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Culture as an Alternative to ‘Sustainable Development’

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On 30 May 2022, the UN Special Rapporteur in the Field of Cultural Rights convened an Expert Roundtable on Cultural Rights and Sustainable Development to help inform her forthcoming report to the General Assembly. Among other questions, the Special Rapporteur asked speakers to consider: ‘The contribution of cultural rights and cultural actors in sustainable development (clarifying its scope, putting forward exciting new meanings)’. In response, I framed my workshop intervention around the idea of ‘Culture as an alternative to “sustainable development”’. This short reflection captures that contribution.

My proposition is to think about alternative forms of economic organisation as culture: alternative forms of economic organisation that – among other benefits – are sustainable and conducive to sustainable development, properly understood. First, however, we will have to do away with the contemporary project of sustainable development.

What are some of the problems with the status quo? ‘Sustainable development’ still presupposes capitalist development. ‘Development’ thus presupposes fealty to the constitutive features of contemporary capitalism: private property and privately owned and controlled means of production, growth, along with production for global markets and dedication to boosting foreign investor confidence. Production is oriented to *capital accumulation* i.e. to profit rather than to the satisfaction of human needs. People sell their labour power to make a living – a racialised and gendered feature essential to capitalism globally and within countries. ‘Sustainability’ then, whatever it currently means, is ‘sustainability’ necessarily [wed to class-based profit and](#)

[accumulation](#); 'sustainability' within the parameters of (transnational) market dependence.¹

The Sustainable Development Goals (SDGs) reflect these same principles: industrial growth – at 7% in least developed countries – based on [ever increasing levels of extraction, production, and consumption](#). When juxtaposing the SDG commitment to gender equality against the devotion of Goal 8 to economic growth, specifically export-oriented growth, the necessary exploitation of women in this scheme is exposed. To be competitive exports rely on low wages and women's low wages render them the favoured workforce in production processes geared to export markets. Succinctly put, export-oriented growth is predicated on gender inequality.² Yet, the SDGs are premised on increasing international trade and investment as drivers of 'sustainable development'³ – with all their attendant human dislocation and corporate concentration.⁴

Even the most celebrated bit of the SDGs – the social protection floor – is but a compensatory and remedial mechanism – a response to the ruthlessness of capitalism. As I have written elsewhere, this direct and technocratic intervention might allow people the exercise of their 'minimum essential levels of rights' ('essential health care, basic shelter and housing, water and sanitation, food and the most basic forms of education' (CESCR General Comment 3)) but it obscures the role of power and institutions, it obfuscates how poverty and inequality are created and sustained, and it legitimates the capitalist economy.⁵

¹ On the conflict of the imperative of capital to grow with the ecological imperative for *decroissance* (degrowth) in material production (André Gorz), the aim of 'dismantling the ideological primacy of growth-based development', and the goal, 'not of a better (variously defined as more inclusive or greener) growth, but of another kind of society altogether, in which growth and development are not central metrics or signifiers' see Federico Demaria, Giorgos Kallis and Karen Bakker, 'Geographies of Degrowth: Nowtopias, Resurgences and the Decolonization of Imaginaries and Places' (2019) 2:3 *Nature and Space*: E 431.

² Shahra Razavi, 'The 2030 Agenda: Challenges of Implementation to attain Gender Equality and Women's Rights' (2016) 41:1 *Gender and Development* 25, at 34.

³ E.g.: '17.10 Promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the World Trade Organization, including through the conclusion of negotiations under its Doha Development Agenda. 17.11 Significantly increase the exports of developing countries, with a view to doubling the least developed countries' share of global exports by 2020'.

⁴ On trade, see [Michael Fakhri, Report of the UN Special Rapporteur on the Right to Food, *The Right to Food in the Context of International Trade Law and Policy*, UN Doc A/75/219 \(2020\)](#). On, *inter alia*, the environmental benefits of farmers' seed systems versus commodified seed systems, [Michael Fakhri, Report of the Special Rapporteur on the Right to Food, *Seeds, Right to Life and Farmers' Rights*, UN Doc A/HRC/49/43 \(2021\)](#). The mobilization of private sector financing and an explicit commitment to public-private partnerships, long controversial, have been widely criticized. See, [Philip Alston, Report of the UN Special Rapporteur on Extreme Poverty and Human Rights, *The Parlous State of Poverty Eradication*, UN Doc. A/HRC/44/40 \(2020\) paras 48-49](#); [Jomo Kwame Sundaram, *Benware Public-Private Partnerships*, International Development Economics Association \(2017\)](#).

⁵ John Linarelli, Margot E Salomon and Muthucumaraswamy Sornarajah, *The Misery of International Law: Confrontations with Injustice in the Global Economy* (OUP, 2018) Ch 7.

In line with the values of '[neo-propiertarianism](#)', the turn to social protection does not challenge the controversial SDG commitment to liberalization and to private sector solutions. Instead, support to basic social services reflects that extremely poor people are unable to pay for those services at market-determined rates and, as such, cannot become customers.⁶ The SDG commitment to social protection floors is not coextensive with a commitment to decommodified public services – no less alternative models of ownership based on collectively owned and governed resources⁷ – in fact it pulls in the opposite direction.⁸ Social protection floors may well be ameliorative but that does not render the model transformative, quite the opposite.

Economic Organisation as Culture

So what about predistribution – changing the rules of the game – and the role of culture and cultural rights in driving alternatives?

