

GLOBAL JUSTICE BEYOND DISTRIBUTION: POVERTY AND NATURAL RESOURCES

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Chronic poverty comes in a variety of forms. It is multi-dimensional in its causes and multi-dimensional in its impacts (Chronic Poverty Research Centre 2009, pp. 5–6). Although poverty “has an irreducible economic connotation,” this connotation “does not necessarily imply the primacy of economic factors” (OHCHR 2004, p. 8). For example, violent conflict, access to land, and social relations of power are among the most important factors in food security (Jenkins and Scanlan 2001; Tschirley and Weber 1994; Kennedy and Peters 1992). Integration into global economic markets is as likely to be a source of immiseration and impoverishment as it is a solution (Martinez-Salazar 1999; Ghai 2001; Shiva 2003). Access to safe drinking water and basic sanitation are significantly impacted by displacement and violent conflict and its aftermath; displacement and violent conflict often have an ethnic dimension (Tilly 2003, p. 224; Hannum 1996).

Gillian Brock’s cosmopolitan model of justice offers an apt framework for recognizing and addressing these facts about global poverty. Brock defines justice at the global level in terms of the prospect for a decent life (2009, pp. 56–63). This definition is specifically designed to apply to matters beyond global distribution of resources and to allow us to think about reform of international institutions in pragmatic terms (Brock 2009, p. 45). For Brock, the extent to which all people are able to meet their basic needs is one of four indicators of our progress toward justice at the global level. The other three are whether all people’s basic liberties are respected; whether there are fair terms of cooperation in global institutions; and whether there are social and political arrangements in place to support meeting needs, basic liberties and fair terms of cooperation (Brock 2009, p. 119).

Within this framework, states appear as facts that we must take into account and to which we must respond, but only as facts: the relationships they establish have no antecedent claim on our consciences or our resources merely because they are based in a common nationality (Brock 2009, pp. 266–270). Given these features of her view, we might expect Brock to adopt a human rights approach to global poverty. But Brock opts instead for a distributive approach. In so doing, she takes over a framing of the problem of global poverty that mischaracterizes

what is at issue and makes the case against the reforms she advocates seem more plausible than in fact it is. Brock's project is a much better fit with a human rights approach, not least because it allows a more pragmatic treatment of international institutions.

BROCK'S COSMOPOLITANISM

In *Global Justice*, Gillian Brock grounds our cosmopolitan duties of justice in the basic moral duty to treat all people everywhere as having "global stature as the ultimate unit of moral concern" and as "therefore entitled to equal respect and consideration no matter what her citizenship status, or other affiliations, happen to be" (Brock 2009, p. 14). What kind of institutions are required to meet the standard of treating all persons as having equal moral worth is in many respects an empirical question. And so, for Brock, the question of what institutional reforms and policy initiatives we are compelled to support as a matter of justice is a question of how our duties to treat all persons as of equal moral worth constrain us in the institutions we may and must construct, and the policies we may and must pursue.

Given this description of the grounds of our duties of justice, we might expect Brock to adopt a human rights approach to global poverty: an approach that emphasizes duties of powerful institutional actors such as states and international organizations and powerful actors in the international private sector to respect individuals' basic human rights to life and security of the person (Alston 2005; OHCHR 2004). However, she does not do so, relying instead on a distributive justice approach and emphasizing institutions for the distribution and redistribution of benefits, burdens, and access to necessary goods. Adopting a distributive approach is, I believe, a mistake. A framework that emphasizes distribution mischaracterizes what is at issue, naturalizes competition between interests and the inevitability of trade-offs that are in fact socially and ideologically constructed, and distorts the nature of corporations' interests in redistributive outcomes. In this, distributive approaches to global poverty are inherently problematic and ill-suited to the arguments that Brock seeks to make.

DISTRIBUTIVE JUSTICE AND GLOBAL RESOURCES

Brock argues that our cosmopolitan duties of justice include duties to modify existing international institutions to promote global justice, understood as decent opportunities for all persons, regardless of their geographic location or the particular persons with whom they share a state, to meet their basic needs, enjoy basic liberties, and have social and political arrangements in place that protect these needs and liberties and ensure fair terms of cooperation in collective endeavours (Brock 2009, p. 45). She argues that when we consider the problem of global poverty, and the challenge of generating the funds necessary to tackle this

problem, we would do well to begin with reform of international taxation regimes, targeting loopholes that allow corporations to avoid tax on their activities and introducing taxes on activities such as participation in currency markets. In arguing that we ought to make extensive use of taxation reform as a method to alleviate global poverty, Brock presents taxation reform as a significant, permissible, and relatively low-cost way to discharge our duties of global justice. Specifically, she argues that financing poverty reduction strategies through global taxation reform is a permissible (we are permitted to tax corporations for the purpose of reducing global poverty), effective (it will significantly contribute to alleviating global poverty), and feasible (it is possible actually to institute) means to realize our duties of global justice with respect to poverty.

