### NAFTA

#### First are the existing flaws in NAFTA – Mexican maquila employees suffer from a fatal indifference – corporations care more about rapid production of goods, and women workers are treated as insignificant cogs in the wheels of production.

Arriola - visited several border towns and met privately with mostly female workers - 7 Elvia R., Professor of Law - NORTHERN ILLINOIS UNIVERSITY, Seattle Journal for Social Justice, Vo. 5, Issue 2, Spring/Summer

Claudia Ivette-González might still be alive if her employers had not turned her away. The 20-year-old resident of Ciudad Juárez-the Mexican city abutting El Paso, Texas-arrived at her assembly plant job four minutes late one day in October 2001. After management refused to let her into the factory, she started home on foot. A month later, her corpse was discovered buried in a field near a busy Juárez intersection. Next to her lay the bodies of seven other young women. In less than a decade, a city that once had very low homicide statistics now reports that at least 300-400 women and girls were killed between 1994 and 2000. Along with an increase in murder rates, the rates of domestic violence have increased as the border town of Ciudad Juarez has experienced heavy industrialization since the signing of the North American Free Trade Agreement (NAFTA). Some murders have fallen into a bizarre serial killer pattern while others have been suspiciously linked to illegal trafficking gangs with money. Others clearly involve abductions of young, female maquiladora workers who never made it to or from work and whose bodies were later found dumped in Lomas de Poleo, the desert that surrounds Ciudad Juárez. Many of the murdered women have been raped, beaten, or mutilated. In Mexico, the maquiladora worker is someone typically without much education or property and is often a migrant from an even poorer region of the country. Thousands of workers in these factories eke out sad lives in shantytowns without water, electricity, or public lighting. Dozens of families may stake out plots of land near public utilities or the industrial parks. There they camp out for years, pirating essential public services and building by hand or hiring itinerant laborers to build a shack out of sticks, cardboard, rags or discarded constructor's platforms. Some make home next to trash dumps. They walk on unpaved stretches of land that flood during storms. Although news of the murders has generated much public discourse about the injustices taking place in Ciudad Juarez, an important factor is constantly overlooked in the discourse. What about the environment allowed the violence to take place? What about the fact that the government is in a cozy relationship with the CEOs of major corporations who come in to Mexico, lease large plots of land, set up factories with 24/7 operating schedules, pay no taxes, do little to make sure the workers they employ will have a roof over their head, a bed to sleep in and enough money to feed their families? What about the fact that the very girl whose body was found mutilated and dumped had worked hard, very hard, for one of those factories trying to improve her lot and that of her family? What of the fact that the same attitude about the murders - we are not responsible - is reflected in the policies of employment that encourage indifference to the workers needs or human rights whether in or out of the factories? This paper argues that the Juarez murders are an extreme manifestation of the systemic patterns of abuse, harassment and violence against women who work in the maquiladoras, whose treatment derives from privileges enjoyed by the investors who employ them pursuant to the North American Free Trade Agreement. I begin by acknowledging that there is a critical relationship between women, gender violence and free trade as noted by Professor Weissman and others, but I also seek to understand how the absence of regulation to benefit workers in standard free trade law and policy perpetuates the degradation of maquiladora workers and produces environments hostile to working women's lives, including discrimination, toxicity in the workplace and threats of fatal assault. The unquestioned right to exploit the mostly female working poor incites gender violence while it makes Mexico a major player in global economic politics, even if rapid industrialization is encouraging more domestic violence and occasional incidents of female murder. I. BEAUTY AND PAIN: GLOBALIZATION AND THE WOMEN OF THE MAQUILADORAS A. Gender and Globalization at the Mexican Border: before and after NAFTA. Globalization today has its fans and its critics. To some, like Thomas Friedman, it is the happy way of the future where people of different nations and cultures will interconnect easily through the Internet, where markets and democracy will flourish and all things stodgy, inefficient and dictatorial (e.g., Communism, Sadam Hussein) will fade. Others are more cautious, calling for better regulatory insight by the International Monetary Fund (IMF) and other financial players in the politics of free trade. Still others see a deadly combination for nations that make too quick a transition to market economies and democracy. Most contemporary discourse surrounding globalization focuses on the economic theories supporting or rejecting the trend; those who view gender and global trade as crucially related are still in the minority in academic discourse. After observation of the relationship between gender and the operation of the maquiladoras at the Mexican border it is easy to see how gender based attitudes, affect everything from recruitment and hiring (nearly 100% female for workers) to treatment of women in the workplace. When American electrical, television, and stereo component companies such as GE, Sony, and Panasonic, began relocating to Mexico, women were blatantly preferred for the job. Women were seen as better fits; with smaller hands and fingers, they could better assemble tiny parts of export goods such as light bulbs, cassette tapes, and recorders. The ideal maquiladora worker thus emerged as a hybrid of stereotyped images based on sex, race and class - she was not only