

***No Roses Without Thorns: Trade, Militarization, and Human Rights
in the Production and Export of Colombian Flowers***

I. Overview of Book

This book analyzes the human rights implications of international trade regulations by examining the working and living conditions of workers in the Colombian flower industry. The export-led Colombian flower industry is the second-largest producer of cut flowers in the world and supplies 65% of flowers to the U.S. market. Beginning in the 1960s, the industry today is a more than a billion-dollars-a-year business, employing more than 110,000 workers—mostly indigenous or *mestizo* (mix-raced) peasant women who are sole heads of their households. Although the spectacular growth of the industry has made it the subject of several scholarly articles and one previous book-length study, *No Roses Without Thorns* is the first book to examine it in the context of the transnational legal, political, economic, and social relations in which it operates.

No Roses Without Thorns argues that the geo-political framework and legal instruments that make possible the tariff-free access of Colombian exports to U.S. markets has also diminished Colombia's sovereignty and its people's capacity to resolve their own internal affairs, including its endemic civil war and fight against illegal drug trafficking. Based on extensive fieldwork, the book examines the profound consequences this has had both for the lives of the poor and working-class women and mothers who labor in the fields and greenhouses of the cut flower industry and for Colombia's broader labor market, environmental integrity, prospects for peace, and rights of most marginalized communities. The findings of my book are compelling since according to the United Nations, the human rights situation in Colombia is the worst humanitarian crisis in the Western Hemisphere, after Haiti.

The book also examines the labor practices of the flower industry, exposing the precarious working conditions for the workers. Based on fieldwork research, the book argues that these poor working conditions both result from and reinforce the enduring class, gender, nationality, and race-based social relations in Colombia and elsewhere in the global South and North. It reveals the painful irony that the flowers widely used in the global North to celebrate key "women's days" related to reproduction and love, such as Mother's Day, Valentine's Day, and weddings, come at a human price few consumers are aware of.

No Roses Without Thorns provides a compelling case study of how the interlocking social regulatory systems of patriarchy, racism, classism, and nationality operate not only within the

flower industry, but within the labor reforms undertaken by the Colombian government under the tutelage of global governance institutions such as the World Bank, and International Monetary Fund. The continuous erosion of labor legal rights since the 1990s, while essential to the success of export-led agribusiness, has resulted in the hard, insecure, and poorly remunerated labor of the racialized women workers in the industry, and the entire Colombian labor market. The survival of the global capitalist flower industry depends on the cheap labor carried out by such women, both as workers in plantations and as unpaid workers in the private sphere. The book traces how the paid and unpaid work of these women and mothers is shaped by the transnational system of international trade in which their work is embedded. Also important to the success of the cut-flower industry has been the Colombian government's embrace of a neoliberal, export-led, extractive development model, including its official support and financial subsidies for the industry. The book persuasively demonstrates that together, transnational trade and military accords, labor legal reforms, and the interlocking systems of class, gender, race, and nationality contribute to both the success of the flower industry and other export-led industries, and the current human rights crisis in Colombia.

Yet *No Roses Without Thorns* also examines how workers within the Colombian flower industry have organized themselves and, along with local and transnational non-governmental organizations supportive of labor unions, have contested the hegemonic labor and consumption practices in the industry, deploying multiple resistance strategies. By documenting the contra-hegemonic and resistance processes within the flower industry, the book reveals windows of opportunity in the law and politics for challenging social inequalities, empowering those involved in resistance processes, and occasionally succeeding in creating a measure of social justice, albeit without fundamentally altering the structures and systems of power in Colombia. The book demonstrates not only how imaginative and resourceful the resistance processes of workers in the flower industry have been, but how those workers have actually exercised the abstract human rights guaranteed in legal instruments under conditions of adversity, including state forces' violent repression of worker's associations. By so doing, the book also raises the possibility that the struggles of Colombian workers can inform other social struggles and points to legal and policy actions that could be taken in other sites of export-led development.

This book is the outcome of more than a decade of field research undertaken in several municipalities surrounding the capital city of Bogotá, observing and studying the national and

international developments of the Colombian flower industry, and following how they have been affected by transformations within local, national, and international legal regimes. This fieldwork was undertaken during several trips, ranging from two-weeks to six months in length, between 1999 and 2010. It included on-site participant observations (at a plantation, worker's homes, union offices, NGOs, courts, and other government offices), thirty-two in-depth interviews with members of various constituencies related to the industry (workers, former workers, union leaders, managers of plantations, labor and human rights activists, lawyers and judges), and attendance at public events (court trials, labour inspectors' hearings, Flower Workers' Day celebrations) and events to which I was invited (union meetings and NGOs meetings and activities). During these visits, I also gathered local court decisions, statutes and legislation, local newspapers, magazines, and journals articles, statistics, photos, videos, and union letters and bulletins related to flower workers or the international trade in Colombian flowers, all of which inform the book's contents.

