

**Pitching for each others' team:
The North American Free Trade Agreement and labor transnationalism**

Daniel Ozarow
Middlesex University UK

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Abstract: The North American Free Trade Agreement (NAFTA)'s side accord – the 1994 North American Agreement on Labor Cooperation (NAALC)– has been portrayed as providing an ineffective, bureaucratic procedure for dealing with labor complaints about infringements of national labor legislation. This paper reviews two decades of experience. It argues that after an initial period of, formal activity, which did indeed expose the accord's severe limitations, a new era of intensified international links at grassroots level commenced. Despite its limitations, the accord initiated positive learning processes and intensified exchanges between the trade union movements in the U.S., Canada and Mexico.

This paper argues that tri-national labor cooperation has evolved, broadened, deepened and decentralised with progressive intensity under the North American Free Trade Agreement (NAFTA). The Agreement, which took effect in 1994 between the United States, Canadian and Mexican governments, represented an important neo-liberal initiative. However, it also provided political opportunities for cross-border solidarity, especially under the provisions of its labor side accord–The North American Agreement on Labor Cooperation (NAALC). Fundamental weaknesses in the accord's labor dispute resolution mechanisms meant that only limited, direct opportunities were offered for labor solidarity. Yet in practice workers developed transnational collective repertoires of action.¹ These had secondary and longer-

term impacts which have revitalised autonomous, grassroots trade unionism and often cross-border labor exchanges two decades later.

Although NAFTA was the first regional economic integration agreement between developed and underdeveloped countries, the discussion has wider significance today.² A growing number of recent bilateral free trade pacts now contain supranational arbitration mechanisms like the NAALC's as a basis for state-labor-capital dispute resolution and take the International Labour Organization's Declaration on Fundamental Principles and Rights at Work (1998) as their guiding framework. The agreements include the Canada-Colombia Free Trade Agreement (2012), the U.S.-South Korea Free Trade Agreement (2012) and bilateral agreements signed by the European Union. However, outside North America and the EU, labor movements tend to be at a much earlier stage in learning how to effectively utilise such labor side accords and dispute settlement mechanisms to improve workers' rights. Thus, leaders and activists elsewhere may usefully reflect upon the lessons that can be learned from twenty years of campaigning around the accord in Mexico, the U.S. and Canada.

While NAFTA was designed principally to benefit US and Canadian multinationals, many of their national policymakers were concerned that if too many of their corporations relocated their plants to their southern neighbour (where production costs were significantly cheaper and industrial regulation far weaker), it would damage their own economies and create unemployment. Therefore the NAALC labor side accord was incorporated into the broader Agreement and enabled activists, trade unions and civil society groups to mount legal challenges to a National Administrative Office (NAO) - that was to be established within each country's labor ministry - in cases where the petitioners believed that *domestic* labor laws had been breached by multinationals operating there.³ Its inclusion allowed President Clinton to secure enough Democrat votes in the House of Representatives for NAFTA to obtain Congressional assent, while providing him with 'political cover' to execute the deal

without completely alienating his labor union sponsors.⁴ However, what made this significant was that under the auspices of the NAALC's Commission for Labor Cooperation (CLC), the procedures involved in raising complaints meant that alleged violations of domestic labor standards by a multinational could only be adjudicated by an NAO from one of the other two member states, not the one where the infringement had actually occurred. Thus the accord provided transnational 'institutionalised political opportunity structures' to contest the rules of global economic integration for the first time because it made communication, information-sharing and cooperation between the affected trade union or labor advocate that was making the petition and the unions, labor lawyers and anti-free trade coalitions in the *third-party country* of the review body essential.⁵

Literature on the impact of regional economic integration institutions on transnational labor movements has, until recently, reflected two main debates. The first discusses how regional integration provides opportunities for transnational political mobilisation; the second addresses how effective ensuing transnational labor cooperation has been in concrete terms.⁶ Work on NAFTA has paid particular attention to the extent to which the NAALC has achieved both these ends.

The NAALC has been dismissed as an ineffective tool for achieving either goal because it does not establish minimum regional labor standards.⁷ On the other hand, NAO review bodies are open to political manipulation, and violations of fundamental labor standards such as the right of assembly, strike and collective bargaining are not subject to sanctions or binding arbitration.⁸ These weaknesses have acted as such a deterrent that unions in the three countries filed just 39 cases under this process between 1994 and 2011. Only seven of these have reached the final 'ministerial consultation' stage and not a single one has generated sanctions.⁹

