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## **The Changing Contours of Advocacy, Regulation and Economy: Assessing the Implications for Development and Transformative Change**

(Draft)

### **Introduction**

Late 20th / early 21st century liberalization, like that of earlier epochs, has fuelled the growth of corporate power, rising inequality and growing insecurity for much of the working population affected by labour market flexibilization and precarious employment. The Polanyian concept of the “double movement” – the dual dynamic whereby processes of economic liberalization that tend to favour capital induce a societal reaction that seeks to protect subaltern groups from adverse social consequences and reassert social control over the market – remains a potent idea for understanding the political economy of contemporary institutional and policy change. Core features of the early and mid 20<sup>th</sup> century corrective to market liberalization centred on individual responses such as migration, charity by religious and other organizations, and the activism of ‘old social movements’ (workers and farmers/peasants) centred on contestation, advocacy and collective bargaining. Such activism, in turn, served to enhance the regulatory and protective roles of welfare states.

Both historically and today, civil society has played a key role in efforts to tame big business and market forces. But civil society activism and engagement is quite different to that of the early and mid 20th century that was often led by the labour movement. The nature of subaltern responses and strategies has changed substantially. New social movements have come to the fore. So-called competition or regulatory states are not only prone to de-regulation but delegate regulatory authority to non-state actors (Cerny 2000, Braithwaite 2005). Precarious labour and small producers are engaging in new or renewed forms of collective action in defense of livelihood, while more affluent and often environmentally conscious consumers are engaging in alternative forms of provisioning, ‘fair trade’ and sharing of resources.

These changes reflect the significant changes that have occurred in the character of civil society, as seen in the weakening of trade unions in contexts of neo-liberalization and i) the rise of new social movements such as the anti-sweatshop, fair trade and environmental justice

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movements, ii) the rapid expansion of ‘professional’ service delivery NGOs that depend on government grants, philanthropy and consultancies for their funding, iii) their participation in policy dialogues and so-called epistemic communities, and iv) new forms of advocacy and policy engagement through networks and “multi-stakeholder” dialogues and initiatives. The portfolio of action that characterizes ‘civil regulation’ (Murphy and Bendell 1997) concerned with environmental, social and governance dimensions of business behaviour has broadened significantly, involving a wide spectrum of tactics associated with confrontation and collaboration and various forms of hybrid or eclectic activism (Utting 2012).

This paper examines three contemporary features of the double movement that relate to societal efforts to reassert social control over regulation, production and exchange. They include the rise of a “corporate accountability movement”, which acts as a countervailing power to big business via contestation and regulatory advocacy; the related rise of “civil regulation” whereby civil society organizations assume direct responsibility for setting and implementing standards of business behaviour associated with social, environmental and governance aspects; and the rise of forms of social and solidarity economy through which workers, producers, community residents and conscious consumers engage in collective action to directly control production and exchange. Beyond identifying core features of each of these societal responses, the paper assesses their potential and limits as mechanisms to promote social protection and social control of the economy.

### **I. Contestation and advocacy via the corporate accountability movement**

What has been called “the corporate accountability movement” (Broad and Cavanagh 1999, Bendell 2004, Utting 2012) took off in the 1980s not only to contest the growing power of transnational corporations through tactics of naming and shaming companies perceived to be engaged in abusive social and environmental practices, but also as an advocacy platform for the mandatory regulation of business. This approach contrasted with that of corporate social responsibility (CSR), which also claimed to be improving environmental, social and governance aspects of business behaviour. CSR centred on voluntary initiatives undertaken by companies themselves, business associations and a growing CSR service industry comprising enterprises, consultancies and non-profits. Such initiatives included codes of conduct, stakeholder dialogues, community assistance projects, reporting, monitoring and certification.

Major weaknesses and contradictions soon became apparent with self-regulation and the voluntary initiatives that characterized the emerging CSR agenda. These included the proliferation of unconnected, often competing, initiatives; picking and choosing among standards; weak implementation procedures; ineffective remedy; lack of credibility and legitimacy; a largely Northern-driven agenda with limited Southern input; and limited attention to a number of key development issues (UNCTAD 2011; UNRISD 2010). More generally, it was apparent that self-regulation was doing little to fill the institutional deficit associated with globalization. This was evident both from the perspective of effective intra- and inter-firm coordination and ‘re-embedding’ liberalism in order to minimize social and environmental contradictions and contestation. Ongoing scandals involving corporations considered not only

so-called CSR laggards but also leaders, fuelled a corporate accountability movement calling for harder regulatory approaches.

While CSR is very much about voluntarism, in the dual (sociological and regulatory) sense of both individual agents taking action and the promotion of voluntary regulatory initiatives, corporate accountability redirects attention to the question of corporate obligations, the role of public policy, law and state enforcement capacity, the imposition of penalties in cases of non-compliance, the right of victims to seek redress, empowerment and the reconfiguration of skewed power relations (Bendell 2004; Utting 2005). Business regulation associated with corporate accountability has assumed more of a hybrid character, with voluntarism, and legalism – or ‘soft’ and ‘hard’ variants of civil regulation – increasingly coming together in ways that are more complementary and synergistic (McBarnet et al. 2007; Utting 2012). It is also apparent that the corporate accountability movement is bringing together two arenas of civil society and social movements politics: what has been called ‘contentious politics’, which has tended to centre on the state, and ‘private politics’ that engages corporations more directly (Soule 2009). Social contestation, critical research and campaigns pushing for legal reforms have assumed a higher profile. The portfolio of action has expanded considerably. It includes, for example:

- Protesting, whether by integrating wider actions (such as those that have taken place in the streets of cities hosting G8, World Trade Organization/WTO, World Bank and International Monetary Foundation/IMF meetings), actions in the North directly targeting corporations such as Wal-Mart, or actions in the communities and countries that host corporations (as exemplified by numerous protests against mining, agribusiness and textile/apparel enterprises).
- Naming and shaming companies through watchdog activities, as in the case of BankTrack, Minewatch, Oilwatch, India FDI Watch, Centre for Science and Environment (India), GroundWork (South Africa), Project Underground, Maquila Solidarity Network (Canada), OMB Watch (United States), Public Citizen (United States), World Rainforest Movement, and Global Union Federations like the International Union of Food and Allied Workers (IUF).
- Using market mechanisms or corporate governance structures to name and shame and press for reform. This ranges from consumer participation in boycotts of particular products or companies, to shareholders denouncing wrong-doing through shareholder resolutions in annual general meetings.
- Conducting in-depth social auditing or investigation of complaints, as carried out by the Worker Rights Consortium (WRC), the Independent Monitoring Group of El Salvador (GMIES), and the Maquila Solidarity Network. These attempt to go beyond the check-list or ‘policing’ approaches that often characterize mainstream auditing techniques. This involves not only more comprehensive and sensitive approaches to information gathering from various stakeholders, but also using auditing processes as a means to

empower workers and instil more cooperative relations among buyers, suppliers, workers and communities.