No Roses Without Thorns employs a multidisciplinary perspective that combines political economy, critical race, feminist, and postcolonial theoretical frameworks. These multiple strands of inquiry inform my analysis of transnational, national, and local legal and economic policies and the intersections of the regulatory systems of racism, global capitalism, patriarchy, and nationality/citizenship in my uniquely global analysis of the flower industry and the living and working conditions of the women who work there. As such, the book participates in current and often heated debates among scholars and policy makers on the human rights implications of neoliberal free trade. Advocates of neo-liberal policies support the expansion of free trade, arguing that it fosters economic growth and, in the long run, higher living standards, increased employment opportunities, higher wages, and sound environmental regulations. Some apologists for neoliberal trade policies argue that any undesirable social and environmental effects of increasing free trade can be remedied by government policies, including social assistance and redistributive measures, at the nation-state level. Opponents of neoliberal free trade policies, in contrast, claim that the neoliberal model has led to increased income inequality among and within nations. The enforcement of human rights, including women's, labor, and environmental rights, becomes increasingly difficult in a context of deteriorating living conditions and material deprivation for the non-elite majorities in developing nations. This book will contribute to this debate by providing a specific, detailed case study of the Colombian flower industry that

illuminates the contradictions between neoliberal free trade agreements and human rights principles and objectives as they are actually experienced by the people who must live within them.

II. Chapter Outline

Introduction—A Framework for Examining the Colombian Flower Industry

The introduction establishes the main features of the flower industry (including its economic successes and the demographics of its workers) and explains why it merits a critical analysis that reveals the legal and social regulatory systems that have secured its continuing economic success. This introductory chapter explains the critical perspectives used in the study and how it addresses gaps in the fields of transnational feminist studies on trade and human rights, labor studies (in particular, the feminization of labor theory), and Latin American studies. It includes a discussion of the methodologies employed for this study and the organization of the book. The introduction also argues that the book's findings are exceptionally important because they provide a stronger basis from which to address an international policy (free trade) and concomitant legislation so that strategies can be designed to improve respect for human rights principles and objectives.

Chapter 1—Local Sites of Global Governance: The Lives of Flower Industry Workers

This chapter presents the employment and living conditions that have been fashioned for racialized low-income women under the economic success story of flower production and current trade arrangements. It provides a rich portrait of the lives and working conditions of women workers that is drawn not from statistics, but from the vivid tales of their lives as witnessed through participant fieldwork that included conversations and in-depth interviews with various members of the flower industry, women workers in particular. The chapter scrutinizes the local and transnational class, race, gender, and nationality power relations that are reinforced, shaped, or transformed by the interests and presence of the flower industry in workers' lives and contextualizes them within the civil war that has plagued Colombia for decades. It also examines how working for the flower industry alters the personal relations that women develop with community and family members and their gender, race, and class roles—in particular, the conflicts it creates between their roles as mothers and home managers in the private sphere. It

also considers the lives of plantation owners and the social regulatory systems deployed by management and the Association of Flower Growers to shape workers' personal and work lives to fit their global business goals. Finally, the chapter examines the globalization of gender and reproductive processes by connecting the gender, race, and class systems enhanced by this type of production and its consumption in the global South and global North. Looking at the international web within which the flower industry operates demonstrates the extent to which racialized women's underpaid and unpaid work serves as the labor base on which not only the flower industry but the multinational corporations that provide inputs, transportation, marketing, and distribution are predicated.

The main argument of this chapter is that even though this industry has provided alternative sources of employment for racialized rural communities, in particular for economically and socially vulnerable women, the working conditions are very precarious and exploitative, systematically violating minimum international and national labor standards. Nor do these types of jobs accommodate women's roles in the private sphere, as mothers, home managers, caregivers, and social beings. The toxic chemicals and high volume of fresh water used by the flower industry have also harmed the environmental integrity of the regions where it operates, violating constitutionally guaranteed environmental rights and undermining the health of communities reliant on sustainable ecosystems.

