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978-0-521-76287-8 - NAFTA and the Politics of Labor Transnationalism

Tamara Kay

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NAFTA and the Politics of Labor Transnationalism

When the North American Free Trade Agreement (NAFTA) went into effect in 1994, many feared it would intensify animosity among North American unions, lead to the scapegoating of Mexican workers and immigrants, and eclipse any possibility for cross-border labor cooperation. But far from polarizing workers, NAFTA unexpectedly helped stimulate labor transnationalism among key North American unions and erode union policies and discourses rooted in racism. The emergence of labor transnationalism in North America presents compelling political and sociological puzzles: How did NAFTA, the concrete manifestation of globalization processes in North America, help deepen labor solidarity on the continent? And why did some unions more readily engage in transnational collaboration and embrace internationalism than others? In addition to making the provocative argument that global governance institutions can play a pivotal role in the development of transnational social movements, this book suggests that globalization need not undermine labor movements: collectively, unions can help shape how the rules governing the global economy are made.

Tamara Kay is Associate Professor of Sociology at Harvard University and Co-director of Harvard's Transnational Studies Initiative. Her work centers on the political and legal implications of regional economic integration, transnationalism, and global governance. She is interested in how organizations and social movements – particularly labor and environmental movements, nongovernmental organizations, and nonprofits – respond and adapt to processes of regional economic integration and globalization. Professor Kay has published in the *American Journal of Sociology* and the *American Sociological Review*. She has worked as a consultant to the International Labor Organization, the American Center for International Labor Solidarity, and the United Farmworkers of America. At Harvard, she has affiliations with the David Rockefeller Center for Latin American Studies, the Weatherhead Center for International Affairs, and the Hauser Center for Nonprofit Organizations.

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*For my grandfather Michael Volpe, and
my husband, Harold Toro Tulla*

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Preface

Why NAFTA, why labor? Although this book is about the labor movement in North America, its central themes – how it is possible to build social movements across borders and the effects of global governance institutions on that process – resonate in an era in which most people understand the world through the prism of globalization. Whether the poorest villagers fighting the construction of a dam or the wealthiest bureaucrats demanding banking regulation, all recognize that the ubiquitous movement of capital, goods and services, and people across the globe creates a web of both transparent and hidden connections. The lessons learned from analyzing the case of NAFTA and labor transnationalism are therefore highly generalizable across issue areas; they speak to international movements historically and currently, from those opposing nuclear proliferation to those emerging to combat climate change. Even as I write, the Greek economic collapse and an errant volcano threaten the European Union, stirring debates about regulation and governance while simultaneously highlighting our global interconnectedness.

NAFTA arrived at a moment in human history when many had begun to contemplate their global connections. The end of the Cold War, which had polarized the planet for decades, and the emergence of nascent democracies around the world provided new opportunities to examine the links among nations and activists. And there were many and varied links that were reflected in the processes we now called globalization: the transfer of new technologies, the explosion in communications, and the diffusion of global political and cultural products (from national constitutions to *Sesame Street*). At the same time, this moment laid bare the threats of an expanding global economy. Economic expansion often benefited the

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rich at the expense of the poor. Physical and intellectual property rights were privileged by and codified in the global economic order, but most social and human rights were not. The rules governing the global economy were made by elites generally behind closed doors, and when their policies failed or had disastrous unintended consequences, the majority of the world's citizens had little recourse. At the same time, the vast and dense network of economic ties among nations made each vulnerable to crises in others (which the U.S. economic meltdown in the fall of 2008 so aptly demonstrated as it rippled across the globe).

Most observers would not have guessed that a trade agreement would become the site of the first battle in the war against globalization and give birth to the antiglobalization movement that spread to Seattle, Quebec City, Mar del Plata, and beyond. One AFL-CIO official reflected on this improbability:

That you can really do grassroots work on a public policy issue, even one that is as arcane as a trade agreement, I mean who would have ever thought that a trade agreement was going to be the topic of dinner table conversation around the country? I mean it's a bizarre thing when you think about it, but in fact it was . . . for some people sort of revelatory. (Personal interview with Mark Anderson of the AFL-CIO, January 8, 2001)

In the early 1990s, however, trade captured all the tension and ambivalences about globalization, particularly for industrial workers who experienced its daily contradictions. Their jobs depended on trade but were vulnerable to its folly; factories closed at a moment's notice and reopened halfway around the world, imported products (whether cheaper or better) undercut sales of local ones, and entire industries were decimated because of fluctuations in stock prices, exchange and interest rates, and subsidies. Workers were at globalization's front line.

