

Introduction

As an undergraduate my field of study has been Latin American and Latino studies. The birth of this paper occurred in the very first Latin American and Latino Studies course that I took my first quarter as a freshman. It was called Building Latino Communities and we did a lot of reading about the relationship between the U.S. and Latin American and how that historical relationship has affected and continues to affect all the nations in that region. Like many of my peers I had spent my entire high school career learning about European history and American history but had little to no knowledge about history anywhere else. Even American history courses don't really elaborate on American foreign relations unless studying a war. Suffice to say that I was both fascinated and shocked at the amount of influence the U.S. has had and continues to have on the development (or lack thereof) of the political and economic structures in countries throughout Latin America. I began writing papers that focused on the current political and economic relationship between the U.S. and Latin American countries and found that a lot of that relationship was rooted in the Washington Consensus which was the U.S. encouraging Latin American economies to adopt neoliberal economic policies that would open up their economies to nations such as the U.S. As I dove deeper into the literature a lot of it has focused on the economic repercussions of this as well as the effect that it has had on labor. For this thesis in particular I wanted to focus on North American Free Trade Agreement as it is arguably the most well-known free trade agreement that the U.S. has. I also wanted to focus on the labor movement in particular as the effects of this agreement that I found in my research were both fascinating and unexpected. What I discovered in studying the effects of NAFTA and the accompanying North American Agreement on Labor Cooperation on Mexican labor was that lack of strength in the NAALC has limited its ability to properly address labor standards and seems to be more of a symbol of cooperation between the NAFTA nations as opposed to

providing a platform in which nations can really have the ability to hold each other accountable to upholding mutually agreed upon labor standards. However, it has also provided an opening for cooperation between the labor movements from all three North American nations that has given a renewed strength to the Mexican labor movement. It can serve as a foundation on which the North American nations can build on in order to strengthen their enforcement of labor standards.

This thesis was almost three years in the making as I slowly expanded on my research throughout my time as an undergrad. I would like to thank Dr. Rose Spalding for being a diligent thesis director and Dr. Elizabeth Martinez for introducing me to the topic my freshman year and for serving as my faculty reader.

Historical Background and Political Context of Mexico Before the Passage of NAFTA

Since the 1980's virtually every nation in Latin America has taken a neoliberal approach to their national economies. This approach has been response to the economic policies of previous authoritarian regimes, dictatorships, populist democracies, and to the inward oriented economies that many of them had enforced. The approach to industrialization that much of Latin America adopted in the 1930's-1970's was called "import substitution industrialization" (ISI). This approach was one in which countries sought to replace imports with products manufactured domestically in an effort to speed up and expand their industrialization in order to not only provide more jobs for the population but also to become more self-sufficient. In order for these policies to work toward the goal of industrialization, Latin American governments infused the national economies with state money which not only caused them to run large deficits and become indebted but it crowded out private investment as well. This frequently led to hyper-inflation which subsequently fueled the debt crisis in the 1980's in almost every Latin American country (Gwynne and Kay 2000; Gonzalez 2000, Cox 2008).

The neoliberal approach to the national economy sought to correct the mistakes of the previous ISI approach and to make Latin American economies more competitive on a global scale. Neoliberalism is characterized by a number of key elements: there is less regulation placed on investment and industries in order to encourage growth; there is an emphasis on private investment as opposed to expanding the public sector; and, last but certainly not least, there is the liberalization of trade on which this argument will focus. “Liberalization of trade” in this context refers to the focus of creating products for export to foreign markets as opposed to domestic markets and the reduction of tariffs and trade barriers between nations in order to readily access markets all over the globe and be able to easily import as well (Gwynne and Kay 2000; Gonzalez 2000, Cox 2008).

The neoliberal model has not resulted in the outcomes that were expected in Latin America. The deregulation of markets combined with the liberalized trade practices and lack of employment and environmental protections have made Latin America a very desirable place for foreign direct investment (FDI). However, this infusion of capital has come with some very strong strings attached in terms of what is expected out of the labor force in the nation that receives the money. Often times those nations with the least amount of labor protections or the laborers that will work for the least amount of money are the ones that receive the FDI in the form of opening up new manufacturing plants. In this sense FDI can fluctuate greatly as business owners have become known for closing down business operations almost overnight and moving to a different nation that provides more “favorable conditions” (Gonzalez 2000)

While this change was occurring on a larger continental scale, Mexico was undergoing a similar process domestically that combined with the larger context to create the perfect conditions to begin the process of liberalizing their economy and entering the global economy. While Mexico did not suffer from a recent dictatorship, unlike most of its Latin American counterparts, it had been under the rule of one party since the end of the Revolution in 1920. This party tightly controlled of Mexico’s economic policy, and in the 1980’s and 1990’s, advanced a neoliberal agenda. The cornerstone of current economic foreign policy between Mexico and

other nations is the North American Free Trade Agreement (NAFTA).¹ This agreement sought to integrate to a certain extent the economies of Canada, U.S., and Mexico. While Canada has not seen dramatic changes in terms of their labor force or their trade, the two other nations have seen substantial change in terms of both those areas, in part due to the rapid growth of trade that has occurred between them. In fact, over 90% of all of Mexico's trade occurs with the U.S (Hing 2010).

Mexico and the U.S's long history with labor struggles added momentum to the agreement. Mexico had long provided the U.S. with access to cheap labor in order to grow its economy. However, this access had come in the form of permanent immigration or temporary work programs like the notorious Bracero program² that occurred from the 1940's through the 1960's. NAFTA on the other hand was designed to provide the U.S. with the benefits of cheap labor without any of the hard work that it would take to incorporate immigrants into the country or authorize temporary work programs. Mexico was ripe for the picking as well; in fact, the Mexican President was the one who began the talks that resulted in NAFTA. After this agreement was signed, Mexico went on to sign an additional forty-two bilateral agreements modeled after NAFTA, effectively making Mexico "the free-trade champion of the world" (Hing 2010, pg. 17). In order to understand what led the Mexican president to take this step one must first understand the long and complicated history that the State and the labor force had developed over the course of Mexico's history.

Mexico's contentious relationship with labor began with the Revolution that occurred early in the 20th century. In 1910, long time dictator of Mexico, Porfirio Díaz was ousted by popular leader Fransisco Madero. Madero was then elected in a free and fair election the

¹ NAFTA is a trade agreement passed by Canada, the U.S. and Mexico that went into effect in 1994. It was designed to liberalize all three economies and integrate them to an extent in terms of trade by reducing tariffs. It has had a long reaching effect on the economies of all three nations.

² The Bracero program was a temporary work program between the U.S. and Mexico in which a certain number of Mexican laborers each year were permitted to come into the U.S. in order to provide labor for the agricultural fields. This program was abolished in the 1964. While it was supposed to provide good working conditions for the laborers it is now infamous for the conditions under which Mexican laborers toiled in as a part of this program.

following year. Many opposed his leadership and in 1913 he was assassinated. This allowed peasant leaders like Pancho Villa and Emiliano Zapata to take control of the Revolution and make sure that the demands of the poor and working class were heard. Ultimately the revolutionaries engaged in a civil war amongst themselves, and the outcome of the struggle was a new constitution and a new leader. The Constitution was ratified in 1917, and in 1920 General Alvaro Obregón became the first constitutional President. The Mexican Revolution set the tone for the direction of Mexico for the rest of the century. It certainly left a lasting impression on the Mexican consciousness that remains to this day. It is estimated that about 10% of the 15 million residents of Mexico became casualties during the duration of the armed conflict, which is often considered one of the greatest Latin American upheavals of the 20th century.

