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# ***A Review of Lucie Lamarche, Perspectives occidentales du droit international des droits économiques de la personne***

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Lucie Lamarche, *Perspectives occidentales du droit international des droits économiques de la personne*. Brussels: Bruylant, 1995.

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**Reviewed by Colleen Sheppard\***

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## **Introduction**

Economic well-being constitutes an essential prerequisite to the effective enjoyment of civil, political, social, and cultural rights. So intricately interwoven are economic well-being and human rights, that reliance on a discourse of economic rights becomes, at once, both necessary and problematic. It is necessary to ensure explicit recognition and inclusion of basic material well-being in the larger project of human-rights protection. It is problematic to the extent that it risks permitting a conceptualization of economic rights as separate from, rather than integral to, other types of human rights. What remains clear is the need for a careful understanding of economic rights as human rights. Lucie Lamarche's book, *Perspectives occidentales du droit international des droits économiques de la personne*,<sup>1</sup> makes a significant contribution to this project.

In her book, Professor Lamarche explores the emergence of economic rights in international law and, then, considers their applicability and relevance to industrialized nations in an era of economic globalization. Lamarche observes a significant increase in economic vulnerability and poverty in advanced industrialized countries as a result of the emergence of structural unemployment and the erosion of the social welfare state. She contends that both of these phenomena must be challenged, and that the economic rights protected in international law provide a potential source of normative and legal assistance in this struggle.

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<sup>1</sup> (Brussels: Bruylant, 1995) [hereinafter *Perspectives*].

## I. The Emergence of Economic Rights in International Human-Rights Law

Lamarche begins her analysis by reviewing the emergence of the international protection of economic rights in three different arenas. First, she traces the emergence of the International Labour Organization ("I.L.O.") following World War I and discusses the significant inroads it has made in developing an international consensus about basic rights in the workplace. Lamarche suggests that the conceptualization of economic rights during this first period was premised on the worker's need for concrete and specific workplace-related rights.<sup>2</sup> The I.L.O.'s focus, therefore, was on regulating certain aspects of employer-employee relations rather than on the larger macro-economic dimensions of economic and social policy.<sup>3</sup> While the centrality of the worker to the vision of economic rights at the heart of the I.L.O.'s *raison-d'être* made sense historically, Lamarche suggests that it is becoming increasingly inadequate in the face of the dramatic changes accompanying economic globalization. Although the I.L.O. enlarged the scope of its objectives, as reflected in the emphasis on the broader dimensions of social justice in the *Philadelphia Declaration*<sup>4</sup> of 1944, it has not yet developed adequate implementation mechanisms for ensuring the realization of programmatic economic rights that transcend the employment context.<sup>5</sup>

The second forum of international protection of economic and social rights that Lamarche discusses is the United Nations. She emphasizes that the *Universal Declaration of Human Rights*<sup>6</sup> recognized the centrality of economic and social rights to social justice and respect for human dignity. Lamarche draws our attention to the basic economic and social rights included in the *Universal Declaration*, including, for example, "the right to social security";<sup>7</sup> "the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment[,] ... the right to equal pay for equal work[,] ... the right to just and favourable remuneration ensuring ... an existence worthy of human dignity[,] ... the right to form and to join trade unions";<sup>8</sup> "the right to a standard of living adequate for ... health and well-being ... including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age ...";<sup>9</sup> and "the right to education".<sup>10</sup> Lamarche maintains that the *Universal Decla-*

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<sup>2</sup> See *ibid.* at 35.

<sup>3</sup> See *ibid.* at 36.

<sup>4</sup> I.L.O., *Declaration Concerning the Goals and Objectives of the I.L.O.*, reproduced in I.L.O., *Action Plan, Programme and Rules of the I.L.O.*, 26th Session, Report 1 (1944).

<sup>5</sup> See *Perspectives*, *supra* note 1 at 47, 50.

<sup>6</sup> GA Res. 217 (III), UN GAOR, 3rd Sess., Supp. No. 13, UN Doc. A/810 (1948) 71 [hereinafter *Universal Declaration*]. For a discussion of the *Universal Declaration*, see J.P. Humphrey, "The Universal Declaration of Human Rights: Its History, Impact and Juridical Character" in B.G. Ramcharan, ed., *Human Rights: Thirty Years after the Universal Declaration* (The Hague: Nijhoff, 1979) 21.

<sup>7</sup> *Universal Declaration*, *ibid.* at art. 22.

