

# Globalization Some Implications

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*Cet article traite des nouvelles procédures légales issues de la mondialisation qui menacent nos institutions démocratiques telles qu'on les connaît. Les auteurs soutiennent qu'aux niveaux international et national, les procédures légales qui ralliaient nos notions de démocratie ont glissé de celles qui nous étaient accessibles, transparentes, vers d'autres procédures tenues secrètes, exclues du débat public, et qui forment, transforment le pouvoir du côté des corporations internationales.*

The National Action Committee on the Status of Women (NAC) was one of the first organizations in Canada to understand the significance of globalization for women and the first feminist organization in the North to actively confront its implications. Beginning with the initial campaign against the Free Trade Agreement (FTA) in the mid-1980s, NAC argued that women's work would be negatively affected by the trade agreement. But as the actual terms of the agreement became known, it became clear that much more was at stake and that the agreement itself would be a vanguard for further far-reaching international agreements. The ways in which public policy would be undermined, and the effect this would have on all kinds of initiatives women had worked to achieve, became the focus for our actions.

The women's movement understood that the whole point of public policy was to counter the market's failures and to bring about social goals that could not be fulfilled through the normal workings of that market. During the

past 150 years, feminists in western industrialized nations have challenged the idea of an unregulated market as the best and most efficient way to meet human needs. Women did not need lengthy analyses of economic theory to realize that the acts of buying and selling on the market were not sufficient to meet their needs: the market could not recognize the value of their work (paid and unpaid), eliminate discrimination and oppression, or overcome chronic unemployment and poverty. Women had experienced first-hand the power of the market to keep them in their place and knew that only attempts

to control the market could begin to rectify their circumstances of oppression. In fact, the great social projects of the twentieth-century occurred when people confronted the structures of power in society in order to make those societies more humane. While feminists have been dissatisfied with many of the results, the gains we have made are in great jeopardy with the form of globalization that is now taking shape.

The effects of the free-trade initiatives on labour, social programs, the environment, and the quality of our lives have been examined in other NAC publications. Specifically we have discussed the way in which globalization destabilizes existing social institutions and replaces them with impersonal market relationships and the ways it reduces the power of nations to regulate business, tax corporations, and provide for the needs of people. In doing this, we have been mindful that the effects of globalization are not homogeneous and that some groups of people are disproportionately affected as compared to others.

The focus in this paper is on two specific areas which feminists have not yet devoted significant attention to but are indicative of the direction in which globalization is taking us. The first section looks at the ways in which the new legal processes that are emerging as a result of globalization threaten our democratic institutions as they currently exist. The main point is that, at both the international and national levels, the legal processes that epitomize our notions of democracy are being shifted from those that are accessible, open, and public processes, to secret proceedings that exclude public scrutiny. The new institutions that are being established are not democratic, do not replace the market-controlling functions of nations, and shift power decidedly in the favour of international corporations.

The second section deepens this theme by specifically discussing changes in the International Labour Organization (ILO) and how its focus is shifting to accommodate the market-creating needs of international capital. While this section treats the attempts to restructure the ILO as a case study, it demonstrates how existing international institutions that have a specific function to support non-corporate groups, could, through the institutions of globalization, become part of the de-regulation framework. This analysis rests on examples of the changes in the ILO's position in two industries that are particularly significant for women's paid work.

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# Strategies for Women

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Both of the sections show how the new so-called "standards" which are being created could be easily mistaken for international regulation designed to replace the regulations now imposed by nations. In fact, this is the impression perpetuated by proponents of the new "standards." However, in reality, the institutions are incorporating a de-regulation process that will lead to a serious weakening of national and international standards and regulations.

The final section gives a brief overview of the directions that could guide feminist activity in the future.

## The Legal Framework of Globalization

The legal framework used to facilitate globalization is found in the international trade agreements, particularly the World Trade Organization. For Canada, the Canada-US Free Trade Agreement (FTA) and the North American Free Trade Agreement (NAFTA) are equally important.

Investment treaties have also been signed to prevent government "interference" in the daily movement of over one trillion dollars (\$us) around the world. These include the NAFTA investment chapter and over 1600 bilateral agreements around the world. Canada has signed or is currently negotiating 60 investment agreements with developing countries and Eastern European countries. The Multilateral Agreement on Investment (MAI), currently delayed but still alive, is designed to remove government investment regulations in the world's 29 richest countries.

The legal system in Canada has always been problematic. It is male-dominated, too expensive, and time-consuming for most citizens to use, and much more accessible to rich individuals and business than to average people. However, NAC and other social and environmental activists have continually fought for positive changes in laws and legal processes. Examples of these positive changes include measures to ensure equal pay, more protection for battered women, bans against cancer-causing chemicals and drugs like thalidomide, and laws against pollution of our air and water. The pillars of our democratic system are elected Members of Parliament who are accountable to the people for the enactment of laws, and an open, visible justice system that is charged with enforcement of those laws.

In the past ten years, Canadians have experienced fundamental changes in the laws that govern us, as well as

our access to those laws and to lawmakers. These changes have led to a deterioration in democratic processes and democratic rights.

## Secrecy of Trade Negotiations

A key feature of trade agreement negotiations has been the way they have been pursued behind "closed doors," in entirely secret "diplomatic" processes. To justify this secrecy, the agreements have been described to the public as simple tariff agreements. In actuality, *they* are comprehensive international agreements that have far-reaching consequences. They bind governmental powers in all countries and are designed to prevent governments from using powers within their national constitutions to uphold the interests of citizens. They are said to concern only cross-border trade, but actually affect all areas of policy, including policy on health, education, employment, resource use, pollution control, and culture.

The trade and investment negotiations occur in cities all around the world, but particularly in Europe, away from the scrutiny of peoples affected.

Leaks of preliminary documents related to the FTA, NAFTA and mm were invaluable to groups active in opposing them. While the negotiations in all three cases were already well advanced, the public scrutiny allowed people to understand what was happening and led to a debate over the social issues affected by these new agreements. Critics of these agreements, including NAC, were ridiculed when they demanded openness in trade negotiations, but they were proven right: the impact of public scrutiny and the resulting openness can be seen in the partial defeat of the MAI. This does not mean, however, that openness is an established principle. It is one that will need to be continuously placed at the forefront of demands by women, green, labour, and health activists in the future.

One difficulty confronting groups that want to challenge the current globalization process is the proliferation of simultaneous negotiations on critical issues. For example, at present,

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