The Constitution of 1917 is a pivotal document, especially when it comes to Mexican legislation concerning organized labor. In terms of legislation and worker's protections, thanks in large part to the Constitution of 1917, Mexican workers were entitled to more legal protections than their counterparts in the U.S. or Canada. However, in terms of implementation and enforcement, the lack of ability (or desire) of the State to follow through on this legislation for a variety of political and economic reasons, is what has left the Mexican labor force in its current state. The Constitution provides Mexican labor with an eight-hour work day, the right to organize in order to engage in a strike or collective bargaining, and significant protections for woman laborers, which was very progressive at the time. The largest obstacle in terms of enforcing worker's protections and their right to organize has been the process under which unions become recognized under the State. The State often chooses to recognize unions that will undermine these protections in order to attract business to Mexico as opposed to upholding them for the sake of the employees. This has come about as a result of the State employing a national agenda that supports economic growth and the attraction of FDI at the expense of the well being of the national labor force and the enforcement of its own constitution.

Early post-revolutionary administrations often attempted to implement some of the objectives of revolutionary leaders. Obregón, for example, sought to overhaul the education

system of the nation in order to tackle the widespread problem of illiteracy (Hing 2010). While he had limited funds with which to carry out these plans, he allowed the Catholic Church to continue expand education under close supervision from the state. During the Obregón administration, Mexico renewed the sale of petroleum U.S. The U.S. in exchange extended the Mexican President diplomatic recognition.

Mexico's next president, General Plutarco Calles, undertook reforms that included but were not limited to a nationwide vaccination program, continued land reform, creation of a government health and sanitation system, and continued emphasis on educational reforms and funding (Hing 2010). During his presidency the Constitution was amended to limit the presidency to one six-year term. Although the Revolution was ending, the turmoil continued, and Calles threw his support behind former president Obregón. Following Obregón's re-election and subsequent assassination, the Mexican Congress chose Minister of the Interior Emilio Portes Gil as interim president. It was Gil and Calles who formed the first official political party of Mexico: Partido Nacional Revolucionario (PNR). While the party underwent name changes and ultimately became known as the Partido Institucional Revolucionario (PRI), it retained control of the Mexican government until the historic election in 2000 that finally put a temporary end to the party's seventy-one-year reign.

Like many other nations, Mexico suffered during the Great Depression that gripped the world in the 1930's. In 1934 a new president came to power-- Lazaro Cárdenas, the last president who truly sought to further the aims of the Revolution. His biggest accomplishments were nationalizing the oil industry and furthering the land reform that his predecessors had embarked on. In fact, by the end of his presidency Cárdenas had distributed more than 49 million acres and a third of the population owned arable land. He also spent more money on education than any of his predecessors. He was able to reorganize the labor movement in order to create a more powerful federation. However, despite these successes his last two years in power were fraught with economic hardships as Mexican investors divested from Mexico for fear that it was turning into a communist state and took their money to other Latin American nations who had more

lucrative opportunities to offer. Oil revenues declined for the government and rampant inflation began to set in.

It was in this context that Mexico elected its first conservative president, Manuel Avila Camacho, in 1940. Under his leadership many important things happened including the beginning of the Bracero Program which was first authorized by U.S. President Franklin D. Roosevelt. He also helped to create the first national bank, Nacional Financiera, and ushered in a new era of widespread industrialization. In terms of labor, the most important thing that happened under his administration was the creation of social security in Mexico. The following two presidencies, those of Miguel Aleman and Adolfo Ruiz Cortines, continued Avila Camacho's policies and were able to double Mexico's GDP.

Beginning in 1958, the new president Adolfo López Mateos, began policies much more reminiscent of Mexico's first post-revolutionary presidents. He was much more left leaning and a pro-labor president. It was under his leadership that Mexico began to implement a widely neglected article in the Constitution that allowed for workers to share in the profits of the companies they worked for. A commission was created in 1962 that came up with a complicated profit sharing formula that ultimately increased the annual earnings of the average Mexican laborer by 5-10% (Hing 2010 pg. 27). López Mateos also increased the education budget allocating twice as much for that than defense.

Beginning in 1964, however, an economic and political crisis slowly began to form in Mexico. The rising literacy rates, rapid industrialization, and growing wealth disparity between the elite and the masses began to disrupt the social order that had existed for decades following the Revolution. Industrialization began to decrease as Mexico saturated its domestic markets and was unable to compete in the world market due to inefficiencies that resulted from protectionist policies. Shortages of raw materials also hampered continued industrial growth. In the summer of 1976, rumors began about a devaluation of the peso that led many investors and business elites to cash out much of their money for dollars or to take their investments abroad. By

September the State was forced to devalue the peso from 12.50 to 20.50, a 60% devaluation. A month later an additional devaluation of 40% occurred. (Hing 2010, Gonzalez 2000, Cox 2008)

In 1978 José López Portillo began curbing public spending in an effort to reign in foreign debt. Although his administration oversaw an increase of nearly 200% in oil production, which increased revenues, this expansion was tempered by the fact that the economy was so reliant on such a capital intensive non-renewable resource. Under López Portillo's administration the unemployment rate was nearly 50% as the nation struggled to absorb into the labor force over 800,000 new workers a year. Between 1936-1974 Mexico had pursued pro-natalist and pro-immigration policies that led to a boom in population which directly affected the economy's ability to absorb them into the labor force. It was during this era of rampant unemployment that Mexico began to see a dramatic increase in the informal sector, which only served to make workers incredibly vulnerable to abuses. It also maintained a very powerful trend of urban migration as Mexico's newly industrialized sectors provided more opportunities than rural villages could to the many new workers wanting to enter the labor force annually.

Although revenue failed to cover expenditures the magnitude of Mexico's oil reserves encouraged foreign banks to lend increasing amounts of money to the Mexican government. This led to an impending debt crisis as the value of the peso continued to take a nose dive, eventually being valued at 2,300 pesos to the dollar by the time Portillo's successor, Miguel de la Madrid came to power. Under this president a \$4 billion bailout with the IMF was negotiated based on the condition that public spending would be reigned in and taxes raised. De la Madrid accomplished this by privatizing inefficient state industries, placing a freeze on federal hiring, and cutting back salaries. This bailout would be the first crucial step that Mexico would take into liberalizing its economy and beginning to enter into the world market. Many IMF bailouts eventually led to that same outcome for many other nations.

Carlos Salinas, the following president and de la Madrid's minister of planning and budget stepped into the presidency and sealed Mexico's fate as "the champion of free trade." It was under his leadership that Mexico joined the General Agreement on Tariffs and Trade

(GATT) which became the second crucial step in beginning talks for a free trade agreement that would encompass the North American continent and forever change the economic future of Mexico.