However, others have claimed that it is wrong to completely dismiss the NAALC petition process since NAOs provided an institutionalised channel for transnational engagement between North American unions.¹⁰ By establishing a forum for exposing the inadequacies of national labor laws, it is argued that this process creates government accountability indirectly, because regardless of the outcome of the petition itself, the resulting bad publicity and scrutiny can be enough to force the alleged law-violating company to change its policy. For example, Nike's directors acceded to the *maquiladora* (the Mexican name for manufacturing operations in a free trade zone) garment workers' demand for an independent trade union in Kukdong in January 2001, when they recognised that Nike's corporate image would suffer globally. However this was only after international activist networks and unions leveraged the original NAO petition to expose the company in the media.¹¹ Moreover it is argued that the 'Ministerial consultations' that transnational union pressure succeeded in achieving following NAO arbitration, have had lasting legacies by ensuring that governments implemented their own labor legislation.¹² For instance, the outcome of the Han Young case (1997) led to a partial opening up of Mexico's entrenched corporatist industrial relations system. Until then, the Institutional Revolutionary Party (PRI) only recognised pro-government labor actors such as the Mexican Workers' Confederation (CTM), but was forced into providing a publically available portal that also promoted independent trade unions from that point onward.

This article takes these debates forward and synthesises them with other literature. It illustrates how the experience of cross-border opposition to NAFTA caused Canadian, American and Mexican labor movements to reappraise their national organising structures and often inward-looking political perspectives to eventually adopt more internationalist outlooks. NAFTA may therefore be seen as a 'transformative event' that prompted these movements to realise their capacity to organise transnationally rather than resorting to

protectionist strategies.¹³ It also shows that the cross-border alliances and collective repertoires of protest first acquired by labor activists during the early NAFTA years have developed into quasi-permanent mobilisation structures that still operate today.¹⁴

The evolution of North American labor transnationalism. Phase 1: Pre-NAFTA ‘contingent and political’ alliances (1990–94)

The drafting of NAFTA was announced in the early-1990s, igniting furious opposition from organised labor in the United States and Canada. The American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) was concerned that low wages and ‘social dumping’ in Mexico would spark a flurry of plant relocations to their southern neighbour that would lead to job-losses and downward pressure on American wages. Meanwhile due to its experience with the Canada-U.S. Free Trade Agreement (CUFTA) in 1988, the Canadian Labour Congress was sensitive to any further transfer of national sovereignty that would weaken its domestic labor standards.¹⁵

Attempts to create broad, civil-society coalitions against the proposed free trade area quickly surfaced. The Coalition for Justice in the Maquiladoras (CJM) mobilised communities on both sides of the U.S.-Mexico border by targeting US-based multinational corporations. National anti-free trade networks also formed - the Alliance for Responsible Trade (ART) in the U.S., Common Frontiers (its Canadian equivalent) and the Mexican Action Network Against Free Trade (RMALC).¹⁶ However, while these campaign networks were not labor-focused, they included federations like the AFL-CIO and individual unions like the United Auto Workers in the U.S. and Mexico’s Authentic Workers Front (FAT). As an independent union confederation that also incorporates community organisations, peasant movements and women’s groups, FAT is committed to principles of internationalism,

workers' self-management and training. It operates in parallel to the official CTM confederation which, in contrast, the state uses to discipline the workforce and demobilise labor opposition.¹⁷ However, without an institutional focal point to rally around in the years preceding the Agreement, the FAT struggled to persuade the main Canadian and American unions to form a tri-national anti-NAFTA labor alliance.¹⁸ Several hurdles confined such attempts at worker transnationalism to the periphery of the labor movement during these early stages; those initiatives that did emerge were mainly reduced to superficial 'contingent political alliances' whose objectives were often short-termist and did not extend beyond opposing NAFTA.¹⁹

The CTM was by far the largest Mexican union confederation. However, its corporatist relationship with the government plus its genuine belief that NAFTA would help create millions of jobs through inward investment meant that it refused to participate in any cross-border labor opposition.²⁰ Dissident voices in Mexico were loud, but weak. Independent unions accounted for just 10% of all membership in the early-1990s and FAT itself boasted no more than 50,000 members.²¹ The Mexican labor movement therefore remained ideologically dominated by the pro-NAFTA CTM, which also used nationalist rhetoric to deride the FAT as a tool of foreign unions wishing to prevent jobs from coming to Mexico. This accusation resonated powerfully in a society which was profoundly distrustful of US motivations ever since its interference in the 1910 Revolution. Thus, Mexican workers refrained from engaging in projects that promoted solidarity with their American counterparts, while the CTM's hegemony over Mexican labor meant that both alternative unions and opposition to NAFTA were marginalised.²²