- Generating expert knowledge via evaluations and critical research that not only exposes injustice and analyses its causes, but also assesses the effectiveness of voluntary initiatives and other institutional developments. Some examples include: *Mind the Gap*, which benchmarks credit policies of international banks (BankTrack 2007); *Challenging Corporate Investor Rule*, which analyses the relationship between corporate power and new international rules and institutions related to private investment (Food & Water Watch and IPS 2007); *Eye on EITI*, which assesses the Extractive Industries Transparency Initiative (PWYP/RWI 2006); and numerous reports dealing with labour issues (for example, Asia Monitor Resource Centre 2006; Oxfam International 2004; ActionAid 2007).
- Participating in epistemic communities associated with public policy or international law. This includes NGO participation in the drafting process of the 'UN Norms on the Responsibilities of TNCs and other Business Enterprises with Regard to Human Rights', or the more recent UN 'Protect, Respect and Remedy' framework for business and human rights. This type of action is also used by the NGO coalition, OECD Watch, which produced in-depth assessments of the *OECD Guidelines for Multinational Enterprises* (OECD Watch 2005, 2010) and engaged in consultations with the OECD on how the Guidelines might be revised and strengthened.
- Organizing public campaigns and lobbying for legal and policy reforms, as in the case of Publish What You Pay (PWYP), the International Right to Know movement, the Corporate Responsibility Coalition (CORE), the Sakhalin Island Network and the Tax Justice Network (Bendell and Ellersiek 2009).
- Testing and using soft and hard law to seek redress. This has occurred, for example, in cases or procedures brought under the Alien Tort Claims Act (ATCA) in the United States, as well as in relation to the OECD Guidelines for Multinational Enterprises and the Aarhus Convention. Other forms include Public Interest Litigation in India and the Permanent Peoples' Tribunals in Latin America. Such initiatives relate an arena of law that is sometimes referred to as 'sub-altern legality' or 'counter-hegemonic legality' (Santos and Rodríguez-Garavito 2005; Utting 2008). This involves efforts on the part of social groups, individuals and communities whose livelihoods, identity, rights and quality of life are negatively affected by states and corporations, to use the existing legal apparatus to seek redress for injustice and participate in struggles and processes associated with accountability.
- Reasserting the role of industrial labour relations and attempting to extend their reach globally through International Framework Agreements (IFAs) (Hammer 2012). Under IFAs, a signatory company agrees to observe certain labour standards and industrial relations practices throughout its affiliate structure, and may also attempt to extend

such standards to suppliers. By early 2010, approximately 80 such agreements had been signed between several of the Global Union Federations and TNCs, such as Chiquita, IKEA, Carrefour and Volkswagen.

How effective has the corporate accountability movement been in taming big business? Without doubt, naming and shaming campaigns targeting companies such as Shell for its activities in Nigeria, Rio Tinto for the social and environmental impacts of mining activities, Nestlé for its infant formula marketing practices, and Nike for its association with sweatshops were key for forcing such corporations to engage far more seriously with the CSR agenda. Contestation and advocacy have also played an important role in promoting the new breed of multistakeholder standard-setting initiatives examined in the following section. Ongoing contestation centred on corporate practices has resulted in the periodic ratcheting-up of standards and procedures that aim to promote CSR (Utting 2005, 2008). Critical research and monitoring, and using and testing grievance procedures have served a similar purpose.

Furthermore, there are now many instances where standards designed under voluntary initiatives are internalized in national law and international soft law. Referring to Latin America, Saguier argues that grassroots mobilizations and institutionalized complaints procedures associated with the Permanent Peoples' Tribunals, which hear cases involving human rights abuses, are also shaping the international regulatory framework for human rights and corporate accountability (Saguier 2009). Contestation and advocacy has also kept business-centred government regulation and international law on the agenda. Advocacy has been particularly effective in the field of international soft law. Revisions to instruments such as the OECD Guidelines on Multinational Enterprises, which to some extent filled regulatory gaps, were partly prompted by third-party monitoring, critical research and advocacy of trade unions and OECD Watch. Within the human rights sub-system of the United Nations various governments and organized business interests have lobbied to keep regulation "voluntary". Periodically, however, harder regulatory approaches surface due, in large part, to civil society activism.

A key point here is not simply that activism is connecting at multiple scales and is adapting to changes in governance systems which have seen the national stage lose some ground to local, regional and international levels. Adaptation is also apparent in relation to the emergence of a broader portfolio of actions. The earlier discussion of the need for law, public policy, voluntary initiatives, naming and shaming and other sorts of contestation, suggests that activism must engage with multiple institutional and political arenas and adopt multiple strategies and tactics.

Social movements theory provides important pointers as the potential and limits of the corporate accountability movement (della Porta and Diani 2006, Tarrow 1994, Giugni et al. 2006, Ellersiek et al. 2012). Such theory has long emphasized the importance of two sets of variables – resource mobilization and political opportunity structures – for understanding the possibilities for social movement-driven change. The corporate accountability movement, like many other movements that do not have a large fee-paying membership base, comprises organizations that are highly constrained in terms of resources. Furthermore, resources for

advocacy have been negatively affected by the liberal donor prioritization of the service delivery functions of NGOs (Bebbington et al. 2008), and more recently the decline in NGO funding within ODA budgets following the global financial crisis. But other contemporary features of collective action and governance have favoured the corporate accountability movement. These include the capacity to organize and mobilize across scales using ICTs and networking (Bendell and Ellersiek 2012). Corporations (via their global value chains) can run to less regulated sites on the planet but they cannot hide. And when dubious activities are detected, they can quickly be exposed at a global level.