The effects of integration processes on North American unions and their responses to them provided the original question and the initial seed of an idea for this book. At Berkeley, I was in the right place at the right moment to contemplate it. In April 1998, Professor Harley Shaiken convened a gathering of labor activists from across the continent to discuss their experiences in NAFTA's wake. It quickly became clear that what was most compelling and unexpected was not what unions were doing to confront regional economic integration but *how* they were doing it – collectively. For two days, activists discussed building new transnational relationships and strategically using a complaint mechanism in NAFTA's side agreement to strengthen continent-wide labor rights

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campaigns. I was intrigued and decided to examine the origins, character, and limitations of labor transnationalism in North America.

I quickly realized that the same forces that congealed in the early 1990s to reveal globalization's limitations also exposed the proliferation of international laws, governance institutions, and nongovernmental organizations that could provide new arenas, tools, and opportunities for mobilization – including NAFTA. Although North American labor activists' opposition to NAFTA was expected, their decision to seize the new opportunities it provided and mobilize transnationally was not. Unions had never organized trinationally around a public policy issue in North America. Indeed, so many unions had stopped organizing domestically that some scholars no longer considered labor a social movement. Racism also constrained unions' abilities to build relationships across borders. It is this exceptionalism, however, that strengthens labor's value as a case; if the labor movement, stymied by racism, a parochial nationalism, and its bureaucratic iron cage, developed equitable transnational relationships, then movements without similar historical baggage should be even better equipped to do so.

Although the NAFTA story belongs to a particular time and place, the lessons from its analysis have significant implications beyond North America. It reveals the mechanisms and processes by which global governance institutions can help build social movements, demonstrating that even institutions with weak enforcement and policy outcomes can have strong movement outcomes. Almost no trade agreements, global governance institution instruments, or international human rights laws have strong enforcement mechanisms. Nation-states and corporations almost always oppose them. It is therefore important for scholars and movement actors to consider not only their architectures for enforcement but also those for movement building. Governance mechanisms can be structured to undermine or optimize movement outcomes. The NAFTA case is therefore relevant to the study of other movements and institutions, from climate change activists battling for international protocols to indigenous communities demanding World Bank protections, among many others. Engaging global governance institutions can help build transnational social movements.

Of course, the existence of global governance institutions does not guarantee movement building. NAFTA also serves as a useful case because unions responded differently to its effects, revealing the importance of leadership, strategy, and education to changing organizational cultures and illuminating how racism can be successfully challenged. Although

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racism was not completely eliminated among the continent's unions, it was significantly tempered, ultimately helping shift how unions deal with immigrant workers. As I write, labor unions in the United States are among the vanguard of the movement opposing Arizona's new draconian immigration law (SB 1070). Prior to NAFTA, that unions would lead the struggle for immigrant rights would have been unimaginable. The story of how NAFTA helped undermine racism is therefore one of the most important in the book, and it has largely been ignored in the historiography.

Ultimately the NAFTA story is about social change – how the North American labor movement changed our conception of trade in relationship to labor rights, how a toothless trade agreement changed the calculus by which labor activists evaluated the benefits of transnational activism, and how transnational collaboration changed the way activists saw each other and subsequently their international policies. These changes did not take root in every union; however, their permeation across the landscape of North American labor relations was transformative. In an era in which most people understand the world through the prism of globalization, the NAFTA case continues to resonate, allowing the seed of an idea to bear rich analytical fruit.