Chapter 2—Normalizing Class, Race, and Gender Social Relations through Colombian Law

This chapter moves from social regulatory processes to analyze in detail the legal systems that regulate the lives and resistance processes of flower industry workers. It examines the race, nationality, class, and gender biases present in the Colombian legal system and how it helps maintain transnational gender, race, and class social systems. Presenting fieldwork findings regarding the labor law framework that sustains the production of flowers, the chapter describes the various labor contracting and sub-contracting practices in flower industry plantations, highlighting how these mechanisms contribute to precarious labor relations. It then examines the gap between “law on the books” and “law in action” by looking at workers' lack of access to justice, including the lax enforcement of laws by the judicial system and government labor inspectors, as illustrated in particular cases of pregnant workers in the flower industry. The chapter thus analyzes not only “law in books” but also individual contracts, court decisions,

numerous trials and attempts by lawyers to use human rights legislation to counter violations of human rights and labor rights in the context of the flower industry. It argues that the labor law system contributes to precarious labor relations both within the flower industry and in national and transnational labor markets in general. Furthermore, the chapter challenges current feminization of labor theory by arguing that these types of labor relations are not simply feminized but also racialized.

Chapter 3—The Colombian Flower Industry in the Context of International Trade and Military Accords between the USA and Colombia

This chapter broadens the examination of the Colombian flower industry in the previous chapters to look at the macro contexts of international trade agreements, military accords and political-economic policies to uncover how they facilitate such production. It studies the global legal framework as it applies to the flower industry and the geopolitical and international relations in which the industry is embedded and which it helps to shape. It presents an analysis of the link between militarism and the neoliberal project in Colombia by considering transnational accords such as successive military and trade agreements between Colombia and the United States from the 1950s to the present and how the flower industry has benefited and influenced those agreements.

Chapter 4—Sites of Resistance: Counter-Hegemonic Processes in the Flower Industry

Based on fieldwork interviews, this chapter documents the initiatives undertaken by different organizations to challenge precarious forms of employment in the flower industry. It contextualizes these struggles within the rich and long history of resistance and social movements in Colombia and examines how processes of repression and militarization have transformed them. It analyzes diverse forms of resistance undertaken as counter-hegemonic initiatives, including unionization, worker-based and industry-based codes of conduct (“soft law”), international consciousness-raising campaigns targeting consumers in the global North, formation of NGOs focused on flower production, and the creation and celebration of a Flower Workers’ Day, which is now celebrated in various production sites in the global South on Valentine’s Day, the day of highest consumption of flowers in North America.

Conclusion—Countering Global Prescriptions and Legalities

This chapter brings together the findings and sub-arguments made in the previous chapters to reveal the intersections of trade, militarization, and human rights in Colombian life. It also discusses the use of social protest, political action, and litigation as means to exercise, demand, and claim women's and workers' human rights that have on occasion brought empowerment, change, and social justice to workers, if without fundamentally altering entrenched power relationships. The book closes by suggesting how the findings of this specific case study can help identify potential actions and changes that could help create a more equitable global economy.

III. Intended Audience and Potentially Competing Books

This book joins the rich and controversial debate on the relationship between the principles and norms that regulate global economic activity and those that promote and protect human rights. Many recent books and edited volumes have addressed this subject from multiple perspectives, arguing for or against a positive relation between both areas. This subject is certain to become increasingly important as both scholarship and activism continue to explore the intersections of the two fields. Recent books addressing this matter include Ariadna Estévez's *Human Rights and Free Trade in Mexico: A Discursive and Sociopolitical Perspective* (Macmillan, 2008); Susan A. Aaronson and Jamie M. Zimmerman's *Trade Imbalance: The Struggle to Weigh Human Rights Concerns in Trade Policymaking* (Cambridge University Press, 2008); Ana Gonzalez-Pelaez's *Human Rights and World Trade: Hunger in International Society* (Routledge, 2005); Emilie M. Hafner-Burton's *Forced to be Good: Why Trade Agreements Boost Human Rights* (Cornell University Press, 2009); Frederick M. Abbott, Christine Breining-Kaufmann, and Thomas Cottier's *International Trade and Human Rights: Foundations and Conceptual Issues* (University of Michigan Press, 2006); James Harrison's *The Human Rights Impact of the World Trade Organisation* (Hart, 2007); and David Kinley's *Civilising Globalisation: Human Rights and the Global Economy* (Cambridge University Press, 2009). Yet, recently, very few have specifically examined the implications of free trade on women's rights and labor rights, with the exception of *Trading Women's Health and Rights? Trade Liberalization and Reproductive Health in Developing Economies*, edited by Caren Grown, Elissa Braunstein, and Anju Malhotra (Zed Books, 2006), and Christine Breining-Kaufmann's *Globalization and Labour Rights: The*

Conflicting Relationship between Core Labour Rights and International Economic Institutions (Hart, 2006).