Fundamental changes have occurred in political opportunity structures which affect the scope and substance of corporate accountability advocacy. Key in this regard are changing modes of governance that have emerged to address the limitations of the state and traditional structures of authority and legitimacy in contexts of globalization and liberalization, and associated negative (social, environmental, human rights, developmental) externalities. A core feature of such arrangements is collaborative forums and networks in which public and private actors 'mesh . . . more effectively in a way that would be regarded as legitimate by attentive publics' (Keohane, 2002: 16). According to Beck, under contemporary globalization 'there is one rule that applies equally to all the different groups of players and their strategies in the meta-power game: no single actor – neither capital nor advocacy movements nor states – can achieve their goals ... on their own. They are all dependent on forming coalitions if they want to see their goals realized.' (Beck 2005: 288)

The contemporary notion of 'good governance' also emphasizes the importance of 'evidence-based' research and policy, and discursively frowns upon policy agendas overtly driven by ideology (read particular ideologies). Furthermore, the technical nature of certain bodies of knowledge increases the influence of so-called 'experts' in the policy process. Policy change is said to result increasingly from ..... 'communities of shared knowledge and not simply domestic or transnational interest groups' (Haas 1990). These 'epistemic communities' involve the formation of networks that link policy makers, professionals, scientists and activists. This analysis suggests that specialized knowledge and experts have come to play a more significant role in modern-day policy making in various fields.

Such developments and arrangements yield a complex set of opportunities and constraints for activists seeking to influence the policy process. It opens up spaces for NGOs and other civil society actors to have their voices heard and to acquire a seat in policy forums. As governments and international organizations buy into the new governance agenda, some civil society organizations find themselves positively affected in terms of both resource mobilization and political opportunities. Even when restricted to consultation and information exchange, contemporary collaborative governance constitutes a qualitatively different scenario to the 'closed' spaces of government that previously characterized policy making (Cornwall 2004: 5). The density of multi-stakeholder and inter-sectoral linkages represents a qualitative shift in the nature of policy making that yields important spaces for civil society activists.

Places at the table and enhanced voice and, on occasions, actual decision-making power, have obvious positive implications in terms of agenda-setting and policy influence from the perspective of civil society actors. But such spaces can equally dilute oppositional agendas, facilitate co-optation and serve as key institutional mechanisms to reinforce the hegemony of elites. As Beck notes, collaborative governance “... leads to a dynamic of integration through which the boundaries between ‘pro’ and ‘contra’ become blurred and interwoven’. From the perspective of elites, ‘multiplayered’ or collaborative governance serves multiple functions: it provides a means to enhance legitimacy, and deal with increasing risk, complexity and transaction costs—solutions to problems are best found through coordination, collaboration and networking involving multiple actors (Beck 2005; Mattli and Woods 2009). Elites need to build constituencies and form coalitions—no one can go it alone (Beck 2005: 288). Such interaction both builds the power base needed for policy and institutional change and legitimizes the process.

Any assessment of the implications of the corporate accountability movement for transformative change needs to factor in not only what activists are doing to enhance their influence politically and institutionally but how the correlation of forces is changing. This means also factoring in the strategies of powerful actors and institutions to resist, accommodate, shape or, indeed, lead processes of policy and institutional reform. Fuchs’ analytical frame of business power comprising three dimensions is useful in this regard. *Structural power*, including the possibility of ‘capital strikes’ and ‘capital flight’, has increased with globalization and financialization and restrains governments from ‘over-regulating’. Business interests dispose of numerous mechanisms of *instrumental power* to influence policy agendas and debates. Beyond political campaign contributions, bribery and lobbying, significant influence can be exerted through so-called ‘revolving doors’, the provision of technical advice, formal consultative processes and informal social relations. The *discursive power* of business has also increased through the language of ‘new ethicalism’ (Sum 2012). Terms and concepts like corporate social responsibility, corporate sustainability, impact investing, ‘bottom of the pyramid’, shared value, which are now part of the lexicon of business discourse, suggest that business is genuinely engaged in transforming ‘business-as-usual’ and is a committed partner for progressive change.

## **II. Social Control of Regulation**

Under liberalization the nature of market and business regulation has undergone some fundamental changes. These include the transfer of regulatory authority from state to non-state actors and the internationalization of regulation. Regulatory measures encapsulated under Gill’s notion of “new constitutionalism”, including, for example, international trade, investment and property rights agreements, directly reinforce market liberal approaches. Others associated with corporate self-regulation and CSR standards and practices, encapsulated under Sum’s concept of “new ethicalism” can both legitimize such approaches and lean towards a more reformist ‘embedded liberal’ approach that seeks to reconnect business principles and practices with progressive societal norms and values. These approaches are compatible with, and often led by, organized business interests.

But civil society organizations are also playing an increasingly prominent role as regulatory agents within a variety of NGO-led or multistakeholder initiatives that undertake one or several regulatory functions, namely, agenda-setting, design, implementation, enforcement, oversight, assessment, review and redress. The role of civil society organizations (CSOs) in such initiatives can vary considerably. Some are designed and organized directly by CSOs; others engage CSOs as key stakeholders, whilst in others CSOs may lack significant influence but have a voice in consultative processes.

Initiatives associated with this aspect of civil regulation include those that have:

- i) a global and multi-sectoral focus such as the Ethical Trading Initiative (ETI), concerned with supply chain management; SA 8000, concerned with labour standards certification; and the Global Reporting Initiative (GRI), which sets standards for reporting on environmental, social and governance dimensions of business behaviour;
- ii) a single-industry, issue or sectoral focus, such as the Atlanta Agreement on *Child Labour*, the Extractive Industries Transparency Initiative (EITI – *corruption*) and the Kimberley Process (*conflict diamonds*); the Forest Stewardship Council (FSC), the Marine Stewardship Council (MSC), the Roundtable on Sustainable Palm Oil (RSPO) and the Roundtable on Responsible Soy;
- iii) a *rights-based focus* aimed at realizing the rights of workers and indigenous peoples, such as the Permanent Peoples' Tribunals (PPTs) in Latin America, the Worker Rights Consortium (WRC) and International Framework Agreements (IFAs) between Global Union Federations and transnational corporations (TNCs);
- iv) a social and sustainable economy focus, notably fair trade and agro-ecology initiatives such as International Federation of Organic Agriculture Movements (IFOAM), 'fair trade gold', the World Fair Trade Organization (WFTO), and Fairtrade International (FLO) or national schemes like *Comercio Justo México*.