Moreover, in the years immediately before the Agreement's 1994 implementation, the CTM's nationalism was met by a resolutely protectionist stance from the AFL-CIO. As xenophobic cultural traditions permeated sections of the US labor movement, its leaders

tended to blame foreign workers for NAFTA-related job losses.²³ This divergence in perspectives between the dominant union confederations in Mexico and the U.S. illustrates how NAFTA actually exacerbated differences and aggravated tensions between union leaderships. Transnational labor resistance to NAFTA between 1990 and 1994 was further hindered by an exclusivity agreement and longstanding association between the AFL-CIO and the allegedly corrupt CTM through the International Confederation of Free Trade Unions.²⁴ This contributed to the AFL-CIO's reluctance to build meaningful alliances with the very Mexican unions that were most active in opposing NAFTA. Additional impediments to the development of cross-border ties in the years preceding NAFTA's implementation included language, cultural and resource-based disparities.²⁵ Finally, workers in the same industry in each country were often unionised in different ways, making it more difficult to identify the appropriate partner with whom to form alliances. Specific sectors were sometimes unionised in one country but not in another and industry-specific unions that operated under the centralised control of a governing confederation in one country were, at times, completely decentralised in another.²⁶

Thus, the only significant transnational labor relationships that emerged in the run up to NAFTA were confined both geographically to the U.S.-Mexico border area where the environmental damage and degrees of labor exploitation were experienced most intensely, and organisationally to those small and independent union federations that possessed more internationalist ideologies and which shared histories of cross-border labor cooperation prior to the Agreement. Notably, having lost 10,000 manufacturing jobs to Mexico in the 1980s, and foreseeing the potential for further large-scale job losses, the left-leaning, internationalist-oriented American union - United Electrical (UE), forged a partnership with FAT in 1992, to collectively bargain with their common employers at General Electric.²⁷ This

Strategic Organising Alliance targeted US-owned maquila plants along the border areas in northern Mexico and blossomed into a sustainable, multi-layered and reciprocal relationship.

The UE's organising principle which convinced their members of the need for solidarity was astoundingly simple: relatively low wages in Mexico would inevitably result in American multinationals deciding to relocate, which would generate mass redundancies in US firms. Therefore, fighting for and supporting Mexican workers would not only help increase pay and improve conditions there, but would simultaneously preserve American jobs and relieve downward pressure on US wages due to the higher costs of relocation.²⁸ Within a year of NAFTA coming into effect, the UE-FAT relationship had become the established model for such alliances and would soon help to transform relations within the broader North American labor movement.

Phase 2: 'NAFTA shock' and élite labor transtionalisation (1994-99)

Even NAFTA's staunchest critics would concede that the treaty has broadly achieved its objectives, having successfully liberalised the regional flow of goods, services and capital. By 1999, tariff and non-tariff barriers had been removed on 65% of goods (with more sensitive industries such as agriculture and car manufacturing following by 2009) and the value of trade between the U.S., Mexico and Canada trebled between 1993 and 2007. Inward foreign direct investment increased five-fold over the same period.²⁹

In its promotion of unrestricted competition between workers, NAFTA also generated adverse effects on employment, wages and bargaining power *in all three* countries. Some two million mainly low-skilled manufacturing jobs were lost in the US and Canada during the first 10 years.³⁰ This was due to the Agreement's tariff elimination stipulations that facilitated US and Canadian corporations' moves to shift production and investment to Mexico, where,

to encourage them further, environmental regulation could be more easily avoided and labor costs were up to 10 times lower.³¹ As American and Canadian unions realised the extent of job losses that had resulted from the treaty towards the late 1990s, it became obvious that their protectionist strategies had failed. They perceived an urgent need to adopt a transnational approach.³²

Mexican workers were even more severely affected.³³ Despite the Agreement's architects promising that foreign investment would bring unprecedented growth for Mexico, the country's per capita GDP declined in 1995 and barely increased during the 2000s.³⁴ It remained six times lower than that of the United States in 2010.³⁵ Nor did the Mexican economy benefit, or its workers gain from NAFTA's expected 'convergence effects'. When President Salinas' neoliberal administration abolished the *ejido* communal land-holding system (previously enshrined in the 1917 Constitution), millions of small farmers were evicted from their land and forced to migrate to the urban centres. Import tariffs and subsidies to domestic enterprises were also removed, leading many small and medium-sized firms to go bankrupt. The resulting sudden availability of hundreds of thousands unemployed small businessmen and farmers in the cities where maquila factories were based, helped depress manufacturing wages and growth.³⁶ Between 1995 and 1999, Mexican wages fell by approximately 24% and only returned to pre-NAFTA levels in 2006.³⁷

Of the new jobs created by NAFTA-induced investment, 98% were in the maquiladora sector where remuneration rates were up to four times lower than in other areas of Mexican manufacturing that pre-dated the Agreement.³⁸ This fuelled a downward spiralling of wages and greatly widened the wage gap between Mexican and US workers between 1994 and 1996 by over fifty percent.³⁹ These negative impacts undermined the bargaining position of Canadian and American labor and aggravated the deterioration of working conditions in all

three countries. Even the CTM had little choice but to reverse its original belief that the NAFTA was a means to attain improved living standards for Mexican workers.