The Passage of NAFTA and the NAALC

When Mexico initiated the talks that would result in North American Free Trade Agreement (NAFTA) it was not its first economic endeavor in free trade policies. The concept of free trade in the Western Hemisphere began with economic policies between the U.S and Puerto Rico in the middle of the twentieth century. The Puerto Rican economy was in shambles which led the U.S appointed Governor Rexford Tugwell to create the Economic Development Administration. He created the Administration in order to generate alternate forms of employment and foster economic growth on the island. The most enduring idea of the EDA was “industrialization by invitation” in which the Puerto Rican government would offer tax holidays, subsidies, and low cost labor in order to attract North American firms and corporations to invest and open up operations, resulting in an increase in industrialization and employment opportunities.

Of course this growth could not be sustained forever. As William Goldsmith argues, “It was designed to create jobs and raise industrial wages from abysmally low to just very low. In doing that, the incentive corporations previously had for relocating to Puerto Rico was destroyed” (Goldsmith, quoted in Henderson, 30). In other words, as wages on the island rose, the incentive corporations had for coming to the island disappeared. This led to many companies leaving the island, leaving the economy in shambles and unemployment on the island became widespread once again.

After the experiment with Puerto Rico concluded in the 1960’s the U.S. and Mexico attempted something similar in Mexico with the Border Industrialization Program (BIP). This program opened up a free trade zones (FTZ) on the Mexican side of the border in which certain border cities were allowed to produce and export products into the United States with no barriers

of trade. This gave rise to what are now known as “maquilas” near the Mexican-U.S. border which have become infamous as Mexican sweatshops.

The BIP program continued until Mexico initiated talks with Canada and the U.S. about a possible trade agreement that became what we now know as NAFTA. In 1991, Mexico was in a contentious situation economically and was desperate to attract FDI in order to continue to grow the economy and be able to make its debt payments. Salinas first looked to Europe in order to gauge interest from bankers and businessmen for investment in Mexico. Once it became clear that European nations had very little interest in doing so, he looked to the nation with longstanding economic ties to Mexico, the U.S. Salinas initiated talks with U.S. President at the time, George H.W. Bush, who then invited Canadian Prime Minister Brian Mulroney to join in (Cameron & Tomlin 2000). The U.S. and Canada had signed a free trade agreement a few years prior in 1987, and the U.S. envisioned a larger agreement for all of North America. When Mexico approached them, Bush seized the opportunity.

Trade agreements affect the way in which a nation is able to import and export products, who has access to their domestic market and to what extent, as well as what foreign markets their industries are able to access. Trade agreements have the power to greatly affect how an economy grows and develops so it makes sense that all three nations approached the negotiation of this agreement in a very calculated manner. The negotiations were long and complex and conducted primarily by ministers of trade from each nation. However, in a separate adjacent room there were representatives from the major labor from each country, due to their early mobilization against the agreements. While this was a success their voice was somewhat limited by the representatives from about 45 corporations who were present at the negotiations as well (Kay 2011).

The attempted integration of three very different economies with different interests was not an easy undertaking. Each nation had its own interests to protect and was adamant in making sure they got the best deal possible. Mexico was determined to protect its petrochemical industry, remove quotas on textiles and apparel, gain access to the American agricultural market, and

liberalize investment rules in order to attract the capital it desperately needed (Cameron & Tomlin 2000). The U.S. was determined to open up the Mexican financial services market so American banks could open branches abroad, protect intellectual property rights abroad, and create an investor-state arbitration mechanism for those investing capital abroad. Lastly Canada wanted to protect their dairy and poultry farmers, gain access to Mexican financial services market to the same degree as the U.S., continue to attract investment to their own nation, and protect their own cultural products from intellectual property rules (Cameron & Tomlin 2000).

The U.S. had the most leverage when it came to the negotiations for several reasons: U.S. GDP accounted for more than 80% of the continent's economy (Cameron & Tomlin 2000). Mexico's economy was very much depending on this agreement to pull it from the throws of instability and recession, and Canada had already negotiated many of these points in the previous free trade agreement that they had signed. Ultimately many of the conditions set forth by the U.S. became a part of the agreement, such as opening up the Mexican financial services industry to American banks, opening up the Mexican market for agriculture, expanding intellectual property rights, and giving investors the power to settle disputes in international court at the World Bank. Mexico, however, was still able to protect its petrochemical industry and liberalize the importation of textiles and apparel. Eventually all three nations were able to come to an agreement on the terms and they ceremoniously signed the agreement on December 17, 1992 in San Antonio, Texas. The final agreement was incredibly long with 22 chapters and over one thousand pages of text. The following chapters were included:

1. Objectives
2. General Definitions
3. National Treatment of Market Access
4. Rules of Origin
5. Customs Procedures
6. Energy
7. Agriculture
8. Emergency Action
9. Standards-Related Measures
10. Government Procurement
11. Investment

12. Cross-Border Trade in Services
13. Telecommunications
14. Financial Services
15. Competition Policy, Monopolies, and State Enterprises
16. Temporary Entry for Business Persons
17. Intellectual Property
18. Publication, Notification, and Administration of Laws
19. Review and Dispute Settlements in Antidumping and Countervailing Duty Matters
20. Institutional Arrangements and Dispute Settlement Procedures
21. Exceptions
22. Final Provisions

Based on titles of each of the chapters, one can see the industries and the issues that were most pressing and received the most attention and regulation. The agreement phased out tariffs slowly with some industries immediately getting rid of tariffs while other industries were given 15 years before tariffs were to be gone completely. This was designed to allow certain industries time to adjust as the shift happened and to prevent any sudden economic downturns in any one industry or sector of the economy.

The next step was for each of the respective governments to approve of the agreement before it could be implemented. The agreement was controversial in all three nations and would require some work to get them approved. The free trade agreement that Canada had entered into in 1987 with the U.S. had caused a large amount of controversy and contention within Canadian politics (MacArthur 2000). In fact, it became the central issue in the election in which Mulroney became Prime Minister. However, once the country resolved its contention over the bilateral agreement with the U.S., it was able to more easily pass NAFTA through its legislative body a few years later.

In Mexico, there was mixed support for NAFTA. The Salinas administration conducted an extensive public relations campaign throughout the nation that garnered support for the agreement. A lot of Mexicans agreed that despite the good intentions of the Constitution and the ideals of the revolution, maintaining an inward oriented economy is what had lead them to the economic crisis in which they found themselves. Despite a historically untrusting relationship with their northern neighbor, many Mexicans believed that in order to solve the economic crisis

Mexico had to follow the trend that many other nations had taken towards liberalization and globalization and use the access to the American market to improve their economy (Poitras & Robinson 1994).

However, some of those in the rural and informal sector understood that the passage of NAFTA was only going to further the interests of the elite and hurt Mexico's ability to keep its local businesses in operation. On the day NAFTA was to take effect, January 1, 1994 the Ejercito Zapatista de Liberación Nacional (Zapatista National Liberation Army) mounted an armed rebellion in protest of the agreement and other things like Mexico's single party rule. They seized several cities and towns in the southern Mexican state of Chiapas, initiating armed conflict that lasted for 12 days before a cease fire was negotiated. The indigenous communities in Chiapas had a long standing resentment with the Mexican government, and the passage of NAFTA was the final catalyst that spurred their rebellion. Despite the rebellion, however, Salinas' continual efforts to reactivate the economy garnered him the benefit of the doubt from many Mexicans. NAFTA had an approval rating of 2 out of 3 citizens in Mexico when it was being negotiated and passed, despite the fact that a majority of those surveyed believed that the U.S. stood more to gain from the agreement than Mexico (Poitras & Robinson).