<sup>8</sup> *Ibid.* at art. 23.

<sup>9</sup> *Ibid.* at art. 25.

<sup>10</sup> *Ibid.* at art. 26.

ration made clear the integral connection between the protection of economic and social rights and respect for human dignity. It also treated economic, social, and cultural rights in exactly the same way as civil and political rights, thereby reinforcing both their equality and their interdependence.<sup>11</sup>

With this historical appreciation of the inclusion of economic and social rights in the *Universal Declaration* Lamarche outlines the elaboration of economic and social rights in the United Nations *International Covenant on Economic, Social and Cultural Rights*,<sup>12</sup> which she describes as "le traité fondamental de reconnaissance effective d'un ensemble de droits économiques et sociaux de la personne".<sup>13</sup> While acknowledging its importance to the development of effective and meaningful economic rights in international law, Lamarche also provides a detailed discussion of the debates and problems surrounding its adoption.

The third branch of Lamarche's analysis focuses on the *European Social Charter*,<sup>14</sup> adopted by the Council of Europe in 1961. Her focus on the relevance of economic rights to Western industrialized nations explains her choice of this regional charter rather than other charters, such as the *African Charter on Human and Peoples' Rights*,<sup>15</sup> which encompass the economic concerns of developing countries. Although she acknowledges the significance of the *European Social Charter*, Lamarche concludes that it does not provide a basis for the effective protection of economic rights.<sup>16</sup> She critiques it for its failure to advance the international protection of economic and social rights and suggests that as a result of political compromise, certain rights were actually weakened rather than strengthened by the *European Social Charter*.<sup>17</sup>

## II. The Relevance of International Economic Rights to Industrialized Countries

The second half of Lamarche's book is devoted to an exploration of the significance of international economic rights to those social groups in Western industrialized

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<sup>11</sup> See *Perspectives*, *supra* note 1 at 53.

<sup>12</sup> 19 December 1966, 993 U.N.T.S. 3, Can. T.S. 1976 No. 46 (entered into force 3 January 1976) [hereinafter *Covenant on Economic, Social and Cultural Rights*].

<sup>13</sup> *Perspectives*, *supra* note 1 at 58. Both the *Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*, 19 December 1966, 999 U.N.T.S. 171, Can. T.S. 1976 No. 47 [hereinafter I.C.C.P.R.] were derived from the basic principles set out in the *Universal Declaration*. The *Covenant on Economic, Social and Cultural Rights*, accordingly, builds on the general principles of the *Universal Declaration*, providing more concrete detail and delineation of the various economic, social, and cultural rights.

<sup>14</sup> 18 October 1961, Eur. T.S. 1961 No. 35.

<sup>15</sup> 26 June 1981, OAU Doc. CAB/LEG/67/3/Rev. 5, 21 I.L.M. 59 (entered into force 21 October 1986).

<sup>16</sup> See *Perspectives*, *supra* note 1 at 83.

<sup>17</sup> See *ibid.* at 112-13. Lamarche's book provides an extensive overview of the *European Social Charter* and its effectiveness in terms of implementation, which will not be examined at length in this book review.

countries which are economically vulnerable. Lamarche suggests that economic globalization has had two major deleterious effects on workers' rights. It has both undermined traditional employee protections and rights in the workplace and has contributed to a new structural form of unemployment.<sup>18</sup> The heightened concern with flexibility in the workplace is a response to economic pressures to reduce production costs to maintain international competitiveness. As a result, we are witnessing massive layoffs, an increase in involuntary part time work, and the growing predominance of temporary, contingent employment arrangements. The historical employee-employer paradigm of permanent, long-term employment, characteristic of the post-World War II era is rapidly disappearing.<sup>19</sup>

It is at this economic and historical juncture that Lamarche observes what she calls the "fragilisation" of the legal protection of employment-related rights.<sup>20</sup> Given the massive structural readjustments in Western economies, traditional approaches to workplace rights are rapidly losing their effectiveness. It is no longer adequate to focus on the individual worker, when the most extreme problems of poverty are faced by individuals who are, largely, excluded from the workplace. Moreover, as the substantive scope of economic and social rights expand, they are increasingly conceptualized as being programmatic or promotional in nature and, ironically, treated as less legally binding.