Here the proposal is to consider the *economic organisation* of peasants as *culture*. Peasant voices have been among the most ardent critics of capitalism and capitalist globalisation. They seek to advance alternatives to the subjugation of the countryside and its people – peasants, Indigenous and Tribal peoples, small scale farmers and fishers, agricultural workers, landless people – by the interests of capital. They seek to confront the destruction of non-market access to food and self-sustenance, to transcend marketisation, rural migration, and the unsustainable use of the natural resources on which they depend. In communities across the world, peasants reflect distinct forms of culture that are conducive to actual sustainable development – development that is self-determined, self-defined, shared, and at one with the natural world.

To these ends, the 2018 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas speaks of [the right to an adequate standard of living as 'facilitated access to the means of production'](#) as well as 'a right to engage freely ... in traditional ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialisation systems'. There are rights of peasants to land, including 'the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate

⁶ Arne Ruckert, 'Towards an Inclusive- Neoliberal Regime of Development: From the Washington Consensus to the Post- Washington Consensus' (2006) 39 *Labour, Capital and Society* 36.

⁷ Ugo Mattei and Margot E Salomon, 'From Poverty and Development to People's International Law' in Ruth Buchanan, Luis Eslava and Sundhya Pahuja (eds), *The Oxford Handbook of International Law and Development* (OUP, forthcoming 2022).

⁸ Because, as social provisions become strong, the idea of universal rights to decommodified public services wanes. See Lena Lavinas, '21st Century Welfare' (Nov–Dec 2013) 84 *New Left Review* 5.

standard of living, to have a place to live in security, peace and dignity and *to develop their cultures*’.

So here is my point: Let us better deploy the notion of peasant *culture*. This is to recognise that peasant forms of economic organisation – community-based commercialisation systems, traditional methods of farming and fishing, the preference not to produce for global markets – are often expressions of identity and culture, protected characteristics under international human rights law. And more, human rights entitlements are strengthened under conditions of oppression, exclusion, marginalisation, and poverty. This approach is to centre the role of economic cultures, cultural values, and associated identities in structural change; in securing alternative sustainable development models.

What might come with reading the economic arrangements of peasants as part of peasant culture and identity? One, acknowledging culture provides a route to multiple forms of protection in international human rights law, including traditional forms of livelihood, ways of life and non-discrimination. Second, culture can trump a central principle of dominant economic arrangements: private property. See the Indigenous land right judgments from the Inter-American Court of Human Rights over the past two decades where Article 21 on the right to property under the American Convention on Human Rights has been interpreted as a right to common use and ownership of land: the rereading of private property is made possible through the significance of Indigenous culture. Further, the Court signals an interpretation of Article 21 that defends the *use* value of Indigenous land, and not, predominantly, its value as an economic asset, again upending capitalist logic. Here, *preserving culture* becomes an interpretative route through which the right to property in the Convention becomes detached from a right to a commodity for the purpose of its exchange value in a (global) market setting.⁹ Third, to invoke culture is also to foreground *community* interests – to recognise the existence of the group and group interests. As much as anything else, the philosophy of individual gain that defines capitalism gets refuted. Key to the rise of capitalism was its attack on communal ways of life; [for capitalism to prevail communal life had to be extinguished](#). If the rise of capitalism requires the dismantling of communality, the reinstatement of collective life as a matter of international human rights law is a [subversive act](#). The power of capital is also threatened insofar as economic policy decommodifies the way in which people live. [Since capitalism requires commodification as an essential condition of its very existence](#), where the Peasants’ Declaration moves beyond commodification—for

⁹ See generally Ugo Mattei, Rocco Alessio Albanese and Ryan J Fisher, ‘Commons as Possessions: The Path to Protection of the Commons in the ECHR System’ (2019) 25:3 *European Law Journal* 230.

example, in its demands for community-based commercialisation and water management systems—its dissidence to capitalist norms is automatically marshalled.¹⁰

Unlike capitalism that concentrates control in the hands of the few, the Declaration advocates for limiting 'the excessive concentration and control of land and taking into account its social function' as part of agrarian reforms to facilitate broad and equitable access to land and other natural resources. Moreover, peasants and other people working in rural areas tie their hard-won rights to the safeguarding of nature with 'the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources they use and manage'. While the Declaration can be criticised for taking an approach that embraces the prospect of sharing in the wealth of society (i.e.: the capitalist society against which the peasants advocate), the subjects of this Declaration, who are among the very poorest people in the world, do not have the realisation of their aims rooted in an effort at making poor peasants rich.¹¹

The argument that economic arrangements advanced by peasant communities are quaint, impossible to scale up or culturally backwards in an era of hypermodernity and globalisation is part of a long history of imperial international legal thought and practice that has benefited dominant powers and interests. The record of international law is one of rejecting the cultures of non-Europeans as uncivilised. Today that rift is reaffirmed through the metric of income and wealth – with the global accumulating classes representing an indefensible economic system against which non-dominant and sustainable economic cultures must vie.

The idea presented here is not merely to advocate for taking the economic arrangements of peasants seriously as alternatives to capitalist development but also to take their alternative economic arrangements seriously as reflective of a *cultural value system that defines their model of development*. It is through respect for their culture as expressed through economic organisation that the status quo model can be structurally unsettled. From there, something that merits the label of sustainable development might yet be advanced.

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¹⁰ On this line of argument I drew inspiration from Meiksins Wood (2009) and later Paul O'Connell, who makes the case that the assertion of socio-economic rights in the context of the logic of commodification is necessarily a rejection of the 'the basic impulses of the capitalist system'. Paul O'Connell, 'On the Human Rights Question' (2018) 40 *Human Rights Quarterly* 962.

¹¹ For a sympathetic challenge to the use of international human rights law in realising social transformation through a deconstruction of the Peasants' Declaration, see Margot E Salomon, 'The Radical Ideation of Peasants, the "Pseudo-Radicalism" of International Human Rights Law, and the Revolutionary Lawyer' (2020) 8:3 *London Review of International Law* 425.