An assessment of numerous initiatives carried out by this author, suggest that on balance they have played a key role in the evolution of the CSR agenda, from the early phase that centred on codes of conduct, internal monitoring and fairly superficial forms of reporting, to a more mature phase consisting of external *monitoring*, actual measurement of business impacts and change through *reporting*, and *verification* of compliance with agreed standards. Furthermore, this so-called 'MRV' agenda and the particular initiatives involved are often characterized by the ongoing ratcheting-up of standards and procedures. This results both from contestation by civil society actors that are both internal and external to the standard-setting initiatives, as well as institutional cultures associated with 'learning by doing' (Utting, forthcoming).

But as in the case of the corporate accountability movement examined above, this field of civil regulation is prone to numerous constraints and contradictions. The multistakeholder nature of such forms of regulation inevitably means that this arena of standard-setting and implementation is highly contested. Various tensions and dilemmas are apparent. These include the trade-off between the scale of uptake, on the one hand, and the substance of standards and compliance, on the other hand; the balance between engaging corporations as



'partners' and being co-opted by them; the extent of compromise needed to achieve small gains and incremental improvements; and raising the bar in labour and environmental standards versus the costs for small enterprises and producers in developing countries.

Rapid scaling-up often occurs on the back of institutions and instruments that are relatively 'business friendly', and where norms and procedures do not pose much of a challenge to conventional business practices and culture. The clearest example would be the United Nations Global Compact where civil society actors have some voice and representation in governance structures but relatively little influence in shaping the substantive orientation of the initiative. The process of 'conventionalization', noted by Audet and Gendron (2012) when examining standards in organic agriculture, applies as well to other areas of multistakeholder regulation. In other words, a dual process occurs whereby large producers or enterprises increasingly engage with ethical and fair trade standards, but interpretation and implementation of standards increasingly conforms to the preferences and practices of these larger commercial interests.

Uptake can be impeded by setting the bar quite high, as seen in the case of the Worker Rights Consortium (WRC) and the Forest Stewardship Council (FSC). In the case of forest certification, other institutions emerged that were regarded as more business friendly. But such institutional repositioning can work both ways. The existence of organizations that are perceived as weak from a regulatory and development perspective can lead to the formation of, or reinforces, alternative organizations, as occurred, for example, in the case of WRC and *Comercio Justo México*. For some analysts, the mainstreaming of fair trade raises the question of whether Fairtrade International should split into two organizations to deal with two different stakeholders, namely business and small producers (Reed 2012).

Much of literature within the fields of governance, organizational studies and business management views this new regulatory phenomenon in a positive light: the schemes involved can fill regulatory gaps that have emerged under globalization and with the rolling back of certain functions of the state; the field of voluntary initiatives is associated with the ethos of 'continuous improvement' through learning by doing; and multi-stakeholder regulation is part and parcel of civilizing features of modernization and 'good governance' that relate to collaboration, dialogue, transparency and accountability. Indeed, within these literatures is a strong current that suggests that actors are moving from being conflictive interest groups to 'stakeholders' and partners, and that activism centered on confrontation is passé or 'ideological' (Sustainability 2003; Zadek 2001). From this perspective, trends associated with private governance or multi-stakeholder regulation are part and parcel of a re-emerging model of 'embedded liberalism' that strengthens institutions that can re-embed business and markets in progressive societal values (Ruggie 2003).

A far less sanguine view prevails within various strands of international political economy and critical theory. Such perspectives are concerned that various forms of civil regulation simply help to legitimize efforts to tweak the market liberal paradigm that has prevailed in recent decades (Utting 2013). Such tweaking gives rise to corporate 'greenwash' (Greer and Bruno

1996) or amounts to a savvy repositioning on the part of corporate elites to regain legitimacy and better co-ordinate global value chains (Sum 2010).

Within this new field of regulation can, indeed, be found quite different approaches. Some sit comfortably within the voluntarist frame of business-friendly corporate social responsibility (CSR). Others conform more to the ‘corporate accountability’ agenda that emphasizes harder forms of regulation and the need to address various blind spots (related to more contentious, often structural, issues) on the CSR agenda (Utting 2012)<sup>2</sup>. The corporate accountability agenda also insists on some sort of penalties for non-compliance and the need for effective redress.

But broad generalizations often overlook the significant changes that can occur through time in the normative orientation and regulatory effectiveness of different multi-stakeholder initiatives. Such variations are often explained with reference to technical, organizational and institutional factors—for example, financial resources, professional expertise, leadership, incentives, path dependence, social and organizational innovation and learning, including ‘learning by doing’. But as examined in the final section of this paper, it is crucial to factor in political economy variables and contexts related to conflicting interests, discursive struggle, insider and outsider contestation, coalitions, alliances, the balance or reconfiguration of forces within governance structures, and structural opportunities and constraints.

A political economy view of the world leads one to ask whose standards and what notion of development are being promoted, and to better understand why and how the substance of such initiatives is likely to change through time (Reed and Mukherjee-Reed 2012; Utting 2012). Very different regulatory approaches can be pursued within the contemporary field business regulation that is being led by NGOs or multi-stakeholder entities.

### **III. Social and Solidarity Economy**

The third dimension of the contemporary double movement considered in this paper involves efforts by producers and workers to reassert social control over economic activities and circuits through certain associative and solidaristic forms of production and exchange. Particularly relevant in this regard is the expanding field of social and solidarity economy (SSE). The term is increasingly being used to refer to organizations and enterprises, engaged in the production of goods and services, that are relatively autonomous from the state and are guided by objectives and norms that prioritize social well-being, cooperation and solidarity. This logic contrasts with that of mainstream capitalist enterprises where economic activity is guided fundamentally by institutions and norms that prioritize objectives associated with profit maximization and shareholder returns, and which tend to externalize social and environmental costs.

SSE is fundamentally about reasserting social control or ‘social power’ (Wright 2010) over the economy by giving primacy to social and often environmental objectives above profits, emphasizing the place of ethics in economic activity and rethinking economic practice in terms of democratic self-management and active citizenship (Gibson-Graham 2006, Dacheux and Goujon 2013, Grasseni et al. forthcoming). Its potential from both a developmental and

emancipatory perspective relates to the fact that the forms of production, exchange and consumption involved tend to integrate some combination of economic, social, environmental and cultural objectives, as well as the political dimensions of participatory governance and empowerment (Hillenkamp and Laville 2013, Santos and Garavito 2013, Utting et al. 2014).