In the face of the failure of employment-related international economic rights to reduce the growing impoverishment related to economic globalization, Lamarche turns, instead, to the more general economic right to an adequate standard of living. Understood as a broader, more global source of protection for economic well-being, it encompasses the right to work and employment-related protections, as well as protections such as the right to food, clothing, shelter, and healthcare. Lamarche evaluates its potential to provide an effective source of protection against poverty and economic distress.<sup>21</sup> She notes that the right to an adequate standard of living was initially associated with ensuring adequate levels of employment remuneration. With the rise of unemployment, the adequacy of social-assistance programs has also been assessed under the rubric of this right. In encompassing general economic and social well-being, it has the most potential to provide an effective source of protection in an era of economic restructuring. Thus, according to Lamarche, we need to elaborate the more general right to personal dignity and the right to an adequate standard of living.<sup>22</sup>

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<sup>18</sup> See *ibid.* at 235-40.

<sup>19</sup> See: E. Hagen & J. Jenson, "Paradoxes and Promises: Work and Politics in the Postwar Years" in J. Jenson, E. Hagen & C. Reddy, eds., *Feminization of the Labour Force: Paradoxes and Promises* (Cambridge: Polity Press, 1988) 1; J. Jenson & R. Mahon, *The Challenge of Restructuring: North American Labor Movements Respond* (Philadelphia: Temple University Press, 1993); J. Holmes & C. Leys, *Frontyard/Backyard: The Americas in the Global Crisis* (Toronto: Between the Lines, 1987); B. Bluestone & B. Harrison, *The Deindustrialization of America: Plant Closings, Community Abandonment, and the Dismantling of Basic Industry* (New York: Basic Books, 1982).

<sup>20</sup> *Perspectives*, *supra* note 1 at 251.

<sup>21</sup> See *ibid.* at 330-31.

<sup>22</sup> See *ibid.* at 448-49.

### III. Recurring Debates about Economic Rights

Many of the conceptual debates about the meaning of economic rights and the appropriate mechanisms for their effective realization resonate throughout Lamarche's book. Having provided a detailed analysis of the historical emergence of economic rights in three international contexts, Lamarche provides a rich and textured theoretical analysis of the legal nature of economic rights. While acknowledging the obstacles to the effective elaboration of an international law of economic and social rights, Lamarche remains optimistic about the potential and importance of engaging in such a project. In so doing, she emphasizes the importance of recognizing the global interdependence of economic and social rights and of insisting on the intimate connection between economic, social, and other human rights.

#### A. *Economic Rights and the Idea of a Hierarchy of Rights*

Economic rights, along with social and cultural rights, are often conceptualized as "second generation" rights. As such, they risk being treated as less fundamental than the classic civil and political rights at the heart of Western liberal democracies.<sup>23</sup> Indeed, in his preface to Lamarche's book, Philip Alston, the current Chairperson of the United Nations Committee on Economic, Social and Cultural Rights, suggests that economic rights are often "marginalized" in international human-rights law.<sup>24</sup> While recognizing this tendency, Lamarche forcefully challenges the legitimacy of any hierarchical categorization of human rights and insists on equality between civil and political rights, on one hand, and economic, social, and cultural rights, on the other.

Lamarche also reminds us that the international protection of economic rights pre-dates any international protection of civil and political rights. The I.L.O.'s foray into worker protection emerged following World War I; whereas the *Universal Declaration*, the I.C.C.P.R., and the *Covenant on Economic, Social and Cultural Rights* were adopted in the post-World War II era. In this regard, economic rights are effectively the oldest international human rights, although Lamarche acknowledges that they are also among the most recent to be conceptualized as human rights. The concreteness of economic well-being, captured by such basic rights as the right to food, shelter, clothing, healthcare, and education, underscores the need to include the devastating problem of poverty on the international human-rights agenda.<sup>25</sup>

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<sup>23</sup> See: P. Alston, "A Third Generation of Solidarity Rights: Progressive Development or Obfuscation of International Human Rights Law?" (1982) 29 *Netherlands Int'l L. Rev.* 307, citing, *inter alia*, K. Vasak, "For the Third Generation of Human Rights: The Rights of Solidarity" (Inaugural Lecture to the Tenth Study Session of the International Institute of Human Rights, Strasbourg, 2-27 July 1979) [unpublished]. See also S.J. Toope, "Cultural Diversity and Human Rights" (F.R. Scott Lecture, McGill University, 8 May 1996) [unpublished].

<sup>24</sup> P. Alston, "Preface" in *Perspectives*, *supra* note 1 at xi.