The post-1994 period therefore represented an important second phase in the development of the transnational labor relationship because initial assumptions that Mexican workers would gain at the expense of their counterparts in the north proved unfounded. This dissipated tensions between organised labor on all three sides as common grievances emerged. This 'political mobilisation effect' paradoxically required Canadian and American unions to simultaneously fight for improvements to Mexican workers' pay and conditions.⁴⁰ By the mid-1990s, cross-border solidarity began to extend beyond the usual left-wing unions into a broader array of public sector and service-industry unions. From 1994, the existence of NAFTA's labor side agreement also created new 'institutional mobilisation' opportunities.⁴¹ On the one hand, NAALC defined eleven common regional labor rights for the first time, helping workers to construct a collective, geopolitical identity across borders. On the other, it granted a legitimising power to North American unions to campaign to defend these rights because they were now legally recognised. Before NAFTA, they could easily be dismissed by governments or courts as unjustified campaigns inspired by little more than worker self-interest.⁴²

With the AFL-CIO and CTM uninvolved in the legal challenges made through the NAALC until later years, the FAT and the UE gained enormous prestige within their respective labor movements by pursuing the defence of national labor rights through the accord's arbitration process.⁴³ These marginal unions were soon brought into the spotlight, which in turn, forced key labor actors in the US and Canada to readdress their positions by seeking to emulate the FAT-UE model and develop their own transnational labor relationships, while also exploring the possibilities of resolving disputes through the NAALC's resolution process.⁴⁴

While the AFL-CIO continued to work closely with the CTM, from 1997, in a clear change of direction, its leaders finally began to meet with and provide assistance to the FAT and other independent Mexican unions.⁴⁵ It aided Mexican flight attendants in numerous NAO cases and participated in virtually every NAALC petition filed since 1997.⁴⁶ In the meantime, in Canada during the late-1990s, several unions either disaffiliated or demanded greater autonomy from their American-dominated international confederations. This facilitated more proactive stances in building relationships with independent Mexican unions.⁴⁷ The UE-FAT relationship became tri-national in 1997 when the Canadian Steelworkers Union (CUSWA) joined them alongside several other unions to form the Echlin Workers Alliance that supported auto parts workers to improve working conditions in all three countries.⁴⁸

The establishment of transnational North American labor relations can be attributed largely to political agency and to the role of several peripheral, autonomous, industry-specific and left-wing trade union organizations prior to the Agreement. Yet it was the structural conditions that NAFTA occasioned which presented a sufficient 'shock' that prompted the larger, traditionally nationalist, central labor actors to reassess the regional free trade project and so broaden these relationships within these labor movements. A realisation of their common interests with workers across the border, together with the 'institutionalised political opportunities' presented by the NAALC labor dispute resolution mechanism, brought them to engage more heavily in these attempts to construct transnational alliances.

As Kay notes, this turn of events is unsurprising.⁴⁹ Analysts who emphasize the importance of institutions describe how legal or policy changes that provoke severe shocks to organizational fields often generate strategy transformations by organizations, including unions.⁵⁰ Social movement scholars have demonstrated how-as in this case-these behavioral shifts usually only happen once these threats become real rather than anticipated.⁵¹

Phase 3: The breakdown of NAFTA and the emergence of transnationalism from below (2000–13)

NAFTA's implementation therefore heralded a new, cooperative era in North American transnational labor relations during the late-1990s. In practice however, this burgeoning 'transnationalism' remained largely confined to formal channels of engagement between union officials from International Secretariats, human rights groups and labor attorneys on different sides of the border, as significant resources were dedicated to the preparation of legal cases. Aside from participation in occasional solidarity demonstrations and pickets, rank-and-file workers were largely marginal.

Yet these interactions should be understood as the starting point from which more meaningful grassroots relationships blossomed. The political resistance that NAFTA spawned during the first two stages acted as a catalyst for ideological bonds, dialogue and mutual understanding between workers across the borders, especially after the spaces for cross-border cooperation that the NAALC provided diminished in the 2000s.

Workers' increased participation often arose out of disappointment with élite-level cooperation during NAALC-orientated union campaigns. When the Strategic Organising Alliance failed to achieve the desired outcomes following the result of the 1994 General Electric and Honeywell NAO petitions over the violation of freedom of assembly in the maquila plants, the sense of shared disillusionment persuaded FAT and UE activists to re-evaluate the transnational labor project. They realised that in order to improve recruitment and organising among Mexican maquiladora workers, it was necessary first to increase these workers' awareness of their rights. The two unions established the Education Center and Labor Workshop (CETLAC) in Juarez (on the U.S.-Mexican border), to provide civil,

political, labor and human rights training for the 230,000 workers and their families in the region's 400 plants. It proved so successful that a second centre was opened in Nuevo Leon. The education programmes are now enjoying growing enrolment that extends far beyond factory plants and into the services sector, especially among taxi and local government workers.⁵²

The advanced stage of transnationalism shared among activists in the two unions is based upon a strong sense of mutual interest or 'identification'. It has partly been the product of sustained education programmes and rank-and-file worker exchanges, speaking tours and protest rallies.⁵³ In taking information about labor rights and union organising back to their local communities and workplaces, stereotypes, cultural and linguistic barriers which had atomised their struggles are being addressed.