SSE can be conceptualized in terms of the establishment of “decommodified economic circuits ... where the social organization and practices of the circuit constitute an alternative logic to prevalent market processes.” (Vail 2010: 328) Beyond regulating the market, or redistributing the benefits of growth via the state or collective bargaining, SSE “root[s] a bias to greater equality and inclusion in the organized logic of economic growth and technological innovation...” (Unger, cited in Vail 2010: 329). In Polanyian terms, SSE is about rebalancing principles of market and reciprocity. When states enable SSE through social and other policies, this rebalancing extends also to redistribution.

The past decade has seen considerable diversification and expansion of SSE. Such developments include, among others<sup>2</sup>:

- The revival of multiple forms of worker, producer, service delivery and consumer cooperatives. Worldwide, cooperatives now provide jobs for 100 million people. Globally there are 761,221 cooperatives and mutual associations with 813.5 million members, 6.9 million employees, USD 18.8 trillion in assets and USD 2.4 trillion in annual gross revenue.
- The growth of mutual associations providing financial and insurance services. Mutual benefit societies provide health and social protection services to 170 million people worldwide.
- The rise of fair trade and alternative food networks that connect producers and consumers in fairer and greener trading relations. The global certified fair trade market amounted to EUR 4.8 billion (USD 6.4 billion) in 2012 (excluding Fair Trade USA sales) and involved some 1.3 million workers and farmers in 70 countries.
- The emergence of millions of self-help groups, often comprising primarily women. In India, over 30 million people, mainly women, are organized in over 2.2 million self-help groups.
- In Europe, approximately two million SSE organizations represent about 10 per cent of all companies and employ over 11 million people (the equivalent of 6 per cent of the working population of the European Union).

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<sup>2</sup> See United Nations Inter-Agency Task Force on Social and Solidarity Economy (2014).

- In 2011, approximately 130 million people in the United States participated in the ownership of co-op businesses and credit unions. More than 13 million have become worker-owners of more than 11,000 employee-owned companies.
- In India, the country's largest food marketing corporation, the Amul cooperative organization, has 3.1 million producer members and an annual turnover of USD 2.5 billion. The Self-Employed Women's Association (SEWA), which supports the empowerment of women in the informal economy, had 1.4 million dues-paying members in 2012, organized to promote income, food and social security.
- In Nepal, 8.5 million forest users are represented in the country's largest civil society organization.
- In Brazil, there are more than 20,000 enterprises operating within the SSE, which comprises almost 1.7 million people.
- In Ecuador, popular and solidarity economy generates about 60 per cent of employment nationwide; it represents 13 per cent of the gross domestic product and accounts for 5 per cent of public purchases
- In addition to the horizontal and vertical scaling up of SSE organizations and enterprises, 'transversal' scaling up is also occurring (Reed forthcoming), where SSE principles and practices permeate entire regions and multiple sectors, as for example, in the Basque region, Quebec, Canada and Kerala, India (Utting forthcoming).

The field of SSE also comprises new forms of social enterprise, often involving the local provision of "proximity services"; the collective organization of informal economy workers in associations; various forms of community-based schemes associated with solidarity finance, risk management, basic needs provisioning and the management of common pool resources; urban community agriculture; and collective food provisioning. Aspects of the new so-called sharing economy involving car-pooling and crowd funding, can also be considered part of SSE.

The SSE dimension of the double movement involves not only micro-level strategies and struggles in defense of livelihood and identity but also collective action to organize workers, producers and conscious consumers socially and politically. Such action has a long history for sectors of SSE such as cooperatives and mutual associations. But new socio-political associations are emerging. Within the field of unionization one of the most dynamic growth areas involves the organization of own account workers nationally, regionally and globally, via organizations such as Homenet, Streetnet and the Global Alliance of Wastepickers, and WIEGO.

Relatively new regional and global umbrella SSE organizations, notably the Intercontinental Network for the promotion of Social Solidarity Economy (RIPESS) and the Rencontres du Mont-Blanc Association, are increasingly active in relation to advocacy and framing debates. Millions

of small farmers worldwide are affiliated to Via Campesina which actively promotes 'food sovereignty', a concept that dovetails with SSE.

Another feature of socio-political organization involves local and national SSE organizations formally connecting across scales and sectors. Self-help groups in India for example, or community forestry initiatives in Nepal, are to varying degrees connecting across local, district, state-levels. In Nepal this extends to the nation level. Furthermore, in some areas there are signs that these different sectors are beginning to strategize collectively, although much more can be done in this regard (Agarwal forthcoming).

It is easy to romanticize the SSE dimension of the double movement. While its potential, in terms of social protection and more integrated approaches to development, seems clear enough, and while the field is currently enjoying significant dynamism, its development trajectory, both historically and today, can be highly constrained. A recent research inquiry into the potential and limits of SSE, carried out by the United Nations Research Institute for Social Development (UNRISD), identified the following constraints, risks and tensions (see Utting et al. 2014; Utting forthcoming).

Much of the problematique of cultivating and sustaining SSE has to do its articulation with other parts of the mixed economy, namely the state or public sector, the arena of private enterprise and that of 'popular economy' (see figure 1, Utting et al. 2014) from which much of the SSE emanates. Structural constraints associated with poverty and marginalization that characterize the informal economy, such as weak initial conditions, assets, competencies, as well as motivational and time-use constraints, render some SSE organizations inherently fragile and poorly equipped to deal with both market and state relations. An additional challenge, relates to that of organizing beyond the community or local level and engaging in multi-scalar activism and coalition-building, which is necessary to effectively engage with states and markets.

As the experiences of countries like Brazil, Ecuador, Bolivia and Nicaragua show, state support can play a crucial role in enabling, scaling and consolidating SSE, notably through social, fiscal, credit and procurement policies, as well as public investment in infrastructure. But state-SSE relations can also cultivate dependency, be instruments of co-optation and be characterized by top-down decision-making and weak governance arrangements for the co-construction of policy. Limited political will and capacities of state institutions, including local governments, to craft and implement enabling policies, often affect SSE.