<sup>25</sup> See *Perspectives*, *ibid.* at 2.

Nevertheless, economic rights are understandably conceptualized as different from civil and political rights because they are separated into distinct categories of rights in international human-rights law. This is revealed by the division of the two covenants into the I.C.C.P.R. versus the *Covenant on Economic, Social and Cultural Rights*. In Québec, the *Charter of Human Rights and Freedoms*,<sup>26</sup> in effect, reproduces the separation evident in international human-rights law.<sup>27</sup> In interpreting the *Canadian Charter of Rights and Freedoms*,<sup>28</sup> which does not contain any explicit protection of economic and social rights, courts have also endeavoured to categorize rights as either economic, civil, legal, or political in nature.<sup>29</sup>

Despite this effort at categorization, the illusory nature of the distinction is becoming increasingly apparent. Pierre Bosset has identified a number of examples in the Québec context where the conceptual coherence of a distinction between economic and civil rights is seriously challenged.<sup>30</sup> As the interconnections between economic, social, and cultural rights and civil and political rights repeatedly manifest themselves, it becomes imperative to contest any vestiges of the hierarchical categorization of rights and to continue to emphasize their interdependence.

Beyond the dichotomy of economic and social rights versus civil and political rights, Lamarche situates economic rights in the context of more recent "third generation" rights, or "solidarity" rights, such as the right to development, the right to peace, and the right to a healthy environment.<sup>31</sup> She maintains that socio-economic-rights discourse is both different and preferable to alternative concepts based on a discourse of basic needs or extreme poverty.<sup>32</sup> Her concern with developing normative international-law concepts to challenge unemployment and poverty in industrialized countries explains, in part, her rejection of focusing on extreme poverty or basic needs, concepts that direct us most immediately to the needs of developing countries.

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<sup>26</sup> R.S.Q., c. C-12 [hereinafter *Québec Charter*].

<sup>27</sup> For a discussion of economic and social rights in the *Québec Charter*, see P. Bosset, "Les droits économiques et sociaux, parents pauvres de la Charte québécoise ?" (Paper presented to the joint symposium of the Commission des droits de la personne et des droits de la jeunesse ("C.D.P.D.J.") and the Association québécoise de droit comparé, *Les 20 ans de la Charte québécoise des droits et libertés: bilan et défis*, 17 March 1996) [unpublished; manuscript available from the C.D.P.D.J.].

<sup>28</sup> Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

<sup>29</sup> See: M. Jackman, "Poor Rights: Using the *Charter* to Support Social Welfare Claims" (1994) 19 *Queen's L.J.* 65; Bosset, *supra* note 27; M. Jackman, "The Protection of Welfare Rights under the *Charter*" (1988) 20 *Ottawa L. Rev.* 257.

<sup>30</sup> See: Bosset, *ibid.* at 17; C. Scott, "The Interdependence and Impermeability of Human Rights Norms: Towards a Partial Fusion of the International Covenants on Human Rights" (1989) 27 *Osgoode Hall L.J.* 769; G.J.H. Van Hoof, "The Legal Nature of Economic, Social and Cultural Rights: A Rebuttal of Some Traditional Views" in P. Alston & K. Tomasevski, eds., *The Right to Food* (Boston: Nijhoff, 1984) 97.

<sup>31</sup> See references, *supra* note 23.

<sup>32</sup> See *Perspectives*, *supra* note 1 at 12-13.

### B. *Economic Rights and Justiciability*

Another significant concern about economic rights surrounds questions of their justiciability.<sup>33</sup> The perceived non-justiciability of economic rights also represents one of the most important lines of demarcation with civil and political rights and has contributed to their characterization as less important human rights. Since they often cannot be directly enforced through litigation, they are seen as mere inspirational guideposts for the development of future government policy. Some scholars suggest that this non-justiciability means that economic rights are not considered "real" rights.<sup>34</sup>

Lamarche clarifies that despite the general presumption that economic rights are not justiciable, a number of very specific employment-related economic rights have been subject to enforcement through the courts. Moreover, she notes that civil and political rights can also often require judicial remedies mandating the expenditure of public funds, a traditional concern associated with expanding the justiciability of economic rights. She is also supportive of developing mechanisms for greater justiciability of economic and social rights in the international arena.<sup>35</sup> In particular, Lamarche endorses recent initiatives of the United Nations Committee on Economic, Social and Cultural Rights to develop more direct and justiciable enforcement mechanisms.<sup>36</sup>