A similar process occurred within the tri-national alliance between Mexican, American and Canadian Communication sector unions - the Mexican Telephone Workers Union (STRM), Communication Workers of America (CWA) and Communications, Energy and Paperworkers Union of Canada (CEP). When the Mexican NAO delivered what was interpreted as a disappointing result in 1995 over the right of association at a Sprint call centre in San Francisco, the three unions pledged to dedicate their resources to grassroots strategies of transnational resistance such as information-sharing and worker exchanges as an alternative to legal methods.

Since the late 1990s, the ineffectiveness of NAFTA's labor side agreement has reduced the number of cooperative activities organised by the accord's Commission for Labor Cooperation from a peak of 16 in 1994, to just one or two annually between 2002 and 2010. In the latter year, elite-level collaboration had declined to such a degree that the CLC office was closed indefinitely. Similarly, the number of annual petitions filed to the NAOs dropped dramatically. Although 10 complaints were submitted in 1998, not a single petition

was accepted for review between 2005 and 2011. This effectively rendered the NAALC process redundant.⁵⁴

Three key factors account for North American labor actors' growing disillusionment with the NAALC process since 2000. First, its key institutions, the CLC and the NAOs, are not independent from the state, and when relatively pro-labor administrations in the US and Mexico were replaced at the end of 2000, by the conservative Republican and National Action Party (PAN)-led governments respectively, the Ministers and government officials who coordinated the process became more hostile to labor petitions.⁵⁵ This process deepened when Canada's Conservative Party replaced the Liberals in 2006. The American Secretary of Labor, Elaine Chao reportedly refused to even meet with her Canadian and Mexican counterparts throughout her 2001-2009 term.⁵⁶ At the same time, Mexico's new PAN government began to withdraw from CLC activities, arguing that the NAALC infringed its right to legislate on domestic labor issues. The failure of high-profile NAALC petitions to the US NAO deterred unions from raising further petitions, and consequently from elite-level legal engagement.

Second, while the PRI's electoral defeat seemingly provided new opportunities for Mexican unions to break with the corporatist system, President Fox soon sought to renew that tradition. By promising old union leaders that their privileged access to government would be maintained in exchange for their 'guarantee of social stability,' he was able to push through further neoliberal reform virtually unchallenged.⁵⁷ The newly-installed PAN administration also responded to independent labor challenges with ferocious coercion, tightly controlling public meetings on labor issues and reducing possibilities for those endorsing transnational approaches.

Finally, quasi-legal channels were almost completely abandoned as a form of cross-border labor cooperation because of a general deterioration in state-to-state relations,

especially between the US and Mexico.⁵⁸ Growing tensions over undocumented migrant workers and America's erection of a long 'security fence' along the border in 2006 fuelled these antagonisms.⁵⁹ The signing of the 2008 Mérida Initiative between the two countries transformed the bilateral relationship into one that focuses on security issues rather than on trade and labor, and was symbolic of a shift in U.S. priorities since 9/11. The election of Obama in 2009 represented continuity rather than change in this respect.⁶⁰

These issues have exposed the accord's susceptibility to national policy agendas, as well as its temporality as a means for providing a longer-term platform for labor solidarity. However, whilst traditional forms of labor protest – strikes, marches, boycotts and pickets – remain essential elements to both win industrial disputes and create transnational solidarity, disaffection with NAFTA's institutional processes encouraged many grassroots activists to explore alternative forms of transnational contention. Aside from the CETLAC mentioned earlier, a plethora of largely unreported, bottom-up, independent and alternative mobilising vehicles for cross-border solidarity have flourished in recent years, bringing greater sustainability to transnational labor's protest campaigns.

Solidarity slogans have acquired a concrete form in the International Research Network on Autowork in the Americas (IRNAA), which promotes cooperation through educational and information exchanges between researchers and local trade unionists in each country's auto industry.⁶¹ Its conferences and meetings have been particularly successful at building transnational solidarity, not only between workers affiliated to independent or militant unions, but in a major breakthrough, also among Mexico's local CTM branches. They have thus started to make inroads into pro-government and nationalist sectors of the Mexican labor movement. Further, they provide an apolitical and autonomous space within which workers from different national and cultural backgrounds can meet in an atmosphere of tolerance and diversity to analyze contentious situations and plan joint actions. IRNAA

has thus acted as a bridge-builder both between Mexican unions with polarized political stances and also transnationally between Mexico's Auto unions and their US and Canadian counterparts.