Much has been written within the field of gender and development literature examining, in diverse sites of the world, the consequences of neoliberal and development policies on women's lives and gender relations. For the case of the flower industry, there are various articles (academic and otherwise) that have appeared in edited collections, by activists and sociologists such as Cynthia Mellon, Nora Ferm, Molly Talcott, Gilma Madrid, Corporación Cactus, Verena Meier, Patricia Sierra, and Laura Rangel, among others. The only previous book-length study on this topic is Greta Friedemann-Sanchez's *Assembling Flowers and Cultivating Homes: Labor and Gender in Colombia* (Lexington Books, 2006), an anthropological study of the effects of women's employment in the flower industry on intra-household dynamics. None of these works, however, simultaneously analyze women's living and working conditions sociologically and ethnographically and within legal, political economy, and geo-political frameworks. *No Roses Without Thorns* is first and foremost a socio-legal study exploring the relationship between trade and military accords between the United States and Colombia and their implications on human rights, not only for the flower industry workers, but for the Colombian people more generally. At the same time, the book explores the practical possibilities of human rights legislation as supportive of social protest and political action of innovative-counter-hegemonic movements.

No Roses Without Thorns thus fills a gap in current scholarship by, first, focusing on the women's and labor rights implications of trade and military accords and, second, taking a law and society framework that links ethnographic and sociological understandings of women's lives in an export-led development case, and the geo-political and legal systems in which that case is embedded. This book uniquely combines ethnographic feminist methodologies and legal methodologies to ground the theoretical and abstract debate on the human rights implications of free trade.

The book also makes a contribution to current labor studies by considering and qualifying the "feminization of labor" theory developed by feminist political economists Leah Vosko, Isabella Bakker, Pat Armstrong, and Guy Standing, arguing that precarious forms of labor are not only feminized, but racialized. It also contributes to the discussions and theorizing of transnational legal critical race feminist theory by scholars such as Adrien Katherine Wing and feminist political economists such as Isabella Bakker and Rachel Silvey by examining the

challenges that these various forces pose to both women's rights and social reproduction processes and providing a case study in which to ground those abstract discussions. Lastly, the book contributes to law and society studies by responding to the call made recently by prominent law and society scholars Cesar A. Rodríguez Garavito and Bonaventura De Sousa Santos for researchers to not only understand legal reforms undertaken under the framework of global governance and the "rule of law" as a hegemonic legal endeavor that transforms global legality, but to also (and more importantly) consider and study subaltern legalities and struggles developed in processes of resistance to hegemonic systems.

Because this book draws on several different literatures to inform its theoretical framework, the audience will likely be interdisciplinary. *No Roses Without Thorns* will be of interest to students, scholars, and informed readers within legal studies, social theory, women's and gender studies, ethnic studies, Latin American Studies, and labor studies. Both its subject matter and its theoretical and methodological innovations will be of interest to social scientists and to graduate students, and its application of complex theory to concrete global sociopolitical problems also makes it appropriate for use with advanced undergraduate students. The book is written in clear, accessible prose, and its theoretical discussions are grounded in fieldwork research and findings in a specific context.

IV. Format and Timetable for Completion

The book comprises six chapters, including an introduction and conclusion. It includes approximately 15-20 photographs taken by the author and a few maps from the Library of Congress collection that require no special permissions.

I have completed a draft of the complete manuscript, which I am currently revising to reflect the latest developments in both the Colombian flower industry and legal reform movements and the results of my most recent fieldwork. The manuscript will be approximately 250 pages in length and ready for review by August 2011.

V. Qualifications of the Author

My qualifications and background uniquely situate me to undertake this study. Born and raised in Colombia, I have also practiced as a lawyer in Colombia, where I have maintained long-standing ties with academic and non-governmental organizations. I also hold master's and

doctoral degrees in law from Canadian universities and currently am an assistant professor in Women's, Gender, and Sexuality Studies at the University of Cincinnati, where I practice my multidisciplinary and transnational feminist approaches to the study of globalization, international trade, militarism, and human rights.

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