In addition to these arguments, Lamarche makes the vitally important point that justiciability is not the only measure of legal legitimacy and emphasizes the importance of reaffirming the legal significance of programmatic rights. She contests the idea that rights of a programmatic nature, that require positive state action for their full enjoyment and recognition, are any less important or binding from a legal perspective, than the more traditional and justiciable individual civil rights.<sup>37</sup> Lamarche also points out that many of the economic and social rights recognized in international law are concrete and clearly defined, despite the variety of different means and policy initiatives that may be used to achieve them.<sup>38</sup>

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<sup>33</sup> In the Canadian context, see J. Bakan & D. Schneiderman, eds., *Social Justice and the Constitution—Perspectives on a Social Union for Canada* (Ottawa: Carleton University Press, 1992).

<sup>34</sup> See discussion in E.W. Vierdag, "The Legal Nature of the Rights Granted by the International Covenant on Economic, Social and Cultural Rights" (1978) 9 *Netherlands Y.B. Int'l L.* 69 at 77.

<sup>35</sup> Lamarche does not appear to share the concerns about justiciability advanced by some progressive scholars (contrast e.g. L. Lamarche, "Le débat sur les droits sociaux au Canada : respecte-t-il la juridicité de ces droits ?" in Bakan & Schneiderman, eds., *supra* note 33, 29, with: J. Bakan, "What's Wrong with Social Rights?" in Bakan & Schneiderman, eds., *ibid.*, 85; H. Glasbeek, "The Social Charter: Poor Politics for the Poor" in Bakan & Schneiderman, eds., *ibid.*, 115.

<sup>36</sup> See *Perspectives*, *supra* note 1 at 449.

<sup>37</sup> See *ibid.* at 114.

<sup>38</sup> See *ibid.* at 116.

### C. *Economic Rights versus Economic Privileges*

The critical importance of economic rights has also been undermined by the problem of abstraction and de-contextualization.<sup>39</sup> Most would agree that basic economic well-being is a fundamental precondition to the enjoyment of civil and political rights. From this perspective, economic rights are indeed just as important, or arguably even more important, than the more traditional civil and political rights. Yet economic rights have sometimes been conceptualized, particularly in domestic law, to include market-related or commercial activities, such as freedom of contract without government regulation or the freedom to engage in commercial activities without legal restraints.<sup>40</sup> Thus, both commercial interests and basic economic security are sometimes categorized under the general rubric of economic rights.

The protection of commercial interests, however, is significantly different from the notion of a right to basic economic well-being.<sup>41</sup> Although Lamarche does not develop this distinction, to underscore the difference, it may be helpful to refer to commercial interests as “economic privileges”.<sup>42</sup> It is clear that these types of economic privileges do not attract any universal normative support for their unfettered protection. Indeed, it is precisely in limiting economic privileges in many instances that basic economic rights will be effectively protected. Thus, it is critical not to confuse economic human rights with economic privileges. Though the two share the adjective “economic”, they are qualitatively different and capable of clear differentiation.

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<sup>39</sup> Throughout her book, Lamarche insists on the importance of developing a “contextualized” approach to economic rights.

<sup>40</sup> The most well-known example of this occurred during the *Lochner* Era in U.S. constitutional history. Drawing on the constitutional protection of liberty, the United States Supreme Court accorded constitutional protection to the freedom of contract of employers and employees, resulting in the judicial invalidation of a significant amount of progressive regulatory legislation aimed at protecting workers from the worst excesses of industrial capitalism (see *Lochner v. New York*, 198 U.S. 45, 25 S. Ct. 539 (1905)). See also, R. Pound, “Liberty of Contract” (1908-1909) 18 *Yale L.J.* 454.

<sup>41</sup> Some judges have explicitly recognized the difference between pecuniary interests and economic rights (see e.g. *Reference Re Public Service Employee Relation Act (Alta.)*, [1987] 1 S.C.R. 313 at 367-68, 38 D.L.R. (4th) 161, Dickson C.J. (dissenting) [hereinafter *Re Public Service Employee* cited to S.C.R.]). In this decision, Dickson C.J. also affirms the relevance of international human-rights norms to the interpretation of domestic human-rights protections (see *ibid.* at 349-50). Although writing in dissent, Dickson C.J.’s general comments, above, continue to inform judicial decision-making.