In 2011, 36 labor confederations, sector-based unions and labor rights organisations from Mexico, Canada and the USA formed the Tri-National Solidarity Alliance (TNSA), both as a response to the repeated failure of the NAALC to generate direct victories for workers and also due to an escalation of labor rights violations following the global financial crisis.⁶² This collective has an explicitly 'internationalist vision of union struggle' and asserts that the 'structural causes of oppression are the same in Mexico, Canada and the United States.' Not only have the AFL-CIO and the Canadian Labour Congress subscribed to this profoundly transnationalist project, but crucially, they openly criticize the CTM's corporatist relationship with the PRI and Mexican government. Prior loyalties to the CTM appear to have been severed. While government-supported Mexican unions remain outside this initiative, eight independent unions have joined, helping to raise the international profile of labor rights abuses by employers and the persecution of independent labor activists in the Mineworkers Union (SNTMMSRM) and others by the Mexican authorities.

Global solidarity campaigns to mark the homicide of 65 mineworkers at the Pasta de Conchos mine in February 2013 were spearheaded by U.S., Canadian and Mexican unions including the Mexican Electrical Workers' Union (SME), National Union of Technical & Professional Workers (UNTTYP), Continental Tires Workers, FAT, Canadian Autoworkers Union (CAW), United Steelworkers (USW), UE and the IndustriALL Global Union Federation.⁶³ Meanwhile, other independent solidarity organisations that pre-date the breakdown of the NAALC process, such as the Labor Education and Research Project and the CJM, continue to foster cross-border dialogue between unionised and non-unionised workers on the shop floor.

Lessons and legacies for labor transnationalism

While these decentralised or autonomous transnational networks have emerged during Phase 3, similar informal, grassroots collectives also existed during Phases 1 and 2. Examples were *Mujer a Mujer* (an organisation of non-unionised female garment industry workers) and The North American Worker-to-Worker Network (a coalition that sponsored activists' tours), which were especially active in NAFTA's early days.⁶⁴ However, the difference was that NAALC's deterioration shifted the focal point for transnational contention away from projects and towards rank-and-file initiatives and expanded the scale of such initiatives.

These forms of interaction epitomise the sort of 'mini-lateral' links advocated by Croucher and Cotton for developing international union work.⁶⁵ They argue that small groups of activists from adjacent countries, especially where they conduct union educational activities, can raise their potential for collective action. Exogenously aiding these opportunities is the cultural hybridity - inadvertently promoted by NAFTA as an extension of existing 'Tex-Mex' culture - which began in the U.S.-Mexico border region during the maquila-boom of the 1990s, and has since been creeping into mainland USA. Strong stereotyping nevertheless continues to exist, especially due to recent fears about Mexican immigration, and that lends greater significance to these activities.⁶⁶

One lesson which may be drawn from the FAT/UE/CUSWA alliance is that the success of future transnational labor relationships may depend upon a genuinely symmetrical relationship that moves away from framing Mexican workers as powerless 'victims'.⁶⁷ Well-meaning 'charitable' gestures on the part of some American and Canadian unions sometimes prompt nationalistic responses in Mexico and have hindered the growth of solidarity because they are interpreted as expressions of 'gringo' superiority.⁶⁸ A concrete example of the sort of

positive two-way relationship of solidarity has been at the AceCo plant in Milwaukee, where the UE relies upon Mexican FAT activists and expertise to help organize membership drives among its Mexican-American workers; it reciprocates by organizing solidarity marches and pickets in the USA, as well as assisting with strike funds to support the FAT when they take industrial action at AceCo plants in Mexico.⁶⁹

As President Obama looks to further expand and deepen free trade by creating a Trans-Pacific Partnership (TPP) which, when Mexico, Canada and Japan join, will effectively expand NAFTA to create the world's largest trading bloc – it raises questions about what the legacies of transnational labor's NAFTA campaigns for regional solidarity are.⁷⁰ First, it appears that North American labor movements have learned from their failure to form a united opposition to the 1994 Agreement. National labor confederations in the US, Canada and Mexico – the AFL-CIO, CLC and National Union of Workers (UNT)⁷¹ respectively, have issued a joint statement opposing the TPP: 'American, Canadian and Mexican workers cannot afford another corporate-directed trade agreement... the TPP must break from NAFTA, which imposed a destructive economic model that expands the rights and privileges of multinational corporations at the expense of working families'.⁷²

A further legacy is that when bilateral trade deals have been proposed between North American and Latin American states, like the US-Panama Trade Promotion Agreement (2007) or the Canada-Peru Free Trade Agreement (2008), U.S. and Canadian unions have often forged new alliances with their southern counterparts to guarantee the provision of labor stipulations. Transnational union pressure has led to NAALC-modelled, supranational arbitration mechanisms for labor standards disputes being incorporated into many such agreements.