Brock opens her discussion of global poverty with an overview of Thomas Pogge's argument for a global resource dividend. An important element of Pogge's argument is the claim that "we all rely on a single natural resource base," and that this, among other things, establishes a duty to ensure that the institutions that distribute benefits and burdens in relation to those resources are fair (Brock 2009, p. 122). This characterization of what is at issue when we consider injustices in the use and distribution of global natural resources occludes crucially important questions about what constitutes a benefit or burden with respect to resources, and how being benefitted or burdened with respect to resources becomes morally salient. These questions are important for global justice generally because the principle that land and resources ought to be administered for the sake of and in accordance with the priorities of the people who inhabit a territory has been and continues to be a cornerstone of de-colonization (Daes 2004). These questions are important for chronic poverty in particular because social power in relation to land—who has access to it, who determines how it is used, who benefits from its use—is a key factor in food security and health (Kennedy and Peters 1992; Chronic Poverty Research Centre 2009).

To see the problem with characterizing poverty in relation to land and resources as an injustice in the distribution of benefits and burdens, consider the hypothetical case of an indigenous people living next to a site that has been identified as a potentially profitable source of copper extraction. Suppose that the livelihood of this people is bound up with fishing a local river or employing a specific form of cultivation; that they have developed medical practices specific to the resources, risks, and illness typical of their landscape; that their family relationships are defined, expressed, and preserved in decisions about who is properly empowered to access, use, and manage the land around their community; and that a crucial element of raising and caring for children is establishing them in a relationship to that land. Suppose further that specific sites and features in a landscape play a central role in their religious practice or social calendar, and that they use specific sites and features in a landscape as a source of local history and to explain and develop their connections to one another and to other communities.

When we consider what would be unjust about the living conditions that this indigenous people will face should copper mining produce poverty—undermined health, greater food insecurity, diminished household assets—it is difficult to disentangle the wrong of allowing the decision about copper extraction to be taken out of their hands and the wrongs of poverty. Both the wrong of taking decision making out of the people’s hands and the wrongs of poverty reflect a common cause: indifference to the significance of how land and resources impact the people’s lives. In this, ensuring that the people will not be consigned to live in poverty and ensuring that they determine what happens within the territory on which their way of life depends are intertwined. Moreover, this is not just a fact about the people’s livelihood, but a fact about the conditions under which they live their lives. If the people cannot determine what happens with respect to their land, it will be difficult for them to avoid being consigned to poverty. If we find the people living in poverty, it will be a symptom of their not being able to determine what happens within their territory.

Thinking of the injustice of global poverty as a question of distribution occludes this question and mischaracterizes the significance of participation in decision making about land and resources in global poverty because it treats what it is to benefit or be burdened by the use of land and resources as a given. An important part of the injustice of global poverty in relation to land and resources concerns whose potential benefit and what kinds of burden are taken to be salient. This is not the pragmatic point that land and resources are more likely to be used in ways that more effectively benefit local people when their knowledge and priorities are given center stage—although this also may be true (Briggs 2005). Rather, it is a conceptual point about what is left out of our understanding of the wrong of poverty that results from displacement from land or externally imposed shifts in patterns of usage when we describe it in distributive terms. If we accept that groups of people may have presumptive moral claims to control over territory in virtue of historical or cultural connections to a specific landscape (e.g., Kolers 2009; Holder 2011), then a basic element of fair terms of benefit from land and resources is the capability to keep some uses, and perhaps even some tracts of land or types of resources, off the national and international table. This partially explains why, in the literature on people’s rights, the right to development (which is typically understood as a collective right not to live in poverty) and the right to permanent sovereignty over natural resources (which is typically understood as a collective right to administer and use resources for local benefit) have been closely connected (Orford 2001; Daes 2004). Basic liberties, including collective basic liberties, are crucial components of what makes global poverty that stems from displacement and exclusion from land and resources unjust.