<sup>42</sup> The conceptual distinction between rights and privileges is drawn from the classic work of W.N. Hohfeld, *Fundamental Legal Conceptions* (New Haven: Yale University Press, 1923) at 36-50. See also J.W. Singer, “The Legal Rights Debate in Analytical Jurisprudence From Bentham to Hohfeld” [1982] *Wisc. L. Rev.* 986 at 986-89, where he explains Hohfeld’s view that legal liberties or privileges do not give rise to any legal duties against interference. Singer notes: “It is not true that merely because one has the legal liberty to do an act that others have legal duties not to interfere with the permitted act” (Singer, *ibid.* at 988).

#### IV. Economic Globalization and International Economic Rights

Lamarche's book makes a significant contribution to our understanding of international economic rights in an era of economic globalization. While the impact of economic restructuring has been examined by a number of scholars,<sup>43</sup> Lamarche provides unique insights into the ways in which international human-rights law must be elaborated in light of the economic realities of globalization. The effects of globalization on vulnerable groups in industrialized economies inform her rethinking of economic rights. Her project includes reclaiming international economic rights as human rights in local struggles linked to the deleterious effects of globalization. Thus, when workers lack job security or basic employment-related protections, when social-welfare recipients are confronted with reductions in their social assistance, when structural unemployment results in plant closures and a declining public sector, these phenomena can be contested by drawing on the economic rights discourse of international human-rights law.<sup>44</sup>

Furthermore, while Lamarche traces the decline in relevance of traditional employment protections at the international level, it is equally important to reassess the efficacy of traditional strategies for advancing and protecting employment-related rights in domestic law. Most of our employment-related benefits and protections are provided only to workers with full-time, permanent jobs. As these jobs become more difficult to obtain, it is critical to rethink the structure of employment protections that are often available only to full-time, permanent workers.<sup>45</sup>

Economic globalization underscores the impossibility of developing national strategies to promote economic rights in Western industrialized countries without considering the impact of these initiatives on struggles for an adequate standard of living in developing countries. While Lamarche acknowledges the interconnection between economic well-being in industrialized and developing economies, her focus is on the relevance of international human-rights norms to economic vulnerability in industrialized countries. This focus may be too limited. While it is true that struggles against economic vulnerability occur locally, there is an asymmetry in that the actors on one side are individuals, or locally organized groups, while those on the other side are multinational corporations. Moreover, the violation of economic rights in industrialized

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<sup>43</sup> See references, *supra* note 19.

<sup>44</sup> In this regard, it would have been interesting for Lamarche to examine the extent to which Canadian tribunals have relied on international human-rights norms in interpreting domestic law (see *e.g. Re Public Service Employee*, *supra* note 41, Dickson C.J. (dissenting)).

<sup>45</sup> See *e.g.* R. Warskett, "Can a Disappearing Pie be Shared Equally?: Unions, Women, and Wage 'Fairness'" in L. Briskin & P. McDermott, eds., *Women Challenging Unions: Feminism, Democracy and Militancy* (Toronto: University of Toronto Press, 1993) 249. In the Québec context, see: L.F. Dagenais, "Mutations dans les catégories d'emploi et effets sur les personnes : Quelles stratégies possibles ?" (Québec Human Rights Commission, November 1994) [unpublished; manuscript available from the C.D.P.D.J.]; L.F. Dagenais, "Différenciation des statuts d'emploi : Esquisse de typologie et réflexion" (Québec Human Rights Commission, December 1993) [unpublished; manuscript available from the C.D.P.D.J.].

economies cannot be examined in isolation from economic rights debates in developing economies when the entire phenomenon of globalization teaches us that they are strongly linked. Although Lamarche recognizes the global interdependence of human rights, it might be beneficial for her to further explore the strategic dimensions of such linkages.

## Conclusion

Lamarche's book provides informed insights into the substantive protection of economic rights in international law and canvasses both the obstacles to and potential for their realization. In outlining how the negative effects of economic globalization have resulted in the systemic violation of economic and social rights in Western industrialized economies, she reinforces the relevance and importance of international human-rights norms to the worsening problems of poverty and structural unemployment.<sup>46</sup> By insisting on the legal dimension of international human rights of a programmatic nature, Lamarche also makes a timely and critical argument that the formulation of social and economic policy in an era of economic globalization must be informed by a commitment to economic and social human rights.

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<sup>46</sup> See *Perspectives*, *supra* note 1 at 448.