Sustained, cross-border labor partnerships were able to enhance their mobilisation opportunities against NAFTA by uniting their campaigns, in what has been theorised as an

example of a Transnational Alliance System.⁷³ Such alliances require ‘support structures’ which help them elicit internal and external resources, raise issues and make allies. Here it has been argued that the NAALC’s citizen-participation mechanism to file cases for arbitration provided such a structure for North American labor to register contention and build solidarity over free trade issues. However, instead of acting as a support structure that aided these *immediate* campaigns, it has been proposed here that the accord’s petitions process fulfilled this function in terms of *subsequent* cross-border struggles. It did so because it acted as a catalyst in the development of mutual trust between Mexican, Canadian and American workers that led unions and activists to create more permanent spaces for cross-border solidarity. The Alliance Systems which emerged during the third phase outlined above, were decentralised and have helped to fortify NAFTA countries’ transnational labor efforts to oppose current attempts to expand the regional free trade area into the Pacific Rim.

Nevertheless, it must be remembered that the effectiveness of North American labor’s recent turn towards an internationalist trajectory remains hampered by (1) internal division and corporatist industrial relations structures in the Mexican labor movement, which will surely be reinforced by the PRI’s recent return to power following Enrique Peña Nieto’s victory in the 2012 Presidential Election, (2) low trade union membership rates of just 11% in the USA, 13% in Mexico and 29% in Canada as well as their hierarchical ‘business union’ practices (3) a generally weak culture of rank-and-file participation in union activities in each case, and (4) the fact that unions in all countries still negotiate collective bargaining agreements locally but remain largely regulated by *national* industrial relations regimes.⁷⁴ Until such time as these problems are overcome, the impact of transnational worker struggles will generally remain of secondary importance to national campaigns, despite holding enormous potential for international labor.⁷⁵

Conclusion

Elite-driven, regional economic integration projects which institutionalise the process of globalisation contain contradictions that provide *potential* opportunities for workers to construct transnational alliances to contest the increased intensity of their exploitation that such projects inevitably engender.

It was precisely when formal, institutionalised and elite-level channels for cross-border labor cooperation broke down during the early-2000s that activists began to understand that they required alternative, grassroots educational and mobilisation vehicles at transnational level in addition to strikes, pickets, demonstrations, boycotts and other forms of direct action. It was these that would strengthen and maintain transnational solidarity through troughs in the 'protest cycle'⁷⁶ beyond phases of heightened conflict. The experience of the last twenty years suggests that NAFTA has helped stimulate solidarity between labor movements in the US, Canada and Mexico. The assumption among Canadian and American workers that they would lose out to their Mexican counterparts proved to be unfounded, which opened spaces for more meaningful cooperation.

The Agreement's labor accord provided activists with a forum for cross-border organising and although its enforcement mechanisms were weak, the NAALC petitions process necessitated more regular and longer-term contact between unions in the three countries than had previously been the case.⁷⁷ Institutions that foster regional economic integration elsewhere such as MERCOSUR in South America, ASEAN in South Asia, and COMESA in Africa have not been able to generate longer-term transnational labor cooperation with the same degree of success, precisely because they have offered no meaningful participatory mechanism for expressing and redressing grievances when labor rights are violated.

The NAFTA experience also suggests that labor side accords are not primary vehicles for cross-border worker solidarity. Unlike other forms of transnational cooperation, legal activities confine participation to groups of trade union officials and lawyers rather than rank-and-file activists.⁷⁸ Nevertheless, they may still offer useful legal and political platforms for labor activists. They provide room to ameliorate the negative immediate effects of free trade agreements on labor standards and may also aid initial cross-border resistance. The transnational cooperation that they help to foster through these legalistic mechanisms is a necessary precursor for the development of deeper alliances between national trade unions. This is so because the interactions and trust that NAO petitioning generates between workers cross-nationally permit a mutual identification of interests. These provide the basis for longer-term autonomous and grassroots labor solidarity actions which may emerge organically and independently of the original institutionalised, top-down processes. To this extent, they are starting to stimulate a number of counter-currents within neo-liberal globalisation.

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Notes on contributor

Daniel Ozarow is Lecturer in the Department of Leadership, Work and Organisation at Middlesex University Business School in London. He was awarded his doctorate in 2013 and he co-chairs the Argentina Research Network UK.

Notes

1. Tilly, *Contentious French*.
2. Wise, 'The North American Free Trade Agreement', 1.
3. This was designed to prevent a government from judging its own alleged violations.