As Salinas was exiting office and the newly elected president Ernesto Zedillo was stepping in in December of 1994, one of the biggest economic crises in Mexico's history occurred. The crisis came to an end after a series of reforms undertaken by the new administration and a \$20 billion bailout loan from the U.S. This crisis was in large part due to the way in which Mexico guaranteed that its return on investments would be paid in U.S. dollars. When invested capital began to leave Mexico, the rapid demand for dollars led to a devaluation of the peso.

After the crisis, Zedillo adopted a reformist stance toward NAFTA that would continued to garner more support for the agreement and that attempted to address some of the apprehensions of the public. He was still in support of its passage and implementation but openly discussed how NAFTA would not be the cure-all that would "save" the Mexican economy from

the downturns it was experiencing. He openly stated that institutions and policies had to be reformed in order to continue to work towards a stronger economy (MacArthur 2000). He began doing some of that work when he created the *Progresa* program. It was a program designed to fight poverty by subsidizing some of the poorest families in Mexico as long as their kids stayed in school. His administration also privatized the national railway company, Ferrocarriles Nacionales de Mexico, which fell in line with the neoliberal economic approach that Mexico was now well into undertaking. Lastly, and arguably most importantly, Zedillo was able to pass electoral reform that had been called for since the controversial 1988 election of Salinas. These reforms contributed to the loss of the PRI party in the following election for the first time in over 70 years.

While this was occurring in Mexico, the U.S. was also having trouble of its own trying to get NAFTA passed by Congress. With the loss of H.W. Bush to Clinton in the 1992 election, the fate of the agreement was unknown as its champion left office. Clinton announced his stance regarding NAFTA in October 1992. During his campaign he expressed that he would not push Congress to pass the agreement without first negotiating parallel agreements addressing labor concerns and environmental concerns. This was in response to the fact that organized labor in particular expressed strong discontent with the trade agreement during the negotiations in which they were present. They saw the writing on the wall and knew that opening up free trade with Mexico had a very large potential to undermine the successes that the labor movement had been able to achieve up to that point. There was a fear among them that NAFTA would provide companies with the leverage they had lacked for decades in order to cut benefits or lower wages. Much like at the beginning of the 20th century when employers could frighten workers who tried to organize with the threat of replacing them with immigrants who would work for less money, now they could threaten to move operations abroad for the same incentive. Labor was afraid that jobs in the manufacturing sector would end up moving abroad, pushing Americans out of work or into lower paying jobs. In fact, Ross Perot, a presidential candidate in the 1992 election with the Independent Party coined the famous phrase of “the giant sucking sound,” referring to all the

jobs that were going to get “sucked” into Mexico if the agreement passed. This “giant sucking sound” was the worst fear of labor and therefore the passage of NAFTA was something that they could not bring themselves to support. There was also concern from the environmental movement about companies moving abroad in order to avoid the environmental protections and standards that had been set forth by the EPA here in the U.S. with the same incentive of cutting cost and increasing profits.

The backlash of these sectors and Clinton’s insistence on adding side agreements to NAFTA had made Salinas nervous. Shortly after Clinton was announced as the winner in 1992, the Salinas administration reached out to him in order to see how they would proceed together in getting the agreement to pass in the U.S. Despite Salinas’ reluctance to negotiate any sort of side agreements, it soon became clear that Clinton could not push the agreement through Congress otherwise. Salinas was concerned that, with the amount of leverage that the U.S. had already exercised during the negotiations for NAFTA, it would attempt to create side agreements that would threaten the sovereignty of Mexican institutions. Salinas made it clear that trade sanctions could not be imposed as part of the enforcement of these side agreements as that would infringe on the sovereignty that he was so determined to maintain. Simultaneously began Salinas employing domestic policies that demonstrated more progressive stance on the environment and continually emphasized the strength of the union movement in Mexico in order to appease Clinton (Cameron & Tomlin 2000)

After a second round of negotiations the final drafts of the North American Agreement on Labor Cooperation (NAALC) and the North American Agreement on Environment Cooperation (NAAEC) were finished on September 13, 1993. Despite the regulations not having strong mechanisms for enforcement and therefore very little incentive for nations to adhere to them, for Clinton it seemed to be the symbolic step that he required. As a new president he did not want to be seen as failing to fulfill the promises of his campaign after such a short amount of time in office.

Clinton followed through on his end of the bargain and went to work garnering enough congressional support to get NAFTA to pass. The added agreements seemed to address most of the concerns that were being expressed in all three nations in regards to the negative consequences that free trade would bring about. The agreement finally went to a vote on November 17, 1993 in the House of Representatives and passed with the somewhat narrow margin of 234-200. Three days later it moved on to the Senate where it passed with a much wider margin of 61-38. By looking at the votes one can infer that despite all the negotiations and concessions that occurred throughout the crafting of the agreement, there were still U.S. politicians who were skeptical about its passage and implementation.

The NAALC: What Is It and What Has It Really Done for Mexican Laborers?

The NAALC was negotiated by many of the same trade ministers that had been key players in the negotiation of NAFTA. As a result of the side agreements being brought about as a result of the Clinton administration, the U.S. came to the negotiations prepared with three options. The first option consisted of the creation of a “unobtrusive commission that could only exercise ‘weak moral suasion’” (Cameron & Tomlin 2000 pg. 183). The second option was a larger commission with a larger budget and the task of examining a variety of labor issues. This second option also included a mechanism for dialogue amongst the three nations for the enforcement of labor standards. The last option consisted of everything that the previous option proposed but with the added consequence of trade sanctions if any of the governments was found accountable for deliberately ignoring labor standards.

Due to the preoccupation of Salinas to maintain Mexico as a desirable place for foreign investment he was determined to keep the enforcement mechanisms for labor standards weak in order to keep the investments coming. He masked this with a need to “maintain the sovereignty of Mexico over its own labor and economic institutions” so trade sanctions were immediately off

the table as mentioned before, which resulted in an agreement that was most similar to the second option.

