteem, human rights education, health, and citizenship rights. It is unclear how such education equips women to cushion the harshest effects of marketization.
71. Id. at 65.
72. Under the program, some mothers receive thirty lempiras (approximately $2.29) a month for each of their children in school. This complements the Honduras Fund for Social Investment and the School Bonus. Id. at 85.
73. The National Creche Fund provides support service for working women, while the National Credit Fund for Women provides credit to women in self-help groups with low transaction costs. Id. at 93.
74. Id. at 103. The Social Dimension to Development Initiative aims at addressing the special needs of the poor through programs for girls' education, single headed households, and access to credit.
economic institutions have been launched. The Women's Eyes on the World Bank Campaign and the Women Take On the World Trade Organization Campaign (WTO2) are prime examples. Launched after the Fourth World Conference on Women in Beijing, China in 1995, the WTO2 Campaign's goal is “to give women—and civil society as a whole—access to the new international trade organization.” It is perhaps still too early to access the success of these campaigns. Nevertheless, sustained scrutiny of how international economic institutions respond to the pressure from women's groups is important for strategy evaluation. Clearly, if nothing important for women has changed in the organization and policy of these institutions, alternative strategies may have to be devised in the coming years. In short, what has worked, what has failed and what needs to be changed?

Discussion about the gender aspects of globalization is incomplete without a look at the fate of women in transition economies. Who are the winners and the losers in on-going privatization processes in Eastern Europe? To what extent have women been able to gain control of former state-owned enterprises? How are privatization and trade liberalization policies altering gender relations and rolling back past gains by women? In the Russian Federation, an estimated 70 percent of the unemployed are women (80 percent in urban areas), while women's wages have dropped to 40 percent of men's wages (down by 30 percent). Altogether, gender-segregation in the labor market is reported to be growing with women relegated to a narrow range of positions. Overall, are more gender-sensitive paths to reform being ignored and, if so, why?

One note of caution: research energy still concentrates overwhelmingly on economic globalization to the neglect of legal, social, and cultural aspects of globalization. Studying the relationship of globalization to such phenomena as social movements and the legal system may suggest that globalization does not altogether spell doom for the world's women. Could globalization end patriarchy and the subordination of women in distant lands as new values challenge and erode cultural prejudices against women? In other words, does globalization hold the key to women's liberation from the hold of

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75. One of the goals of the Campaign is to closely monitor World Bank's performance and hold it accountable to its new rhetoric on gender and women's issues. This includes the continued tracking of Bank-funded structural adjustment programs, advocating for specific policies as alternatives to traditional adjustment and closely tracking the NGO-World Bank Structural Adjustment Participatory Review Initiative (SAPRI). The Campaign has four objectives: "increase the participation of grassroots women in the Bank's economic policy-making; institutionalize a gender perspective in Bank policies and programs; increase Bank investments in women's health services, education, sustainable agriculture, land ownership, employment and financial services, and ensure greater access and control over these key resources by the poor, especially women; and increase the number and racial diversity of women in senior management positions within the Bank." Women's Eyes on the World Bank, Economic Globalization, World Bank, http://www.wedo.org/global/bank.htm. In 1996, the World Bank established an External Gender Consultative Group composed of twelve NGO representatives.


77. WEDO, supra note 40, at 150.
discriminatory customs and religious practices? Does the current revolution in communication informational technology, itself a by-product of globalization, fuel global feminism in ways never seen before? Overall, might globalization prove to be a phenomenon whose benefits ultimately outweighs its cost? Are women in danger of throwing away the baby with the bath water? These questions are intended only to provoke more rounded research and scholarship on the intersection of gender and international economic law. Focusing exclusively on the evils of international economic regime, to the neglect of any potential benefits, women may run the danger of destroying even those policies, laws, and institutions that have benefited women.

Ultimately, women's experiences of globalization vary in the sense that not all women are winners or losers in the globalization processes. How to capture the varied and subjective experiences of the world's women thus remains a challenge. Integrity in research and scholarship calls for more serious analysis of the different positioning of women under globalization. Life stories and anecdotal evidence, coupled with serious statistical and economic studies, will remain important in the coming years. Overall, the account of Leticia, a mother of six in Mexico, best buttresses the urgent need for a gender analysis of the present international economic system. The North American Free Trade Agreement (NAFTA), it would appear, has not brought about the economic miracle its key proponents had promised. In the words of Leticia:

I can't afford to buy our minimum needs. Last year a pound of red beans was 3.50 pesos; today it is 10 pesos. We used to sow our own beans but now we cannot afford to buy fertilizers and soil. They doubled the price this year. We could only sow a little bit of corn to be able to eat tortillas and salt. My husband and eldest son have had to leave for the north. I hope they send some money to help me out, because I can't even earn enough to get some chilies.

79. WEDO, supra note 40, at 113.