more docile and passive than Mexican men, but submissive, easily trainable and unlikely to pose problems with union organizing. B. Where the Violence Leading to Murder Begins - The Voices of Experience from Inside the Maquiladoras Over several years I visited several border towns and began to meet privately with mostly female workers and heard about their experiences. I sometimes met workers in their homes, which were uniformly tiny and clean but quite often without flooring, plumbing or more electricity than a single light bulb. "Fatal indifference" is the best way to describe the totality of circumstances suffered by maquiladora workers - a systematic structural disregard by corporations and their agents for the humanity of the laborer. Amparo was 38 and raising two teenage boys. She was desperately trying to keep the older boy in school so that he might avoid the destiny of the working poor - to start working at age 15 in the factories that average 10 hour workdays and little pay. Amparo had been fired for being outspoken about the bad worker treatment at Dimmit Industries, which is now defunct. Amparo was hired at Dimmit to work sitting down for long hours sewing on the waistband to a minimum 1200 pairs of expensive dress slacks per day in order to receive the base weekly wage of 300 pesos and 200 pesos in bonus (about 35 dollars per week). To have a more livable take home paycheck she pushed herself to produce at 150% of the expected quota or about 1800 slacks per day. Everyday Amparo walked out with a blackened face full of lint and dust that escaped the poor ventilation system in the plant. She remembered the terrible coughs she endured almost all of the time as a result of the fibers distinctly visible in the surrounding air that settled on her skin and in her lungs. Then she had to endure the exhaustion of the typical 10-12 hour shift with only a half hour break for lunch and a ten minute break in the morning. Amparo was one of five workers who filed an unfair labor practice charge after she was fired for complaining about the piece work policy that keeps the wages so low. Amparo knew she was in for a long haul by filing a claim, but she said, it was worth it because "I've tolerated them for 8 years." 2. Miserly Wages in Return for exposure to Toxicity. Maria Elena pointed to dark scarred tissue mostly on the upper side of her feet: old scratch marks and evidence of once-ruptured skin, from a year-long period when her feet had first developed an unexplainable fungus infection that had broken and rotted the skin so badly "that my own brothers and sisters would tell me to stay away from them because of the awful smell." The doctors concluded that the condition was so bad that if she did not find a remedy and did not stop working in the environment that had obviously contributed to the infection, she would lose her feet to gangrene. Her mother told her, "although I appreciate the help from your working I don't want you to lose your feet." Maria Elena quit the job where she had been assembling one section of seatbelts over and over for two years, during which she was exposed to fine chemical dust particles in the fabric of the seatbelt that caused a condition without a permanent cure. Maria Elena's condition is only one of a variety of illness and conditions, including back problems, carpel tunnel syndrome, asthma and disabling allergic reactions which typically accompany the privilege of working in a maquiladora. 3. NAFTA: Setting an Agenda for the Global Factories of the World The maquiladoras thrive on the structure of a work week designed to produce the highest levels of output. In the United States, the average work week is 38 to 40 hours. However, in the maquiladoras, the average is 5 to 10 hours longer. Maquiladora workers average 48 hours per week, sometimes 10- and 12-hour shifts, no overtime pay, and, in some factories, only one day off per week. One worker named "Angela," who had arrived from Veracruz seven years earlier, earned 750 pesos per week (about $75.00) and felt grateful not to have to work weekends. She said that her daughter was earning much more, about 950 pesos per week, (about $95.00) but to do this she had to work 12 hour shifts, 6 days per week. As one worker stated: "It's really unreasonable because we work from 7 a.m. to 5:30 p.m., Monday through Friday. To arrive on time, I have to get up at 5 a.m., and at that hour you really don't feel like eating. At 9:30 they give us 10 minutes for breakfast, and half an hour for lunch at 1 p.m." Global employment then, whether in Mexico or elsewhere, falls into a familiar pattern - one where the policies of worker treatment emphasize rapid production, not worker health and safety or improved living conditions. As some critics note, the new wealth that comes with free trade often benefits a tiny privileged minority not the general population of the poorer country. To care about the workers would entail caring about things that don't factor well in a business driven by commitment to the bottom line, or cost-benefit analysis. The disciplinary methods, the production quotas at any cost, the speed-ups and injuries, punishments for using the bathroom during work time, the exposure to danger instruments or chemicals, all flow directly from the signal by company owners and their agents to supervisors and managers that: Workers' lives are less important than production schedules; and Safety of the workers is another cost that disturbs the projected return from investment. Therefore, adequate safety gear for employees who must work with toxic chemicals, lighting around the factory, security for the workers -- all of these things are not as important as making sure workers do their tasks, supervisors meet the production schedule, and goods are exported and released into the stream of commerce that generates the consumption and the profits that will ultimately line the pockets of the owners and shareholders. These are the consequences of privilege and rights enjoyed by employers under free trade law and policy. It is a policy that doesn't give a damn about workers. The workers, after all, are only an insignificant cog in the wheel of production.