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4. Graubart, 'Legalization of Transnational Political Opportunity Structures', 179; MacDonald, 'NAFTA and the Emergence of Continental Labor Cooperation', 181.
 5. Kay, 'Labor Transnationalism', 717.
 6. For examples, see Alexander and Gilmore, 'The Emergence of Cross-border Solidarity', 42-48; Adams and Singh, 'Early Experiences', 161-181.
 7. Adams and Singh, 'Early Experiences', 164.
 8. Crow and Albo, 'Neo-liberalism, NAFTA and the State', 19.
 9. García, 'Evolution of United States-Mexico Labor Cooperation', 91-117.
 10. Davis, 'Cross-border organizing comes home', 23-29; Graubart, 'The Legalization', 177-194.
 11. Nuñez, 'Maquila Workers in Mexico', 439-450.
 12. MacDonald, 'NAFTA', 173-176.
 13. Ibid.
 14. Dreiling and Silvaggio, 'NAFTA', 211-229.
 15. Adams and Singh, 'Early Experiences', 163.
 16. Crow and Albo, 'Neo-liberalism, NAFTA and the State', 12-22.
 17. Hathaway, *Allies Across the Border*.
 18. MacDonald, 'NAFTA', 185.
 19. Tarrow, *The New Transnational Activism*.
 20. García, 'The Evolution of United States-Mexico Labor Cooperation', 94.
 21. French, 'Towards Effective Transnational Labor Solidarity', 454-455; Hathaway, *Allies Across the Border*.
 22. Ibid.
 23. García, 'The Evolution', 95.
 24. MacDonald 'NAFTA', 188.
 25. Alexander and Gilmore, 'Emergence', 42-48.
 26. Fox, 'Assessing Binational', 478.
 27. Alexander and Gilmore, 'Emergence', 42-48.
 28. Davis, 'Cross-border Organizing Comes Home', 26.
 29. Wise, 'The North American Free Trade Agreement'.
 30. Crow and Albo, 'Neo-liberalism, NAFTA and the State', 12-22.
 31. IMF Data and Statistics <http://www.imf.org/external/data.htm> and INEGI <http://www.inegi.org.mx>.
 32. MacDonald, 'NAFTA', 175.
 33. Ibid, 188.
 34. IMF, see note 31.
 35. Wise, 'North American'.
 36. MacDonald, 'NAFTA', 173-176.
 37. ILO, <http://www.ilo.org/stat/lang--en/index.htm>.
 38. Nuñez, 'Maquila Workers in Mexico', 447.
 39. International Monetary Fund (IMF) and the Mexican National Institute of Statistics and Geography (INEGI).
 40. Kay, 'Labor Transnationalism', 715-756.
 41. Adams and Singh, 'Early Experiences', 161-181.
 42. Graubart, 'Legalization', 177-194.
 43. Kay, 'Labor Transnationalism', 715-756.
 44. MacDonald, 'NAFTA', 173-176.
 45. Hathaway, *Allies*.
 46. García, 'Evolution', 91-117.

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47. MacDonald, 'NAFTA', 179-190.
 48. Hathaway, *Allies*.
 49. Kay, 'Labor Transnationalism', 715-756.
 50. Fligstein, 'The Spread of the Multidivisional Form', 77-91; Voss and Sherman, 'Breaking the Iron Law of Oligarchy', 303-349.
 51. Goldstone and Tilly, 'Threat and Opportunity', 179-194.
 52. FAT <http://fatmexico.org.mx>.
 53. Kay, 'Labor Transnationalism', 731.
 54. Wise 'North American', 5.
 55. Although the PRI had long repressed independent trade union activity it created some of the most pro-worker laws in the world; Graubart, 'Legalization', 177-194.
 56. García, 'Evolution', 91-117.
 57. Nuñez, 'Maquila Workers', 445.
 58. Occasional NAALC petitions are still submitted that involve tri-national union collaboration such as the 2011 complaint about President Calderon's despatching of the army to fire 44,000 electrical workers at the state-owned Light and Power Company.
 59. Wise, 'North American', 7.
 60. Velásquez, *La Política Exterior de Estados Unidos*, Conclusiones.
 61. Huxley, 'Transnational Union Cooperation and Union Renewal'.
 62. See <http://www.trinationalsolidarity.org>.
 63. IndustriALL Global Union <http://www.industriall-union.org>.
 64. Alexander and Gilmore, 'Emergence', 42-48.
 65. Croucher and Cotton, *Global Unions, Global Business*.
 66. Chavez and Nuñez-García, *Critical Issues in the New US-Mexican Relations*, 11.
 67. French, 'Towards Effective Transnational Labor Solidarity', 451-459.
 68. Davis, 'Cross-border Organizing', 29.
 69. Ibid.
 70. Council on Hemispheric Affairs, <http://www.coha.org/the-trans-pacific-partnership-free-trade-at-what-costs>.
 71. An independent and ideologically pluralist trade union confederation of which the FAT is a member.
 72. Joint Statement by AFL-CIO, CLC and UNT, 11 July 2012.
 73. Klandermans, 'Linking the 'Old' and the 'New'', 122-136.
 74. OECD, <http://stats.oecd.org>; Crow and Albo, 'Neo-liberalism', 12-22.
 75. Ibid, 20.
 76. Tarrow, 'Power in Movement', 208.
 77. García, 'Evolution', 107.
 78. Graubart, 'Review of NAFTA', 673.

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