Collective action associated with SSE is key for accessing markets and doing so on better terms. But SSE organizations and enterprises are often locked into commodity and service sectors with low value-added and limited capacity to mobilize surplus. They confront disabling environments associated with finance, including restricted or onerous terms of access to credit, instabilities within financial markets and biases within microcredit associated with individual entrepreneurship rather than group solidarity. Furthermore, pressures and influences of commercialization and financialization can usher in logics of enterprise activity that swing the efficiency-equity pendulum in favour of efficiency, and invoke practices that externalize social and environmental costs. And when such organizations grow and integrate markets and value chains, their principles and practices may be affected by managerialism and institutional isomorphism. Large cooperatives, for example, may assume features typically associated with corporate institutional culture and Corporate Social Responsibility (Defourny et al. 1999).

Other constraints relate to social relations within SSE organizations. They include, for example, elite capture of organizations and the difficulties of cultivating and sustaining bonds of trust as organizations and networks grow. Put another way, it often proves difficult to craft new regulatory and monitoring mechanisms in transitions from systems of personal to impersonal exchange (Gomez forthcoming). While SSE organizations often actively promote women’s economic and political empowerment, ongoing subordinations of women within governance and leadership structures is also common.

#### **IV. Implications for Transformative Change**

Contemporary changes in power relations and governance arrangements in contexts of globalization and liberalization pose fundamental challenges for activists in terms of the need for multi-scalar activism, broad-based coalitions and technical knowledge. Such developments also suggest the need for different and varied forms of mobilization and interaction both within civil society itself and with elite and mainstream policy institutions, depending on issue area and institutional context. Each episode of activism and intended policy reform may involve quite different dynamics and policy impacts.

The analysis above related to the corporate accountability movement confirms what scholarship on social movements has often observed (della Porta and Diani 2006: 232), namely that civil society global justice advocacy has often had more success in framing public and policy agendas than in actually transforming policy, if policy is understood as a purposeful course of action. In terms of strategy, such possibilities suggest that as much, if not more, effort should be put into awareness-raising about the root causes of global injustice, blind spots within mainstream development and CSR agendas, and alternative policy approaches and meanings of development, than efforts to tweak public or corporate policy. As others have pointed out, this suggests that advocacy NGOs should attach a high priority to critical thinking and the search for alternatives, and connect far more strategically and organically with social movements (Bebbington et al 2008). Ideological and operational currents with the NGO world, however, often pull in the direction of service delivery functions that fail to interrogate mainstream policy and institutions and are often disconnected from social movements.

The rise of both the 'good governance' agenda and the service delivery orientation of NGOs has propagated the notion that activists should do less criticizing, be less confrontational and more pragmatic and cooperative. The above analysis suggests, however, that such forms of 'collaborative governance' need to be assessed critically. On the one hand, stakeholder dialogue, social learning, partnerships and other forms of collaboration can facilitate the task of moving activist competencies beyond agenda-setting and advancing with respect to other aspects of policy change, such as getting an issue into policy and law, or getting policy and law actually implemented (Schumacher 1975). On the other hand, skewed power relations, the question of who gets invited to the table, and the rules of the game within such arrangements are often loaded against transformative change. Such political and institutional dimensions also run the risk of crowding out various forms of contentious politics, regulation, bargaining and negotiation that remain essential in the struggle for global justice.

In contexts where the scope for progressive institutional and policy change is highly constrained, there would seem to be a premium on veto power; that is, blocking certain types of policy and legislative reform. Chronic imbalances in power relations and weak accountability structures also point to the crucial role of civil organizations and networks in scrutinizing the powerful through a variety of watch-dog activities, complaints procedures and critical research.

The above analysis of the expanding field of non-state business regulation also indicated that this too is a highly contested field. Much of literature within the fields of governance, organizational studies and business management views this new regulatory phenomenon in a positive light: the schemes involved can fill regulatory gaps that have emerged under globalization and the rolling back of certain functions of the state; the field of voluntary initiatives is associated with the ethos of 'continuous improvement' through learning by doing; and multi-stakeholder regulation is part and parcel of civilizing features of modernization and 'good governance' that relate to collaboration, dialogue, transparency and accountability. Indeed, within these literatures is a strong current that suggests that actors are moving from being conflictive interest groups to 'stakeholders' and partners, and that activism centered on confrontation is passé or 'ideological' (Sustainability 2003; Zadek 2001). From this perspective,

trends associated with private governance or multi-stakeholder regulation are seen as part and parcel of a re-emerging model of 'embedded liberalism' (Ruggie 2003).

A far less sanguine view prevails within various strands of international political economy and critical theory. Such perspectives are concerned that certain forms of civil regulation simply help to legitimize efforts to tweak the market liberal paradigm that has prevailed in recent decades (Utting 2013). Such tweaking gives rise to corporate 'greenwash' (Greer and Bruno 1996) or amounts to a savvy repositioning on the part of corporate elites to regain legitimacy and better co-ordinate global value chains (Sum 2010).

Within this new field of regulation can, indeed, be found quite different approaches. Some multistakeholder initiatives such as the UN Global Compact sit comfortably within the voluntarist frame of business-friendly corporate social responsibility (CSR) that seeks to sanitize business practice through dialogue and peer pressure. Others, such as the Worker Rights Consortium (WRC), conform more to the 'corporate accountability' agenda that places more emphasis on harder forms of regulation and the need to address various blind spots (related to more contentious, often structural, issues) on the CSR agenda (Utting 2012). Others, such as the Roundtable on Sustainable Palm Oil (RSPO) or the Forest Stewardship Council (FSC) seek to be business-friendly but have experienced an ongoing process of ratcheting-up of standards and procedures (Utting forthcoming).

Broad generalizations, then, often overlook the variations in approach and significant changes that can occur through time in the normative orientation and regulatory effectiveness of different multi-stakeholder initiatives. Such changes are often explained with reference to technical, organizational and institutional factors—for example, financial resources, professional expertise, leadership, incentives, path dependence, social and organizational innovation and learning, including 'learning by doing'. But it is crucial to factor in variables and contexts related to conflicting interests, discursive struggle, insider and outsider contestation, coalitions, alliances, the balance or reconfiguration of forces within governance structures, and structural opportunities and constraints. This political economy view of the world leads one to ask whose standards and what notion of development are being promoted, and to better understand why and how the substance of such initiatives is likely to change through time (Reed and Mukherjee-Reed 2012; Utting 2012).