#### The gendered violence of NAFTA is unconscionable. NAFTA’s current structure cares more about investors than workers. NAFTA is trading away life and the quality of living on the altar of free trade.

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The fact that a third-world country is pressed by major economic institutions to open its doors to foreign investors in exchange for new jobs and wealth, but must also abandon concern for basic human rights and safety for its citizens, is unconscionable. Yet it is modern reality. Globalization of a poor nation's economy exacts a heavy price in guaranteeing the production and reproduction of gender-based violence and femicide. I have introduced some of the stories and testimony gathered on many visits to the border as a supportive ally of women working in the maquiladoras and more recently as a committed educator trying to introduce students to the human face of free trade. What I have hoped people would witness is how a combined host of variables, including typical corporate decisions about discipline for workers as well as the clear bias that favors investors in free trade law and policy, produces a hostile work environment with a discriminatory effect on women and female children. What happened to Claudia Ivette Gonzalez and other maquiladora workers, is inseparable from the employer's attitude about workers inside the factories. If he doesn't care about the injuries and the toxicity in the factory why would he care about the safety of a young girl who sets out on foot in the early hours, headed for parts of the city known to lack adequate street lighting, public security services, much less public traffic that would make her trip home more secure? The year 2006 was a difficult one for immigrants of Mexican descent in the United States. A Republic majority in Congress pushed the anti-immigrant agenda by exploiting the rhetoric of anti-terrorism. The unarticulated racism of the proposals was frightening. Undocumented workers of all backgrounds live in the U.S., but the targeting of the most hostile policies is always directed at the Southern border and at Mexicans, while the elephant in the living room is ignored - the role NAFTA has played in luring rural families north to the maquiladoras only to discover nonliving wages, no place to make home, and frightening social conditions that threaten the safety of their health and their families. Because of the historic presence of women in the maquiladoras, gender discrimination once in place turned into gender violence with the push for trade liberalization and NAFTA. Ciudad Juarez is still Mexico's shining star as a major center for commercial activity as an export processing zone. But it is also a haven for violence against women, enough of whom were factory workers that one cannot deny the subtle but real effects of the global corporation, with the acquiescence of the government, in producing the environment suitable for the rise of the maquiladora murders. Sadly Claudia Ivette Gonzalez is a martyr for justice in the maquiladoras, a place where workers have no expectation of safety in or out of the workplace and settings where supervisors can take actions against workers that become the structure of fatal indifference. Claudia's abduction, and that of so many of the victims of Juarez who were maquiladora workers, is the ultimate act in the name of free trade and globalization. She is the sacrificial female body that has been dedicated to the gods of production and profit. Her body may have been abducted and grossly violated by whomever found an easy target that morning but the life preceding her brutal killing already had already been defined as insignificant: a fleck in the fabric of global production.