This worry about whether we can fully appreciate what is wrong in consigning someone to chronic poverty through displacement or limited access to land and resources aside, to even take up the question in distributive terms requires us to

determine what counts as a benefit and burden for purposes of justice in the first place, and to commensurate these benefits and burdens through some common metric. And so we may ask: when we turn to the question of what would be a just distribution of benefits and burdens from the land next to which the indigenous people live, what metric can we use to capture benefits to people from its role in their social organization or health practices, or burdens from disruption to inter-generational communication of knowledge? In particular, is there a metric we can use that makes these benefits and burdens commensurable with the benefits and burdens associated with copper extraction in a way that illuminates and adds considerations to our judgment as to which use of land and resources we ought to prefer as opposed to simply re-stating an antecedent judgment in a different way?

Put another way: when we think about the various ways in which people might benefit from the land and resources next to which the indigenous people in the example above live—generating food, obtaining medicine, obtaining copper, generating tax revenues, taking pictures of birds—the descriptions alone will suggest to us that some ought to take priority over others. The descriptions suggest this to us in virtue of assumptions about the extent and type of benefit to people that are involved in each of these various activities, and the extent and type of burden that would be imposed in asking people to forbear from them. What, exactly, is added to our understanding of the relative merits of the different uses by thinking about the pattern of distribution that would result from prioritizing one use over the other?

In fact, for us to think it is illuminating to describe the outcome of prioritizing one or another use in terms of the *distribution* that would result makes most sense if we think of land and resources in instrumentalist terms. In particular, it makes most sense if we think of the benefits and burdens associated with land and resources in connection with the value of the activities connected with them for global economic markets.

DISTRIBUTIVE JUSTICE AND THE WRONG OF GLOBAL POVERTY

In the above section I focused on the way that land and resources are characterized in relation to global poverty in distributive approaches such as Pogge's. I have argued that thinking about the problem of global poverty as a problem of distribution mischaracterizes the nature of the wrong that is done to people in poverty due to displacement or exclusion from land and resources. I have argued that the wrong of poverty in relation to land and resources cannot be fully appreciated if the focus is on land and resources as materials, the benefits of which must be fairly distributed. This problem is the conception of the role of land and resources in the wrong of poverty, which is symptomatic of a general problem in distributive characterizations of the wrong that poverty represents. Distributive approaches like Pogge's generate duties to alleviate poverty as part of an explanation of what

each participant must be guaranteed for social institutions to count as minimally acceptable, regardless of what else an individual values. In this, they treat the wrong of poverty as primarily consisting in the material deprivation: no person would, or ought to be asked, to accept material deprivation of the sort that poverty entails. In Pogge's view, for example, guaranteeing all people a minimum level of income and of access to resources is a matter of justice because only then can we reasonably expect people around the world to treat the effects and requirements of international institutions as legitimate (Pogge 2001).

This approach encourages us to think of individuals' interests with respect to poverty as separate from and in possible competition with other of their interests. Duties to alleviate poverty arise if it can be shown that there are interests or aspects of life that poverty compromises that are central to fair terms of cooperation or equal public standing. Avoiding material deprivation may well be in competition with these (other) interests to which it contributes; and so the challenge in distributive approaches is to establish how much material deprivation is, as an empirical matter, compatible with the interests central to fair terms of cooperation or equal public standing that poverty compromises.

This conception of what is unjust about consigning someone to live in poverty makes establishing the limits of our duties to alleviate poverty a central component of establishing that there are such duties at all. The justification for duties to alleviate poverty is that we cannot reasonably expect people to accept the living conditions associated with poverty as a fair outcome of institutions that accord them equal standing. Some living conditions, however, could only be ruled out entirely if we compromised the very fairness of the terms on which people cooperate or the very equal standing that justifies poverty alleviation in the first place. And so considerations such as the fairness of asking people to pay differential tax rates, forgo luxuries, accept constraints on the extent to which they can materially benefit from their talents, or change their expectations may require that we accept wide variation in individuals' material circumstances that seem, on the face of them, to be arbitrary and unjust. Proposed reforms to international institutions intended to alleviate poverty must pass a test of fairness to those whose choices, lives, expectations, or standing will be changed for the worse: we must show that there is nothing unfair in changing their situation in this way.