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This book about solidarity was possible only because I benefited from so much of it. It takes a committed community to write a book, particularly one's first. Although mine changed and expanded as I moved into new phases of my life, it always provided the support I needed to meet new challenges and ultimately reach this final goal. This book began at Berkeley with mentors whose commitment to me both personally and professionally is unparalleled. Peter Evans, Neil Fligstein, Kim Voss, and Harley Shaiken's guidance and support enabled me to conceptualize this project, blossom intellectually, and maintain my vision. Their advice was invaluable and their dedication unwavering. Harley's indefatigable commitment to the labor movement ensured my access to key labor leaders and new events as they unfolded. Kim's early insistence on methodological rigor allowed me to explain variation in NAFTA's effect. Neil urged me to flesh out what NAFTA was a case of and root the analysis in broad sociological themes. Peter's mastery at identifying the inchoate ideas in the manuscript that would bloom with further development strengthened it immeasurably. His willingness to let me stumble at key moments – knowing that finding my own footing would allow me to develop confidence in my unique voice as a young scholar – was, and continues to be, his greatest gift to me.

I am particularly grateful to Peter, Neil, and Kim for remaining the pillars of my committed community even after I left the protective shadow of Barrows Hall. They continue to read and comment on my work, provide advice, and offer ceaseless encouragement. I am so grateful for their constant presence in my life.

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I am also immensely fortunate that Peter recognized the importance of creating solidarity among his students, helping us form our own supportive community. Each week he welcomed us into his home, laid out a veritable feast of our favorite treats from Berkeley Bowl, and directed our discussions as we bonded and eagerly shared our work in the warmth of his living room. I am so thankful for those special evenings spent with him and Avri Beard, Malcolm Fairbrother, Christy Getz, Jason McNichol, Simone Pulver, Youyenn Teo, and particularly Angelina Godoy, who became my dissertation compañera. While in the field we encouraged and supported each other with email tomes of biblical proportions, and when in Berkeley we hunched over bottomless cups of coffee at Mocha Lisa to discuss our ideas, pore over chapter drafts, and debrief after months of challenging fieldwork. Lina's ability to persevere in the face of very difficult fieldwork (examining violence in Guatemala) and write a brilliant book was a constant source of inspiration for me.

This book is also the culmination of incredible support and intellectual insights from other friends and colleagues at Berkeley, and a few beyond Sather Gate, including David Bacon, Anthony Chen, Jennifer Chun, Barry Eidlin, Jacob Ely, Jill Esbenshade, Leslie Gates, Peter Olney, Sean O'Riain, Katie Quan, Robyn Rodriguez, Teresa Sharpe, Rachel Sherman, Kirsten Spalding, Eddy U, Paige Wyatt, and faculty and staff in the Department of Sociology, the Center for Labor Research and Education, and the Center for Latin American Studies. It was also made possible with financial support from the National Science Foundation and the Andrew W. Mellon Fellowship in Latin American Sociology, for which I am very grateful.

In September 2004, I left Berkeley for southern California. As a post-doctoral scholar at the Center for U.S.-Mexican Studies at the University of California, San Diego, I was welcomed into an incredible community of sociologists and an exciting interdisciplinary group of scholars at the Center who shared my love for Mexico. I am thankful for the mentorship of Chris Woodruff, Jeff Haydu, John Evans, Steve Epstein, Akos Rona-Tas, and Eric Van Young, and the support of Ruben Garcia and Jonathan Graubart. I am also fortunate to have the friendship and dedication of my book-writing group compañeros Tomás Jiménez and David Fitzgerald and the camaraderie of "las divas" – the female scholars of U.S.-Mex, who made sure that work was always balanced with fun, laughter, and great tequila.

My journey continued in 2006 when I left California for Cambridge. I arrived at Harvard and was quickly embraced into a new community that

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offered a tremendously rich intellectual environment. My colleagues in the Department of Sociology, the Weatherhead Center for International Affairs, the Hauser Center for Nonprofit Organizations, and the David Rockefeller Center for Latin American Studies have seen me through to the final stretch. Merilee Grindle, Jorge Domínguez, John Womack, and Steve Levitsky welcomed me into an engaged and exciting community of Latin American scholars and offered me ample opportunities to discuss and get feedback on my work. Elaine Bernard, Richard Freeman, and Paul Weiler nourished me and kept me well connected to the labor movement through my participation in the Harvard Trade Union Program. My colleagues at Harvard Law School, Martha Minow, Lani Guinier, and Ken Mack, included me in their community, engaging me in lively discussions of law and social movements. And my co-directors of the Transnational Studies Initiative, Sanjeev Khagram and Peggy Levitt, helped me hone my conception of transnationalism.