#### Second, the Trans Pacific Partnership is the epitome of corporation destruction

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[Flowers, Margaret, and Kevin Zeese. "Everyone but China TPP Trade Deal Threatens Sovereignty and Public Ownership." Therealnews.com. Ed. Paul Jay. Real News Network, 9 Apr. 2013. Web. 22 Aug. 2013. <http://therealnews.com/t2/index.php?option=com\_content&task=view&id=767&Itemid=74&jumival=9985>.] Margaret is a Maryland pediatrician medical degree from the University of Maryland School of Medicine. She is now a writer about single payer medicare. Kevin is co-director of “It's Our Economy”, an organization that advocates for democratizing the economy. He's also an attorney who is one of the original organizers of the National Occupation of Washington, DC. He received a bachelor’s degree from the State University of New York at Buffalo. He received his J.D. from George Washington University Law School. Paul is CEO of The Real News Network. He is also an award winning documentary maker]

The Trans-Pacific Partnership, a new trade agreement that President Obama and his administration is leading the charge on, well, critics say this agreement--right now, at any rate--is a lot of Asian countries but China. And people are calling it everybody but China agreement so far, at any rate. It also, critics say, is going to increase corporate rights and decrease sovereign rights. Now joining us are two people who've been very active on this whole question. First of all, Margaret Flowers is a pediatrician from Baltimore who advocates for a single-payer health-care system, but she's been very active on the TPP issue. And Kevin Zeese. He's codirector of It's Our Economy, an organization that advocates for democratizing the economy. He's an attorney and was one of the original organizers of the national occupation of Washington. Thank you both for joining us. KEVIN ZEESE, CODIRECTOR, IT'S OUR ECONOMY: Glad to be here. MARGARET FLOWERS, CODIRECTOR, IT'S OUR ECONOMY: Thank you for having us. JAY: So, Kevin, kick us off. TPP is what and matters why? ZEESE: The Trans-Pacific Partnership has been in 16 rounds of negotiations over three years, pretty much in secret except for the 600 corporate advisers that have been working with the Obama administration to develop the terms. And it's called a trade agreement, but it's really much more than that. If you care about internet privacy, if you care about health care, financial regulation, labor rights, the environment, all these issues will be affected by the Trans-Pacific Partnership, and they'll give corporations more power than governments to control these issues, because profits will be the ultimate goal, much more important than people's necessities or protection of the planet. JAY: Which is a character of most of the free trade agreements, so-called free trade agreements, even NAFTA and some of the other ones that have been done. FLOWERS: Right. JAY: Dig into parts of the agreement, Margaret, that concern you most. FLOWERS: One of the things that's unique about this agreement is that it has something called a docking agreement. So the intention is that this may be the last trade agreement that is ever agreed to, that it may become the template for the rest of the world trade and that other countries will then dock onto it. But they have to agree to everything that's already been negotiated. And where there are about 26 chapters, what we know is what has been leaked. Out of those 26 chapters, only about five of them have to do with traditional trade. So what we see in this agreement is that it's not really about trade; it's about creating a backdoor for corporations to get some of the changes that they want. So deregulation of the financial industry, longer patent protections for the pharmaceutical industries, internet privacy restrictions, you know, these are the things that these corporations have wanted to get but they haven't been able to so far, and this is a vehicle for doing that.