We have also seen that different approaches to development are found within the field of SSE. The 'solidarity economy' approach which has been conspicuous in some Latin American countries, not only aims to satisfy basic needs, enhance livelihood security and promote relations of cooperation and solidarity but does so within an ideological and political frame that seeks to transform traditional social and power relations and modes of capitalist production that underpin inequality, poverty and injustice. Some stands of 'social economy' associated, for example, with social entrepreneurship, aim to enhance the social orientation of business within the existing rules of the game. The split within the fair trade movement that occurred in 2011 is also illustrative of these differences in approach. Fairtrade USA broke with the original approach to Fairtrade promoted by Fairtrade International (FLO) that centred on small



producer empowerment and agro-ecology, and opted to work more with larger estates. Some fairtrade schemes in Latin America have gone a step further than the system of premium prices promoted by FLO. Beyond encouraging quality control, such an approach did little to change the system whereby small producers are locked into the relatively low value end of global value chains as producers of primary products. The schemes in question are aiming to not only add value to their products by processing and branding but also directly tap into growing middle class consumer markets in developing countries.

To sum up then, civil society efforts to reassert social control of business and markets via the corporate accountability movement and the new breed of standard-setting initiatives, as well as social and solidarity economy appear to confront three major challenges.

First there is what might be called a *developmental challenge*, which has various dimensions, relating to North-South relations, the role of the state as a key development agent and the meaning of development. Concerning the former, much of the activism associated with both the corporate accountability movement and non-state regulatory initiatives is fairly northern-driven gives rise to the issue of northern bias in perceptions and priorities related to development. While the regulatory initiatives referred to above all claim to enhance social or sustainable development and 'good governance', these catch-phrases mask variations in meanings of, and approaches to, development. Such variations imply different visions of sustainability and distributional consequences for different actors. These differences need to be interrogated if civil regulation is to advance goals associated with decent work, livelihood security, empowerment, the realization of rights, equity and sustainability.

Civil society actors engaged in efforts to regulate business often have quite different perspectives on the role of the state as a development agent. While prominent currents within the corporate accountability movement have emphasized the crucial role of the state in both business regulation, such a role is often downplayed in other currents of civil regulation that promote voluntary initiatives. Similarly, within the field of SSE, there are different perspectives on what role the state should play in enabling SSE, with some currents urging more immediate policies such as credit, technical training and procurement, and others calling for policies that alter structures of inequality and (dis)advantage such as land reform and progressive taxation.

Putting the market principle in its place requires not only elevating the prominence of reciprocity but also redistribution via the state. In the field of regulation, it should not be a case of voluntary non-state versus legalistic state-led regulation. Both private and public governance, or voluntary and legalistic instruments, can come together in ways that are mutually reinforcing (McBarnett et al 2007). Voluntarism and soft law need to be complemented by other regulatory approaches and institutions at both national and global levels, including for example, extra-territorial jurisdiction, binding law and effective judicial grievance and redress procedures, as well as so-called mature systems of industrial relations.

The developmental objectives or achievements of regulatory initiatives are often quite narrow. As Barrientos and Smith (2012) observe, it is important to promote both outcome standards –

be they improved working conditions, living wages or premium prices for small producers – and process rights, such as labour rights and producers’ empowerment. Furthermore, there are often blind spots related to the exclusion of particular stakeholders or social groups – for example, numerous types of artisanal, informal or small-scale commodity producers.

With some notable exceptions (for example, WRC and fair trade schemes such as *Comercio Justo México*), core development issues, such as the distribution of value along the value chain and the gross and growing inequities in the functional distribution of income (profits and wages), rarely assume centre stage in the discourse and practices associated with standard-setting initiatives. In short, certain strands of both non-state regulation and social economy, fail to interrogate the wider institutions of capitalism, such as corporate governance structures and financialization, in which multistakeholder regulatory initiatives are nested (Levy and Brown 2012; Reed et al. 2012).

Under the umbrella of social and solidarity economy can be found different worldviews and understandings of ‘development’. Accepting the reality of the capitalist system and its core institutions or ‘rules of the game’, **social economy** is primarily about expanding the economic space where people-centered organizations and enterprises can operate. **Solidarity economy** for its part, pushes the envelope of social and systemic transformation. It emphasizes issues of redistributive justice, so-called ‘deep’ sustainability, alternatives to capitalism and the debt-based monetary system, as well as participatory democracy and emancipatory politics driven by active citizenship and social movements activism. This strand of SSE is very much associated with the alter-globalization agenda popularized by the World Social Forum (Arruda 2005, Santos 2007). But an inchoate movement appears to be forming that connects these two approaches in a counter-hegemonic project<sup>3</sup> that contests the tenets, instruments and outcomes of the neoliberal agenda.

A second challenge concerns issues of resource mobilization and *capacity-building* related to advocacy, regulation and SSE. In the case of the corporate accountability movement such constraints relate partly to biases within the NGO arena that favour service-delivery over advocacy. In the case of standard-setting initiatives considerable weaknesses are apparent in relation to monitoring, reporting and verification, as well as such aspects as transparency, assessment and review, suggest the need to strengthen key regulatory mechanisms and functions. Resource constraints can also seriously impede the scope for effective remedy by accessing and testing grievance procedures which often involve processes that are technically complex, lengthy and costly.

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<sup>3</sup> Derived from Gramsci (1971), the concept of ‘counter-hegemony’ refers to the structuring by subaltern groups and ‘organic intellectuals’ of a discourse and politics that is inclusive of diverse struggles against oppression, domination and deprivation, capable of incorporating allies from other social groups, and able to counter – if not eventually dismantle – the dominant ‘hegemonic’ power.

The issue of capacity, or lack thereof, is particularly pertinent to the field of SSE, given the weak asset base and technical and managerial competencies base of many organizations and enterprises. Capacity building is partly a question of resources and methods (for example, infrastructure; access to finance and market information; education and training related to literacy, vocational, managerial and other skills; cooperative organization and administrative and management systems; and technological innovation, up-grading and transfer (Mendell and Alain, forthcoming). Brazil's National Secretary of Solidarity Economy, Paul Singer, notes, if SSE is to not simply be a response to crisis and the contradictions of capitalism, but is to expand and diversify according to its own dynamic, two aspects of capacity building are key: a system of solidarity finance and a knowledge system for technical and values-oriented training (Singer 1996).