I am particularly appreciative to Beth Simmons and the Weatherhead Center for funding and organizing my book conference that brought Frank Dobbin, Malcolm Fairbrother, Andrew Schrank, Sidney Tarrow, and Chris Tilly together to discuss the manuscript. They each read it from cover to cover, provided pages of written comments, and devoted two days to discussing it and helping me sharpen my arguments. Words cannot express how grateful I am for their brilliant insights, sage suggestions, and unmeasured enthusiasm. Sid has continued to offer invaluable comments on updated drafts and shepherd the book toward publication, and to him I owe a big debt of gratitude. Lance Compa also read the full manuscript, offered tremendous feedback, and very generously and quickly answered technical legal questions at the final hour. Michèle Lamont and Peter Marsden also deserve special thanks for their encouragement and guidance through the publication process. For running technical reconnaissance on the final manuscript I thank the staff in the Department of Sociology, particularly Sonya Keller Driscoll, Laura Thomas, and Suzanne Washington, and graduate students Anmol Chadha for examining union immigration policies, Oana Dan for analyzing NAAEC submission data, and Min Zhou for updating trade data. I also thank Jason Beckfield, Prudence Carter, Rowan Flad, Duana Fullwiley, Marshall Ganz, Filiz Garip, Neil Gross, In Paik, Rossana Rocha Reis, Mariano Siskind, and Jocelyn Viterna for their friendship and ceaseless encouragement.

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My family also includes Rhonda Evans, Karriann Farrell Hinds, and Rebecca Milliken and their families. I am truly blessed by the years of love, laughter, and sisterhood-friendship they have given me. Their generosity is limitless, their wisdom boundless, their positivity infectious, and their devotion ceaseless. For them, my gratitude is profoundly beyond words. Above all else, I am thankful for my grandfather Michael Volpe (Bopie), with whom I shared a mutual devotion. Throughout his life he lavished me with words of encouragement and praise, reassured me in moments of difficulty and doubt, and reminded me that my true value would not be measured in the scholarship I produced but by the kindness and compassion I cultivated. He gave me resilience and strength, and his love sustains me still.

This book is about unintended consequences and the biggest for me is that writing it brought me to a person who is the most cherished

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and beloved in my life, Harold Toro Tulla. Our first years together in Berkeley were magical, spent salsa dancing in the Mission, running with the beloved pooch in Tilden, rummaging through Moe's and Rasputin's for rare copies of Durkheim and Mahler, and enjoying countless special moments with so many close and wonderful friends (when we weren't poring over our work, of course). Harold contributed so much to this project intellectually, but more importantly he contributed so much to the richness of my life, which enabled me to embrace and savor the hard work of completing this book. His encouragement and incomparable sense of humor bolstered me; his unwavering integrity, love, and limitless empathy strengthened me; and his insatiable intellectual and creative curiosity made every day exciting and still leave me always joyfully anticipating the next. It is to him – *el amor de mi vida* – and to my grandfather that I dedicate this book.

The most fulfilling part of writing this book was speaking with the labor activists who work so tirelessly for social justice in North America. I was riveted by their experiences and awed by their steadfastness and creative vision. I will forever cherish the memories of time spent traversing the continent; skating the serene frozen azure of the Rideau (not in a circle, but with a destination!), witnessing the outcome of the 2000 presidential elections in the bustling offices of the AFL-CIO, and marching across the *zócalo* in Mexico City with thousands of colorfully clad workers on May Day. I thank you all for helping me cultivate and appreciate my own North American identity.

San Juan, Puerto Rico

List of Abbreviations

ACILS	American Center for International Labor Solidarity
ACTPN	Advisory Committee on Trade Policy and Negotiations
ACTWU	Amalgamated Clothing and Textile Workers Union
AFL-CIO	American Federation of Labor-Congress of Industrial Organizations
AIFLD	American Institute for Free Labor Development
ANAD	National Association of Democratic Lawyers (Asociación Nacional de Abogados Democráticos)
CAW	Canadian Auto Workers
CEP	Communications, Energy, and Paperworkers Union
CETLAC	Education Center and Labor Workshop (Centro de Estudios y Taller Laboral A.C.)
CIA	Central Intelligence Agency
CILAS	Labor Research and Union Assistance Center (Centro de Investigación Laboral y Asesoría Sindical)
CJM	Coalition for Justice in the Maquiladoras
CLC	Canadian Labour Congress
CROC	Revolutionary Confederation of Workers and Peasants (Confederación Revolucionario de Obreros y Campesinos)
CROM	Regional Confederation of Mexican Workers (Confederación Regional de Obreros Mexicanos)
CT	Labor Congress (Congreso del Trabajo)