#### Specifically, the impending partnership augments the corporation grasp into Mexico and releases US corporations from sweatshop-free obligations

**Cohen** **8/22** [Larry Cohen is the president of Communications Workers of America (CWA). He has been president of CWA since 2005. He is a leading voice on the need for real reform in collective bargaining, including the need for the Employee Free Choice Act, and for building workplace democracy through the “Stewards Army.” He has united workers in a broad range of sectors including high tech, public employment and customer service, CWA represents 700,000 workers in the United States, Canada and Puerto Rico. It’s one of America’s fastest growing unions. CWA members work in communications, media, airlines, manufacturing and public service, 2013, Working Families Need Fair Trade, Not Free Trade, Huffington Post, <http://www.huffingtonpost.com/larry-cohen/working-families-need-fai_b_3775696.html>, Date Accessed 8/25/13]

Working families haven't seen much of an economic recovery, and we definitely can't afford to lose more manufacturing and service jobs to yet another free trade agreement written by the State Department and multinational corporations.¶ But that is exactly where we're headed if the Trans-Pacific Partnership moves ahead unchallenged.¶ This massive trade deal would govern trade and other relationships among the United States, Japan, Australia, Vietnam, Canada, Singapore, Chile, Malaysia, Mexico, New Zealand, Peru and Brunei.¶ It's not surprising that most people haven't heard much about it. Yet, we still have a chance to make sure that this trade deal reflects the concerns of all of us, not just wealthy corporations looking for the lowest wages. and costs they can find Congress must put the brakes on TPP by stopping or changing the "fast track" process, which provides for an up-or-down vote only, with no amendments, on trade deals. ¶ The next and possibly final round of TPP trade negotiations gets underway this week in Brunei. And as was the case at other TPP bargaining sessions, the American public, journalists and even many members of Congress will be largely shut out of the process.¶ Corporate leaders and lobbyists have had full access to all the drafts and discussion. But the public, consumer groups, workers, free speech and intellectual property rights advocates, environmentalists, food safety and public health groups and others are permitted to see just a small part of the picture, if even that. That's a sharp contrast to previous trade negotiations. In 2001, the United States and 33 other countries released the draft text of the Free Trade Area of the Americas, and the World Trade Organization frequently makes its draft texts public.¶ Why the extreme secrecy? Rep. Alan Grayson (D-Fla.), one of the few people who have read the draft text of the TPP, said, "I would characterize this as a gross abrogation of American sovereignty. And I would further characterize it as a punch in the face to the middle class of America." Grayson acknowledged he was barred from publicly discussing any of the provisions. But it's clear that TPP is good news for multinational corporations and bad news for everyone else.¶ For U.S. workers, the TPP clearly would put jobs at risk, including call center, technical and other service sector jobs, as well as manufacturing work. TPP would encourage corporations to invest overseas, when we all know that every other nation promotes trade policy to encourage national investment.¶ The U.S. would be barred from implementing "Buy America" provisions, the "Press One for America" call center bill and green and sweatshop-free obligations. Foreign firms would have equal access to U.S. federal procurement contracts, meaning taxpayer dollars would be going to fund jobs abroad, not at home. Corporations would expand their work in countries like Vietnam, where workers are classified as "labor contractors" to reduce even further the meager wages workers earn and workers' rights are non-existent.¶ The TPP would result in even greater income inequality in the U.S. and would worsen the race-to-the-bottom labor and wage standards that too many corporations are chasing, from the Middle East to Vietnam. The Economic Policy Institute recently concluded, "The TPP would significantly increase the threat that rapidly growing trade deficits and job losses in the United States would be locked in if the TPP is completed."¶ Under the TPP, the future for working families is grim: An even more distressed U.S. manufacturing and service sector that drives down wages or drives out jobs. We need fair trade policies that benefit all of us. It's not too late to turn the TPP around.