In actuality, of course, poverty is as much about basic liberties, fair terms of cooperation, and social and political institutions that protect liberties and fair terms as it is about material deprivation (Offenheiser and Holcombe 2003). For example a policy that alleviates poverty by steering individuals into low-paying jobs in work sites that are unsafe or under conditions that are extensively controlled by their employers is problematic not merely because individuals have an interest both in not being poor and in having decent working conditions: it is problematic because it is wrong to ask an individual to choose between them. To offer work at a rate that meets the person's subsistence needs on terms that require her to give up say

over the hours she works or the timing of her trips to the bathroom, for example, is to fail properly to respond to the fact that she is a source of constraints. It is to ask her to accept trade-offs that no human being should have to accept.

It is important to note that in this example, the proposed trade-off itself, and not just the impact on interests, is a source of wrong. This is in keeping with Ruth Ginzberg's observation that thinking about our duties to people who live in poverty in pyramidal or "hierarchy of needs" terms is diminishing, in the sense that it shrinks the range of obligations we take ourselves to have when it is a person living in poverty and gives us permission to tolerate limits on what a poor person may command that would be considered intolerable for others (Ginzberg 1991). Charles Mills points out that the beliefs about impoverishment that accompany such diminished conceptions of what poor people may claim are often grounded in a racialized conception of human capacity (Mills 1997).

Some argue that some trade-off between changing the living conditions of severely and chronically poor people and other duties of justice is unavoidable, that we simply lack the means to alleviate poverty without violating duties of fairness and basic liberties (Ignatieff 2004; Griffin 2008). Such arguments naturalize tensions between alleviating poverty and other duties of justice: they treat such conflicts as produced by circumstances, a piece of bad luck thrown up by the way we find the world arranged. Naturalizing tensions in this way encourages us to think of them as features of the world we discover rather than part of what is in question. Our duties concern how we respond to tensions between poverty and other priorities; that there is a tension is not in itself problematic.

In fact, apparent tensions between alleviating poverty and basic liberties or fair terms of cooperation ought to be treated as red flags, indicators of something problematic in the political and social structure that we are taking for granted. Indeed, failure to perceive a need to look for better solutions to apparent conflicts between alleviating poverty and other priorities of justice can be read as its own indictment, treating compromises in acting justly as inevitable in regard to at least some others. However, failure to discharge our duties in adverse circumstances is not a pragmatic compromise with the way the world works; it is a decision to settle for a solution that less than fully responds to what people are due. It is a decision that in this case, for these people, we are not compelled to find a better solution than what is on offer; in this case, for these people, it is not a big deal to accept compromise in what constitutes a duty of justice.

GLOBAL POVERTY AND HUMAN RIGHTS

Treating the injustice of global poverty as a problem of distribution misses an important component of the wrongness of poverty in relation to land and resources and mischaracterizes the injustice of poverty more generally. More than this, the distributive framework is not a good fit for the proposed reforms and

definition of justice that Brock has developed. Brock describes poverty, liberty, terms of cooperation, and supportive institutions as indicators of our progress toward global justice, understood as the opportunities for all to decent lives. This way of characterizing the goal of global justice is similar to the concept of “rights enjoyment” that Brooke Ackerly argues is central to the praxis of many human rights activists around the world (2011). Ackerly describes advocacy and practice as promoting rights enjoyment when it identifies and works to enhance persons’ capacities with respect to human rights conceived of as conceptually interdependent, interrelated across persons, and structurally dependent (2011). This description of what it is to work toward social justice suggests that Brock’s four indicators—global poverty, basic liberties, fair terms of cooperation in global institutions, and social and political institutions that support these—are different aspects of a single phenomenon, and owed to people living in poverty as a matter of basic human rights.

For example, Brock proposes a number of reforms to international taxation as a first step to generating the necessary funds globally to support poverty reduction (2009, pp. 125–139). If we think of these proposals as policy mechanisms we are asking institutional actors to put into place to better realize their obligations to protect and promote human rights, the justificatory questions concern the rationality of the connection between the proposal and the goal. The justificatory questions will concern whether such taxation is an effective and efficient means to end poverty, whether the relevant institutional actors have the capacity to collect and forward the proposed taxes, and whether the effects would be self-defeating or lead to unacceptable externalities. In short, a human rights approach would make the central justificatory issues practical and technical considerations, not considerations about possible injustices. A human rights approach to global poverty frames the issues in this way because Brock’s proposals concern taxation, and in particular they concern taxation of the international private sector. Actors in that sector, especially corporations, have no justice-based grounds for objecting to such taxation. First, there is no human right not to be taxed, so at most, worries about the justice of such taxation can be worries about fairness or due process. Second, issues of fairness and due process in relation to international taxation apply at most to how such taxes must be generated and applied, not to whether they are permitted. Moreover, actors in the international private sector, too, have duties to respect human rights, including duties not to interfere with the efforts of institutional actors to protect and promote such rights.