The final draft of the NAALC was composed of the following:

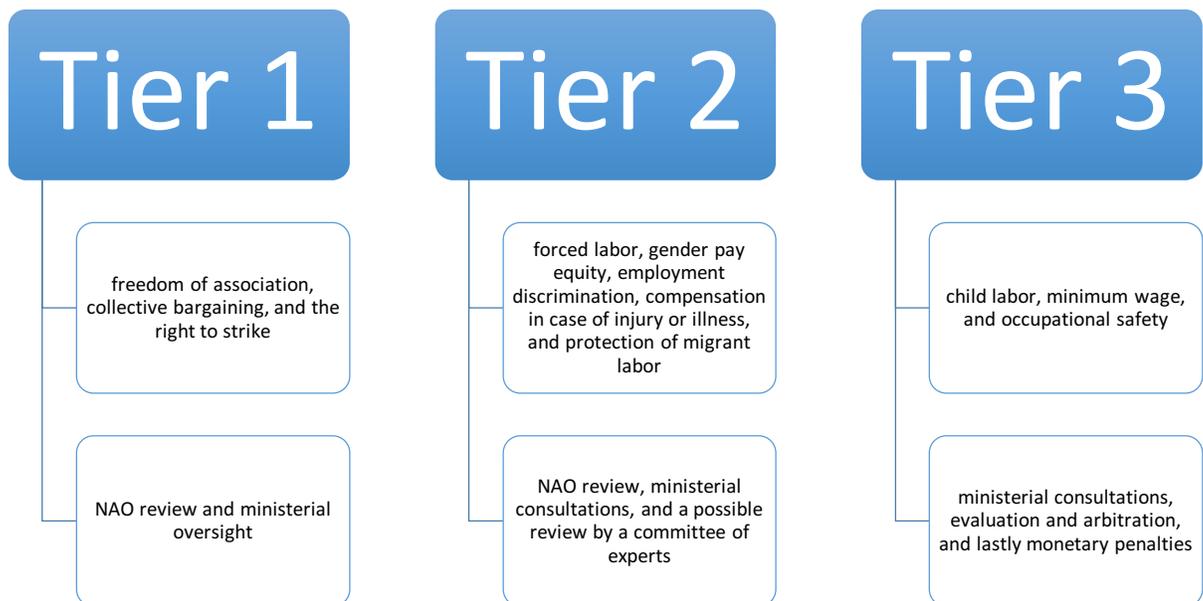
1. Objectives
2. Obligations
3. Commission for Labor Cooperation
4. Cooperative Consultations
5. Resolution of Disputes
6. General Provisions
7. Final Provisions

The seven chapters contain 55 articles in total and had three objectives. The first objective was to monitor the implementation of labor laws in standards within each nation. The second was to provide resources for joint initiatives so that each nation had the ability to promote better working conditions and labor practices. Lastly, it established a forum for dispute resolution in order to address domestic enforcement that was lacking or inadequate.

In order to implement and oversee the objectives of the agreement National Administrative Offices (NAO) were created within each nation. However, the impact of the three objectives was limited in that it only applies to eleven labor principles. These labor principles were organized under three tiers based on level of severity (see figure 1). Then based on the tier under which the principles were found, certain consequences could be administered when lack of enforcement was detected. The first tier applies to freedom of association, collective bargaining, and the right to strike. This tier is limited to NAO review and ministerial oversight, and includes no imposition of penalties or dispute resolution. The second tier applies to forced labor, gender pay equity, employment discrimination, compensation in case of injury or illness, and protection of migrant labor. Violation of labor standards in the second tier warrants NAO review, ministerial consultations, and a possible review by a committee of experts, but still no dispute

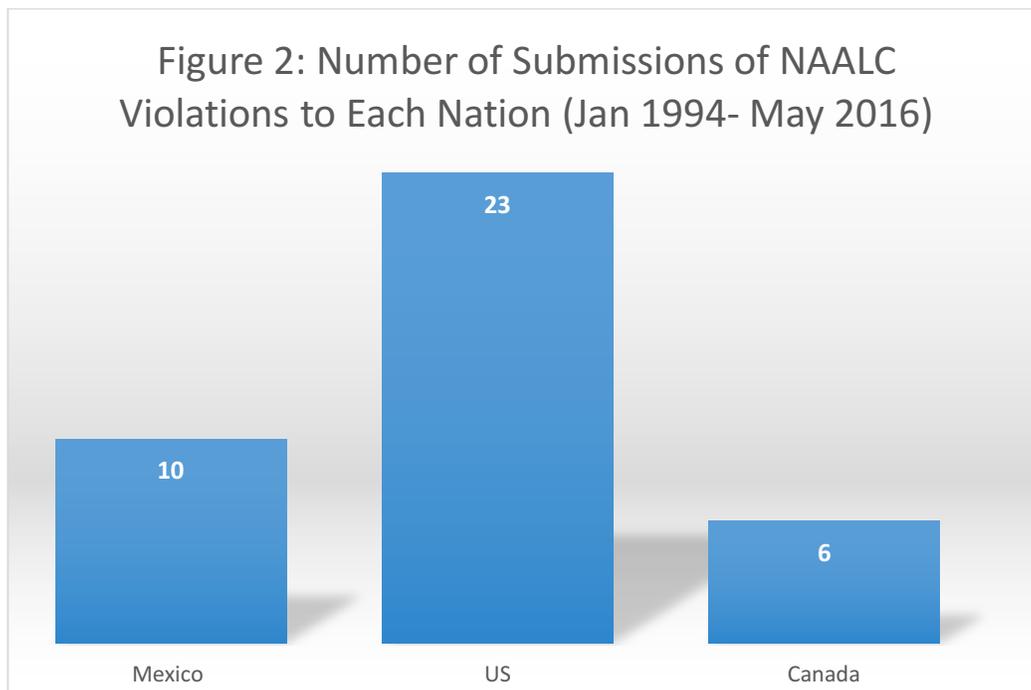
resolution or imposition of penalties. The last tier is the only one subject to all possibly penalties listed in the agreement, ministerial consultations, evaluation and arbitration, and lastly monetary penalties is included. The tier is limited to child labor, minimum wage, and occupational safety (Huffbauer & Schott 2005). It is important to note however, that President Salinas got his way and trade sanctions could not be applied for violations of any of the labor standards under this agreement.

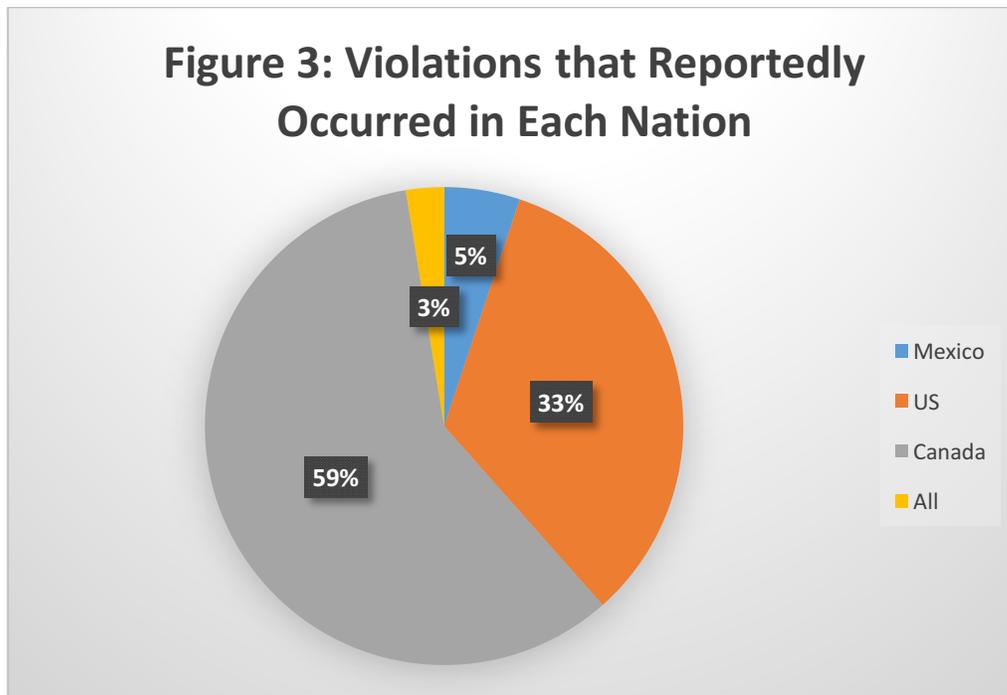
Figure 1: Labor Rights Categories in NAALC