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CTM	Confederation of Mexican Workers (Confederación de Trabajadores de México)
CUFTA	Canada-U.S. Free Trade Agreement
CUSWA	United Steelworkers in Canada
CWA	Communication Workers of America
CWC	Communication Workers of Canada
ECE	Evaluation Committee of Experts
FAT	Authentic Labor Front (Frente Auténtico del Trabajo)
FESEBES	Federation of Goods and Services Unions (Federación de Sindicatos de Bienes y Servicios)
FLACSO	Latin American Faculty of Social Sciences (Facultad Latinoamericana de Ciencias Sociales)
FTA	U.S.-Mexico Free Trade Agreement (before the inclusion of Canada)
FTAA	Free Trade Agreement of the Americas
GATT	General Agreement on Tariffs and Trade
GE	General Electric
GSP	Generalized System of Preferences
GU(F)	Global Union (Federation)
HERE	Hotel Employees and Restaurant Employees International Union
HSA	Hemispheric Social Alliance
IACHR	Inter-American Court of Human Rights
IAM	International Association of Machinists and Aerospace Workers
IBT	International Brotherhood of Teamsters
ICFTU	International Confederation of Free Trade Unions
ILGWU	International Ladies' Garment Workers' Union
ILO	International Labor Organization
IRCA	Immigration Reform and Control Act of 1986
ISI	import-substituting industrialization
ITS	International Trade Secretariat
IUE	International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers
MAI	Multilateral Agreement on Investment
MERCOSUR	Southern Common Market (Mercado Común del Sur)
NAAEC	North American Agreement on Environmental Cooperation

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NAALC	North American Agreement on Labor Cooperation
NAFTA	North American Free Trade Agreement
NAO	National Administrative Office
NDP	New Democratic Party
NGO	nongovernmental organization
OECD	Organisation for Economic Co-operation and Development
ORIT	Inter-American Regional Workers' Organization
PAN	National Action Party (Partido Acción Nacional)
PRD	Party of the Democratic Revolution (Partido de la Revolución Democrática)
PRI	Institutional Revolutionary Party (Partido Revolucionario Institucional)
PSI	Public Services International
PTTI	Postal, Telephone, and Telegraph International
RMALC	Mexican Action Network on Free Trade (Red Mexicana De Accion Frente Al Libre Comercio)
SEIU	Service Employees' International Union
SEMARNAP	Secretariat of the Environment, Natural Resources and Fisheries (Secretaría de Medio Ambiente y Recursos Naturales)
SITIAVW	Independent Union of Workers of the Volkswagen Automobile Industry (Sindicato Independiente de Trabajadores de la Industria Automotriz Volkswagen)
SME	Mexican Electrical Workers Union (Sindicato Mexicano de Electricistas)
SNTMMSRM	Mexican Miners and Metal Workers Union (Sindicato Nacional de Trabajadores Mineros, Metalúrgicos y Similares de la República Mexicana)
STIMAHCS	Union of Workers in the Metal, Iron, Steel, and Related and Similar Industries (Sindicato de Trabajadores de la Industria Metálica, Acero, Hierro, Conexos y Similares)
STRM	Mexican Telephone Workers' Union (Sindicato de Telefonistas de la República Mexicana)
UAW	United Automobile, Aerospace & Agricultural Implement Workers of America International Union

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UE	The United Electrical, Radio and Machine Workers of America
UFW	The United Farmworkers of America
UNI	Union Network International
UNITE	The Union of Needletrades, Industrial and Textile Employees
UNT	National Union of Workers (Union Nacional de Trabajadores)
USAID	United States Agency for International Development
USTR	United States Trade Representative
USW	United Steelworkers of America
WTO	World Trade Organization