#### And, maquiladoras are explicitly targeted – existing TPP advocates an infinite race to the bottom for the highest profit and allows corporations to extinguish local economies and force communities into sweatshop labor

**Vorpahl ’12** [Mark, a union steward, social justice activist, writer for Workers’ Action, anti-war and Latin American Solidarity activist, LASC is an association of national and local US-based grassroots Latin America and Caribbean solidarity groups, many of which have long histories of working with grassroots organizations throughout Latin America and the Caribbean, 7/6-8, A Global Attack by the One Percent, CounterPunch, <http://www.counterpunch.org/2012/07/06/a-global-attack-by-the-one-percent/>, Date Accessed 8/25/13]

During the week of July 1st – 7th an international cabal of corporate lobbyists has been meeting behind closed doors in San Diego. Their aim is moving the Trans-Pacific Partnership (TPP) towards completion. For over two years TPP negotiations have been in process, yet the proposals and agreements made so far have been carefully kept from public view, until recently.¶ A leaked TPP document, published at Public Citizen, has revealed what the 600 corporate advisers involved in the negotiations, including representatives from Verizon, FedEx, and Walmart, have been up to. Considering the contents of this document, it is no wonder why the public and even elected representatives have been kept in the dark.¶ Publicly the TPP is being described as a Free Trade Act (FTA). This understates its scope. While the FTAs already in existence have raked in giant profits for the corporate elite, for workers internationally they have resulted in lay offs and a race to the bottom in terms of living conditions and rights. The big business tops have been working hard to enhance the power of their moneymaking weapons of mass destruction. If NAFTA was a hand grenade, the TPP is a bunker buster.¶ What is perhaps most astonishing about the TPP is its architects’ disregard for the consequences of its destructive potential. Their greed has blinded them to the political instability and popular revolt the consequences of the TPP will create. The corporate elite imagines their rule to be absolute and eternal. Sheltered by these illusions and goaded on by the need to increase their riches regardless of social costs, they are creating a bomb that could blow them up as well.¶ Currently the countries in on the TPP are the United States, Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore and Vietnam. These countries alone are a combined market of 658 million people worth $20.5 trillion annually. (1) Canada, Japan, and Mexico are also expected to get on board. The TPP also has built in mechanisms to allow other nations to join after its ratification.¶ While China could theoretically become a member, there can be little doubt that part of the intention of this pact is for the United States to build a coalition, in which its big business interests dominate, to compete against China’s economic might. This ratcheting up of competition will result in greater political animosity. In turn, these consequences will contribute to a course towards greater conflict, including the possibility of war. This is because international capitalist competition is not determined by gentlemanly agreements, but by the law of the jungle and, frequently, brute force. While it may be a relatively simple matter for the United States to bully its economically weaker TPP partners into line, China is not so easily dominated. Other more crude and costly measures than diplomacy will be required to get the competitive upper hand and the TPP is laying the foundation for this possibility.¶ What all FTAs share in common, including the TPP, is how they open up doors for multi-national corporations to transfer operations to other nations where labor is cheaper and the profit rate is greater. In the first 10 years of NAFTA this outsourcing resulted in the net loss of 879,280 U.S. jobs. (2) Considering the greater number of countries involved in the TPP, this number of lost jobs will be all the greater.¶ In addition, for the nations these jobs are outsourced to, the results are even more devastating. The dislocation of local economies by the larger scale corporations moving in also results in greater unemployment. For instance, NAFTA resulted in the loss of 1.3 million Mexican farm jobs as U.S. agribusiness moved in (3), leaving the farmers to toil for a living in the brutal Maquiladoras or move to the U.S. for jobs where they have been persecuted as “illegal” immigrants. Even more damaging was how NAFTA accelerated the privatization of Mexico’s once strong public sector resulting in huge layoffs, wage cuts, and a dramatic drop in the countries unionization rate. Other than for a well-connected few within the developing nations signing onto the TPP, there is nothing to gain and much to lose for these countries’ citizens if this agreement is enacted.¶ Where the TPP departs from past FTAs is in the range of issues it covers and the degree it flagrantly defies national sovereignty in favor of multi-national corporate interests. Only two of the TPP’s 26 chapters have to do with trade. The rest are focused on new corporate rights, privileges and tools to override local government interests.¶ Perhaps the most controversial of these tools would be the setting up of a three attorney tribunal, with no checks on conflicts of interest, to judge foreign corporate complaints regarding government regulations in the countries they are setting up operations in. If, for instance, a foreign owned corporation argues it is losing profits because of its host nation’s overtime laws, this tribunal could rule that the country’s taxpayers owe that corporation compensation for this loss. Such costly judgments could result from any regulations including labor law, local environmental standards, financial rules, etc. In short, the TPP’s tribunal would act as the hammer of multi-national corporate interests above the power of the states’ governments they do business in. While, because of their size, U.S. based corporations have the most to gain from this arrangement, it will result in not only a greater deterioration of the living standards of those working in the U.S. but also any semblance of democracy as well.