As of May 2016, there have been 39 submissions total under the NAO offices of all three nations (see figure 2). Six of those submissions (15%) occurred in the Canada office, ten occurred in the Mexico office (26%), and the remaining twenty-three submissions (59%) occurred in the office in the U.S. It is important to note that just because a complaint is submitted

in a certain nation it does not necessarily mean that the violation occurred in the same nation. What many have noted is that one of the few successes of this agreement is that it created a larger and shared legal sphere in which workers from all three nations could collaborate and engage in transnational cooperation in order to address labor violations. Of the thirty-nine submissions, thirty-two (82%) were filed by at least two organizations from different nations cooperatively, with the largest cooperation happening in 2011 in a submission which included over 90 unions, federations, and non-governmental associations. The large majority of the submissions were submitted in response to labor violations in Mexico. Two of the submissions regarded violations in Canada (5%), thirteen of the submissions regarded violations in the U.S. (33%), and twenty-three regarded violations in Mexico (60%). One addressed the impartiality of labor tribunals in all three nations (2%) (refer to figure 3).





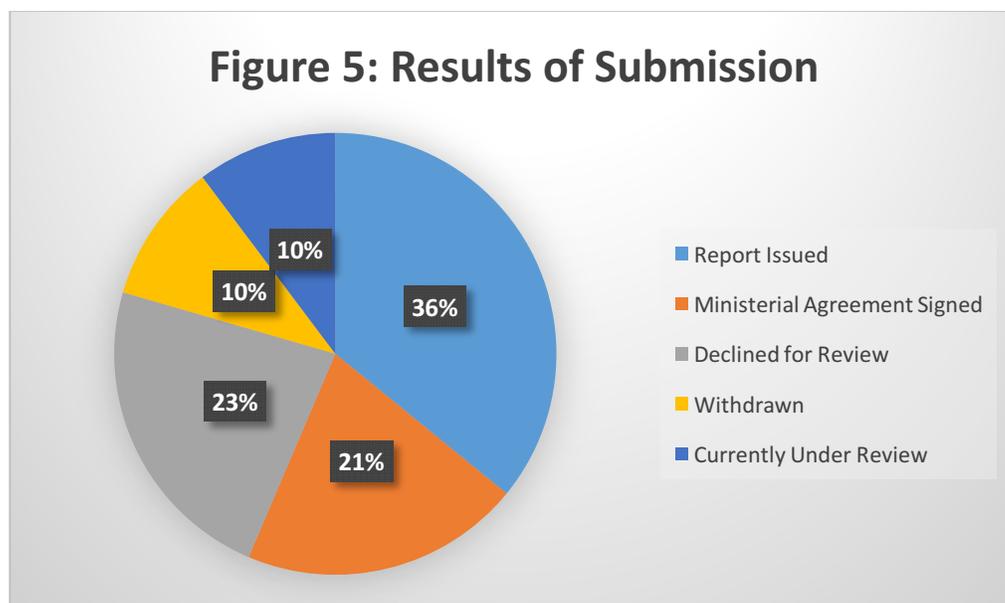
The two violations that occurred in Canada were in regards to two specific situations. One filed in 1998 concerned a piece of legislation that was being introduced that would deny rural mail couriers the right to bargain collectively. The second one was filed in the same year and concerned the blocked efforts to organize at a McDonald's restaurant in Quebec. When one looks at the thirteen submissions that occurred in the U.S., almost all of them directly relate to the rights of migrant workers within U.S. borders, or the violations that occur in the agriculture sector in states that hire a large number of migrant workers (California, Florida, Washington). Labor conditions for Mexican workers are not only a concern when they are working within Mexico but also when displaced Mexican workers must migrate to the U.S. in order to seek employment. As immigrants and often times undocumented workers, they are a vulnerable population that often ends up working in exploitative situations because they have few other job prospects. And, as noncitizens, they have very little access to legal protections and resources.



In Mexico a vast majority of the 39 the submissions that have occurred are in relation to freedom of association (9) or occupational safety and health (8) (see figure 4). As mentioned before, the Mexican constitution guarantees freedom of association to its citizens and even requires that workplaces have a registered union in place for its employees. However, it is clear that despite these protections Mexican workers are still having trouble being able to have the freedom to associate under the union of their choosing. Unions have become a part of the political system in Mexico the unions that are allowed to be registered in a certain workplaces are often determined by political matters that are outside of the workers control. This leads many of the unions to be ineffective and leaves the workers vulnerable to exploitation in terms of wages, benefits, and working conditions. For this reason many workers attempt to create and register independent unions that will actually advocate on their behalf. However, in order to register with an independent union, workers must go through their state or federal government

who often is very hesitant to grant the registration for political reasons. This is where many of the freedom of association violations and occupational safety and health concerns come from.

How effective are NAALC submissions for workers who are suffering from violations of the agreement? (See figure 5) Due to the nature of the agreement the ability for one nation to impose consequences on other nations or companies operating where the violation occurred is very limited. If one refers to Appendix 2 you can see that the most that has occurred as a result of a violation is an agreement was signed on behalf of ministers from each nation in which they address how the violation will be handled. Even the violations that fall under the third tier, child labor and minimum wage, which allows for the imposition of the highest penalties, resulted in minimum penalties. The submission that addressed child labor didn't even make it to the review stage.



The Mexican airline industry in particular has had relatively little success attempting to use the NAALC to address its labor concerns. The Mexican Airline Pilots Association (ASPA) made two submissions in 2005, one in the U.S. and one in Canada. Both submissions alleged that

their rights to associate freely and collectively bargain were being infringed upon, and both were declined for review. Seven years earlier, the Association of Flight Attendants of Mexico reported a violation of the same nature as the pilot's submission. When the flight attendants' submission was declined for review they resubmitted the following year. The second time resulted in a report issued. However, it seems that the problem was not addressed within that industry if the pilots had the same problem years later. All of the remaining violations occurred within the manufacturing sector of various industries including the textile and apparel industry.

The effectiveness of the violation reports is limited in that they only address the specific violation and workplace involved as opposed to the systematic issues that lead to workplace violations and exploitations of workers. They are also limited in that the NAALC doesn't give any outside nation the ability to enforce what is written in the report or make sure that the nation where the violation occurred is held accountable for addressing the inability to maintain the mutually agreed upon labor standards. The lack of strength in the NAALC really limits its ability to properly address labor standards and seems to be more of a symbol of cooperation between the NAFTA nations as opposed to providing a platform in which nations can really have the ability to hold each other accountable to upholding mutually agreed upon labor standards. However, it has created an opening on which future labor rights movements could build upon.