The challenge of capacity building is particularly pertinent in relation to role of state institutions both in regulation and enabling SSE through public policies. Many have seen their capacities diminished through decades of neoliberal restructuring. The capacity challenge is also relevant in the context of processes of decentralization that have transferred responsibilities and administrative authority to local governments but without the commensurate transfer of resources, fiscal authority and technical know-how.

Third, there is a *political challenge*. This relates to the fact that power relations within value chains and in the governance structures of new regulatory institutions are often skewed against both subaltern groups and developing countries. It also relates to the need to bring the state and public governance more centrally into the arenas of both business regulation and development. In relation to SSE effective participation is important to overcome key problems of i) elite capture of SSE organizations, ii) ongoing subordination of women within the governance of SSE, and iii) top-down policy making.

The political challenge relates fundamentally to the issue of participation, understood in the political sense of the term. As defined by UNRISD in the late 1970s, 'popular' participation refers to the organized efforts of the disadvantaged to gain control over resources and regulatory institutions that affect their lives (UNRISD 2004). Such a definition encompasses various dimensions of the political, including voice, contestation, advocacy, co-construction, negotiation, networking, and building and sustaining coalitions and alliances. In short it is about 'active citizenship' and reconfiguring power relations (Green 2012). This perspective is far broader than that commonly used by mainstream development agencies working within the 'good governance' frame, where selected 'stakeholders' are invited to the table to be consulted. Such a frame often assumes wrongly that confrontation and negotiation between interest groups is passé, and that now we are all 'stakeholders' and 'partners' who can collaborate to solve problems (Mouffe 2005).

But such governance arrangements and logics often ignore two fundamental questions. The first is the need for ongoing contestation both within the regulatory and SSE arenas and on the part of civil society or SSE actors interacting with external actors and institutions. The second is how to ensure that 'voice' or a seat at the table actually translates into becoming a player that

can effectively influence decision-making processes. The relative balance of social forces or interests within governance structures matters, as does the presence and institutionalization of democratic or deliberative spaces within those structures.

We have also seen that in today's networked and globalized world, 'organized efforts' need to play out at multiple scales, well beyond the local level where SSE organizations and enterprises are concentrated. Such alliances point to the possibility of the formation of a counter-hegemonic movement that is essential if alternative pathways are to effectively challenge business-as-usual. The coming together of 'social' and 'solidarity' economy discursively and strategically in recent years is a significant development in this regard. Both liberal and radical currents are accommodated under the SSE umbrella and speak to, rather than past, each other. Put another way, SSE is becoming an arena where two of the most powerful worldviews that are contesting market liberalism, namely 'embedded liberalism' and 'alter-globalization', are finding common ground.

As Agarwal suggests when analyzing community forestry initiatives and self-help groups in South Asia, it is crucial to consolidate alliances within the field of SSE itself – in the case she analyses. Consolidating alliances between SSE actors and others groups struggling for social, environmental and distributive justice, such as trade unions, indigenous peoples, farmers, women and so forth, is also key. Referring to tensions within SSE-state relations in Latin America, related to dependency, instrumentalization and top-down interventions, Coraggio (2014) and Rossel (forthcoming) emphasize the importance of overcoming fragmentation within the SSE field and building a more cohesive movement.

Within the critical literature on social change, this is often where the story ends, with a scenario where different struggles against injustice (Santos 2007) or 'the discontented and the alienated' and 'the deprived and the dispossessed' (Harvey 2010) join or should join forces. But there are two other aspects related to the concept of hegemony that need to be factored into strategy. The first concerns the possibilities of cultivating 'common sense' understandings of terms and goals associated with progressive or transformative agendas. Others must come to accept hitherto 'radical' framings as 'normal' normative or cultural guides that pattern identity, preferences, behaviour and action (Laclau and Mouffe 1985, Sum and Jessop 2013). Discursive struggle plays a key role in this regard. Counter-hegemonic contestation and agency require linking up terms and concepts or particular combinations of 'buzzwords' (Cornwall and Brock 2006). Such combinations 'evoke a particular set of meanings' (ibid.: 47) that can unsettle conventional wisdom about what is meant by terms like 'development', 'democracy' and 'sustainability'. Such combinations are also key in efforts to forge alliances between subaltern groups and others who feel 'alienated and discontented' (Harvey 2010).

The umbrella term SSE provides ample space for connecting more conventional notions of enterprise, entrepreneurship and social protection with more transformative concepts of rights, equality, active citizenship, ethics, solidarity, emancipation and (social, environmental and distributive) justice. Similarly, under SSE, terms like 'green economy' are re-interpreted to suggest patterns of economic transition that are not dominated by market logic but rather,

provide spaces for diverse actors and enterprises within the plural economy, restructure production and consumption patterns, and are both green and fair (Cook et al. 2012).

Such articulations are important for the task of building broad-based coalitions for change. Keeping these connections in the spotlight can also guard against hegemonic shifts that dilute transformative agendas, such as ‘corporate social responsibility’ and philanthropic solidarity (Laville forthcoming) and reveal the limits of state interventions that instrumentalize SSE for poverty reduction (Coraggio 2014).

The second aspect of counter-hegemonic strategy relates to social pacts and compromises not only with those struggling for transformative justice but others whose interests and identities intersect with SSE. These include those associated with for-profit enterprise who may want a stake in the material, reputational or legitimation advantages that derive from linkages with SSE. Political parties may similarly benefit from closer ties with the SSE movement. Potential allies also include elements of the managerial ‘class’ or techno-scientific community connected with SSE, as well as those who relate to SSE principles and actors for reasons more associated with ethicality and identity, for example, so-called ethical consumers and investors.

Alliances and political strategy, then, must extend beyond progressive social movements to certain market and state actors. Such SSE-market and SSE-state relations are always liable to generate tensions of the type outlined earlier associated, for example, with elite capture, cooptation, marketization and institutional isomorphism. But if and when significant advances can occur with regard to the three challenges, related to conceptions of development, capacity-building and the reconfiguration of power relations, then the protective strand of the double movement may indeed gain ground via enhanced social control over regulation, production and exchange.

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