But Brock does not frame her proposals for international taxation as means by which institutional actors may pursue legitimate goals to protect and promote human rights. Instead, she frames her proposals as institutional mechanisms by which we, the global public, may mobilize and redistribute revenue to effectively and fairly finance social and public goods. Further, Brock justifies imposing such a tax by appeal to a duty of fair reciprocity: insofar as corporations and other

actors in the international public sector benefit from global public goods, they have duties to contribute their fair share of the finance for them (2009, p. 130). In this, Brock elides genuinely global public goods, such as the international rule of law and a robust ozone layer, with public goods that obtain globally, such as peace in a specific locality and healthy ecosystems, and obscures the weakness of objections to her taxation proposals.

For example, the rule of law at the international level is a global public good; it is of non-exclusive benefit to all participants in international society. The rule of law in a national jurisdiction is a public good that obtains globally; it is of non-exclusive benefit to participants in a society wherever it obtains, and it obtains in many places around the globe. Corporations that are based in Canada benefit from the international rule of law; and they benefit from the rule of law in Canada. However, it is not obvious that they benefit from the rule of law in every other national jurisdiction in which it obtains. In particular, it is not obvious that a Canadian company operating in another national jurisdiction participates in all of the public goods of that jurisdiction such that we can confidently say that there is a duty of reciprocity to support those public goods. In eliding global public goods and goods that are public everywhere they obtain, Brock obscures the important fact that many actors in the international private sector are not participants in the aspects of society that benefit from public goods such as good governance or public health in jurisdictions other than their national base. She also obscures the fact that in some instances, a participant in the international private sector may benefit from the absence of a public good in jurisdictions other than their national base.

For example, suppose that environmental regulations that ensure healthy rivers are a public good wherever they obtain. It is a stretch to suggest that either the shareholders or the executives of a Canadian mining company *qua* shareholders and executives of the company benefit from this public good when it obtains in a geographic location halfway around the world from Canada. Moreover, the increased profitability that comes from mining operations in which tailings can be dumped into nearby rivers may make it the case that a Canadian mining company would benefit from the absence of this particular public good (environmental regulations that ensure healthy rivers) in some locations. The public goods associated with global poverty—good governance, a healthy population, public order—seem, like the environmental regulations in the example, to be prime candidates for public goods that are not global in the sense of conferring non-exclusive benefit on everyone in the world and whose absence may be of benefit to some participants in international society. And so if we accept the task of justifying global taxes by reference to duties of fair reciprocity, the list of public goods we will be permitted to support with the fund generated from such taxes will be very limited. For many actors in the international private sector have no duties of fair reciprocity to support public goods such as a healthy

population in locations distant from their national base; such actors may, in fact, find their operations less profitable when public goods obtain. When this is the case, the international taxes Brock proposes would force at least some actors in the international private sector to contribute to producing and maintaining public goods that negatively impact their interests.

GLOBAL JUSTICE AND INSTITUTIONS

Brock's conception of justice takes the primary subject matter of justice to be how people live. A human rights approach to global poverty seems an obvious fit for this conception and capitalizes on its strengths. Thinking about poverty as a failure to show a person the respect she is due clarifies the nature of the wrongs that poverty entails, especially in relation to land and resources, and enables us to offer a more frank assessment of the case against reforms to international taxation and other measures to alleviate global poverty that are addressed to participants in the international private sector. Rather than arguing for a duty to construct international institutions that alleviate global poverty, a human rights approach argues for a duty to address the human rights violations that poverty entails.

From this perspective, international institutional arrangements are of interest as features of the landscape that may serve as resources or impediments; they offer opportunities for doing good, but they exist and operate in accordance with a logic that must be taken into account, good or bad (Kennedy 2004). This attitude toward institutions is in keeping with Brock's general emphasis on reforms that we can pursue right now that will make institutions better than they are. Thinking about the wrong of poverty in non-distributive terms helps to tie the purpose of institutional reform more directly to the goal of enhancing opportunities for decent lives, and so to clarify what is at stake.

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