A Transnational Response to a Multinational Problem

Despite the fact that NAFTA only helped to continue undermining the working protections of laborers and the NAALC did very little to help contravene this process there has been one very important positive effect on the Mexican labor unions that resulted from both of these agreements. The mobilization against NAFTA by labor unions and federations has allowed them to develop strong relationships that have led to very meaningful and effective

collaborations. These have resulted not just in the improvement of the daily lives of many workers but a important push forward for the Mexican labor movement.

The AFL-CIO, the foremost labor federation in the U.S., has developed a strong relationship with the independent and leftist union federation in Mexico known as the Frente Autentico de Trabajo (FAT) (Kay 2011). Historically AFL-CIO had ties with the Confederacion de Trabajadores Mexicanos (CTM), as the two largest and most powerful labor federations in their respective nations. Because of the close ties that the CTM has with with the ruling PRI party which crafted and vehemently supported NAFTA, the CTM and the AFL-CIO proved unable to have any sort of meaningful collaboration on the issue of free trade. The AFL-CIO's Canadian ally has been the Canadian Labor Congress (CLC), a leftist organization that has been organizing against free trade in Canada since the passage of the US-Canadian bilateral free trade agreement in 1987. The three federations, AFL-CIO, FAT, and the CLC, have not only pressured their individual governments to set forth and enforce labor standards, they have given a particular emphasis to Mexican labor conditions, which is what lead to Clinton creating the NAALC and NAAEC in the first place.

The foundation of the collaboration between the three labor federations and their affiliates in all three nations has not only been their shared contempt for NAFTA and neoliberal policies but the fact that the Canadian and American federations did some very deliberate and effective anti-racist work that dispelled the “foreign worker” myth that has historically been very pervasive in union culture along with other racist ideologies (Kay 2011). The foreign worker myth consisted of the idea that there were laborers abroad who wanted jobs even with the knowledge that those jobs came at the expense of American workers losing their jobs. It also held the belief that these laborers were willing to work at any wage under any sort of working

conditions because any job is better than no job. This myth of course placed the blame for undermining the successful American labor movement on the foreign workers as opposed to the corporations who were the ones truly trying to keep wages low and working conditions poor in order to cut costs. The protectionist “Buy American” campaigns and the demonization of foreign workers who “steal their jobs” was a history that FAT was incredibly aware of. As a result the FAT were very weary to work with the CLC and AFL-CIO at first. However, from the beginning of the collaboration against NAFTA there was a very deliberate and deep re-education that occurred not just within the leadership but within the rank and file members as well. The experience is detailed by an American union member below:

“We would take those things on when we had our big meetings with our leadership and somebody would get up and say something stupid. The leadership would just say no excuse me, this is not about the Mexican workers and calling them names and blaming them for our problems, it’s about something else and let’s put it back in the context” (Yussuf quoted in Kay pg. 79)

This sort of work allowed the FAT to regain trust in the AFL-CIO and CLC, which allowed it to create an effective working relationship. In fact, if one looks at newsletters from FAT, from the late 1980’s to the early 2000’s there is a very noticeable difference in rhetoric about foreign workers, with the language shifting from describing them as racist and imperialistic entities to useful and collaborative allies (Kay 2011.)

After the passage of NAFTA and the NAALC, the collaboration has manifested itself in several different ways. When looking at the big picture, the mobilization of all three federations as soon as Bush asked Congress for authorization to negotiate the treaty allowed them to have a seat at the table of negotiations. Although their voice was not as prominent as that of the representatives from over 45 corporations who were also present at negotiations, it definitely did influence the Clinton campaign, which ultimately negotiated the NAALC and the NAAEC (Kay

2011). It has also manifested itself in more practical ways in which they use their collective power and access to resources to try and improve the lives of workers throughout the continent. American based unions, federations, and organizations regularly send American union organizers to work alongside workers in Mexico who are attempting to create and register independent unions or collectively bargain or strike in order to improve their wages or working conditions. In fact, in 1997 the AFL-CIO created a unit called the Solidarity Center whose sole job is to provide resources to not only workers in Mexico but those all over the world seeking to improve the rights and lives of workers.

A great example of an American organization and the AFL CIO sharing resources and working in solidarity with Mexican workers happened in 2001 in a manufacturing center in the Mexican state of Puebla. The Kukdong factory and was a state of the art facility that maintained good labor conditions when it first opened, but over time as the orders increased and the pressure mounted for the laborers to produce larger amounts of products within the same time frame, conditions deteriorated. There were allegations of everything from stolen wages, lack of bathroom breaks and access to water, to mental and physical abuse of workers. The United Students Against Sweatshops (USAS) organization heard of this and sent a representative along with a member of the AFL-CIO who together with leaders from the plant created the Centro de Apoyo al Trabajador (CAT). The CAT eventually developed into an NGO with a full time staff. This organization, along with the resources and organizing experience that were provided to them by all those involved, led to the organization of a successful boycott primarily aimed at students in the U.S. who wore the university apparel that was produced in the plant. USAS representatives came back to the U.S. and was able to grow the boycott to the point that the local

state government allowed the plant to register an independent union that could collectively bargain on behalf of the workers and enforce labor standards (Nolan-Garcia 2013).

The example of the Kukdong factory in Puebla really highlights the way in which transnational organizing is able to impact corporations economically and therefore allow organizations to be more effective in achieving their aims. The ability to separate the producers from the consumers has really helped transnational corporations get away with the fact that they are treating workers so badly. By creating distance both literally and metaphorically, consumers become much less concerned with how the products are made and much more concerned with the price tag as that affects their daily lived reality much more. Transnational organizing is able to undermine this distance as the anti-NAFTA coalition has demonstrated and it has fostered a consumer consciousness that hurts corporations in their pocketbook and forces them to address issues that they would otherwise prefer to ignore. It also allows them to exercise their power in numbers and make them a formidable force that their governments cannot simply ignore. All of this has allowed the Mexican labor movement to receive a significant push in terms of improving the lives of workers. There have been many organizations created in Mexico since the passage of NAFTA that work tirelessly to create independent and functional unions that serve to protect workers. One of the most prominent is the *Comite Fronterizo de Obrer@s*, which works primarily with woman maquila workers. In the last year Mexico launched its first ever domestic worker union and a union for woman miners (Solidarity Center <http://www.solidaritycenter.org>).

Conclusions

Despite all the controversy and contention surrounding NAFTA it did pass; twenty years later we are still wrestling with whether it was for the better or for worse. Many argue that while it has not been perfect it has done what it was designed to do and integrated the economies of all

three nations to an extent. However, there are also many that argue that the negative side effects have outweighed the positive. Since the passage of free trade many of labors' concerns have become a reality and the manufacturing sector in the U.S. has already begun to disappear. Companies have moved abroad to countries all over the world since the passage of several free trade agreements, most notably to Latin America and Asia. This has pushed the U.S. economy even further into the post industrial era of technology and service jobs.

For Mexico, the passage of free trade did not help with the mass migration to the U.S. that it had been experiencing. In fact, Mexican migration to the U.S. did not hit its peak until 2000, 6 full years after the passage of NAFTA, and remained very high until the recession of 2009 when Mexican migration finally began to slow down (Pew Hispanic Center). While it is currently the lowest it has been in many decades, this is much more likely to be a result of the U.S. undertaking massive deportation plans and border control efforts as opposed to Mexico finally providing economic opportunities so that Mexicans workers can stay at home. While NAFTA did increase jobs in the manufacturing sector, it was not enough to offset the job loss that came when local Mexican companies were pushed out of business by foreign competition. American economists such as Hoffbauer and Schott stated in their book *NAFTA Revisited* that "NAFTA may have accelerated the process of 'sifting and sorting' within Mexican manufacturing, forcing less productive firms out of business, thereby freeing resources for more productive firms" (pg. 105). However, when one looks at what firms are still operating in Mexico the transnational firms who opened up operations after the passage of NAFTA were the ones who now utilize the resources (such as labor) that was freed up once the "less productive" Mexican firms went out of business. These transnational firms that have opened up operations in Mexico after the passage of NAFTA have allowed Mexico to really grow its automobile industry and strengthen its textile and apparel industry. However, most of the Mexican workers who have been displaced come from the informal or rural sector of Mexico's economy.

NAFTA allowed subsidized American crops to flood the Mexican market at a lower price than local farmers were able to provide, taking away the ability of the latter to sell their harvest.

The flood of agricultural products into Mexico also speaks to the level of industrial development in that sector. While Mexico's agricultural sector was traditionally comprised mostly of small farmers on small plots of land selling excess crops in their local markets, the U.S. agribusiness operates much larger and mechanized farms more efficiently, which allows them to be able to sell their harvest at a lower rate.

In terms of the working conditions that the NAALC tried to address, it seems that they have not improved significantly since its passage. In fact, one could argue that it got worse immediately after NAFTA as many companies took advantage of the new trade agreement and moved to Mexico where they took advantage of the low wage labor that was abundant and the already abysmal working conditions. However, after two decades of NAFTA Mexican workers have taken after the transnational aspect of NAFTA and begun to organize larger and more successful grassroots movements with the help of their American and Canadian counterparts in order to create and register independent unions and give renewed strength to their labor movement.

If the collaboration of Mexican, American, and Canadian labor federations is to result in systematic change, there needs to be a real overhaul of the NAALC. This side agreement needs to be amended with strict mechanisms of enforcement that allow corporations and governments to truly be held accountable for the labor standards they chose to enforce. Until this occurs the labor movement will be forced to continue to improve working conditions one workplace at a time, as it has been doing.

At the end of the day, even an amendment to the NAALC will only be a band aid for a larger systemic global problem. Free trade is an inevitable development of the global push for markets and profits. Capitalism requires sustained growth in order to continue to work and prosper, and when it cannot achieve that within its domestic boundaries it seeks to expand past them into other nations which is essentially what free trade allows. However, globalism is the last economic frontier. What happens when as a global community we cannot manage to continue to feed and grow the capitalist system that we have created?

Appendix A

Year	NAO Received Submission	Nation In Which Violation Occurred
1994	U.S.	Mexico
1994	U.S.	Mexico
1994	U.S.	Mexico
1995	Mexico	U.S.
1996	U.S.	Mexico
1996	U.S.	All
1997	U.S.	Mexico
1997	U.S.	Mexico
1997	U.S.	Mexico
1998	U.S.	Canada
1998	U.S.	Canada
1998	U.S.	U.S.
1998	U.S.	Mexico
1998	Mexico	U.S.
1998	Canada	Mexico
1999	U.S.	Mexico
1999	Canada	U.S.
2000	U.S.	Mexico
2001	U.S.	Mexico
2001	Mexico	U.S.
2003	U.S.	Mexico
2003	Mexico	U.S.
2003	Canada	Mexico
2004	U.S.	Mexico
2005	Mexico	U.S.
2005	Canada	Mexico
2006	U.S.	Mexico
2006	Mexico	U.S.
2008	Canada	U.S.
2011	U.S.	Mexico
2011	Mexico	U.S.
2011	Canada	Mexico
2015	U.S.	Mexico

Appendix B

Year of Submission	NAO Received Submission	Nation In Which Violation Occurred	Issue	Result
1994	U.S.	Mexico	Freedom of Association	Withdrawn
1994	U.S.	Mexico	Occupational Safety & Health	Ministerial Agreement Signed 04/1995
1994	U.S.	Mexico	Freedom of Association	Report Issued 10/1994
1995	Mexico	U.S.	Unfair Labor Practice	Report Issued 05/1995
1996	U.S.	Mexico	Freedom of Association	Withdrawn
1996	U.S.	All	Freedom of Association	Ministerial Agreement Signed 01/1997
1997	U.S.	Mexico	Collective Bargaining	Ministerial Agreement Signed 04/2008
1997	U.S.	Mexico	Occupational Safety & Health	Ministerial Agreement Signed 07/1998
1997	U.S.	Mexico	Discrimination	Ministerial Agreement Signed 01/1998
1998	U.S.	Canada	Collective Bargaining	Declined for Review
1998	U.S.	Canada	Freedom of Association	Withdrawn
1998	U.S.	U.S.	Child Labor	Declined for Review
1998	U.S.	Mexico	Right to Strike	Declined for Review
1998	Mexico	U.S.	Freedom of Association	Report Issued 08/1999
1998	Mexico	U.S.	Migrant Labor	Report Issued 08/1999
1998	Mexico	U.S.	Migrant Labor	Report Issued 05/2000
1998	Mexico	U.S.	Migrant Labor	Report Issued 06/2002
1998	Canada	Mexico	Occupational Safety & Health	Report Issued 03/1999

1999	U.S.	Mexico	Collective Bargaining	Ministerial Agreement Signed 07/2000
1999	Canada	U.S.	Labor Law	Declined for Review
2000	U.S.	Mexico	Occupational Safety & Health	Ministerial Agreement Signed 04/2001
2001	U.S.	Mexico	Collective Bargaining	Declined for Review
2001	Mexico	U.S.	Occupational Safety & Healthy	Report Issued 11/2002
2003	U.S.	Mexico	Collective Bargaining	Ministerial Agreement Signed 08/2004
2003	Mexico	U.S.	Migrant Labor	Report Issued 11/2012
2003	Canada	Mexico	Freedom of Association	Report Issued 04/2008
2004	U.S.	Mexico	Occupational Safety & Health	Withdrawn
2005	U.S.	Mexico	Collective Bargaining	Report Issued 08/2007
2005	U.S.	Mexico	Collective Bargaining	Declined for Review
2005	U.S.	Mexico	Collective Bargaining	Declined for Review
2005	Mexico	U.S.	Migrant Labor	Report Issued 11/2012
2005	Canada	Mexico	Freedom of Association	Declined for Review
2006	U.S.	Mexico	Occupational Safety & Health	Declined for Review
2006	Mexico	U.S.	Collective Bargaining	Report Issued
2008	Canada	U.S.	Labor Law	Currently Under Review
2011	U.S.	Mexico	Collective Bargaining	Currently Under Review
2011	Mexico	U.S.	Minimum Wage	Report Issued 11/2012
2011	Canada	Mexico	Occupational Safety & Health	Currently Under Review
2015	U.S.	Mexico	Freedom of Association	Currently Under Review

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