### Plan

#### Therefore, Jonathan and I advocate the following plan:

#### The United States federal government should renegotiate NAFTA to include binding workers’ and envrionmental protections for Mexico in the agreement itself, including: mechanisms for improving basic labor standards based on International Labor Organization recommendations, assistance for local organizing education centers, and full public participation in all parts of the dispute settlement process.

### Solvency

#### NAFTA renegotiation is a crucial corrective - incorporating civil society input about NAFTA’s labor failures provides needed information to move past sterile economics

Carlsen 9 [Laura, Director of the Americas Policy Program in Mexico City, where she has been an analyst and writer for two decades. She is regular columnist for Foreign Policy In Focus, The Huffington Post, 1-12, <http://www.huffingtonpost.com/laura-carlsen/obama-reaffirms-promise-t_b_157316.html>, Date Accessed 9/8/13]

The mainstream press is wrong when it says the United States can't "unilaterally" call for renegotiation. Not only is renegotiation permitted legally -- in fact, any country can unilaterally withdraw with six months notice -- but there have been many calls for renegotiation in Canada and Mexico. Canadians have built a strong grassroots movement to protect natural resources from predatory NAFTA clauses. Broad-based citizen groups like the Council of Canadians oppose NAFTA because of the energy proportionality clause that requires Canada to export oil to the United States even in times of scarcity, the investor-state clauses that give investors the right to sue governments contained in Chapter 11, and the clause that permits bulk-water exports. Polls in the general population show that 61% favor renegotiation. In Mexico, 100,000 people marched in the streets on two separate occasions under the banner of renegotiation to revise NAFTA's agricultural provisions. They demanded protection of basic food production by removing corn and beans from the agreement. In 2003, former President Vicente Fox requested opening up the agreement only to be rebuffed by the U.S. government. For the United States, the main issue is jobs. Senator Sherrod Brown, an Ohio Democrat, cites a loss of 200,000 manufacturing jobs due to NAFTA for his state alone. The nation has lost 3.1 million manufacturing jobs since 1994, and its trade deficit with Mexico and Canada has risen to $138.5 billion in 2007 from $9.1 billion in 1993. The opposition to NAFTA within the United States goes well beyond organized labor. While job loss and insecurity under globalization were major constituency-builders in blue-collar states during the elections, polls taken before the election revealed that a national majority opposes free trade and particularly NAFTA, and that opinion increased during the campaign. A June 2008 Rasmussen nationwide poll showed 56% in favor of renegotiating NAFTA. Many people feel that NAFTA has given companies incentives to move production to where labor is cheaper, exporting jobs and eroding working conditions. In general, U.S. opposition to the trade agreement is split between fair-trade groups that focus on jobs and the environment and a nationalist rightwing that believes NAFTA and its offspring, the Security and Prosperity Partnership, threaten U.S. sovereignty through the nefarious -- and non-existent -- creation of a North American Union. Neither of these currents could properly be called "protectionist," and both call for more transparency in the process. Among the differing priorities, citizen demands concur that the current agreement favors transnational companies and is unfair to citizens in all three nations. Broadly shared priorities for renegotiation are: -- Eliminate Chapter 11. Corporations shouldn't have the right to sue governments and supersede national laws. Trade tribunals lack adequate transparency and accountability, and consistently reflect a strong, pro-corporate bias. -- End the energy proportionality clause between the United States and Canada, and exclude bulk water as a commodity. Canadian national and provincial governments should be able to fulfill their responsibilities in long-term energy planning without restrictions under NAFTA. Get NAFTA out of food and agriculture. Countries should be able to develop national agendas to assure food quality, farm livelihoods, and consumer safety and then adapt the trade agreement to those objectives rather than the reverse. NAFTA favors corporate farms and bans certain policy tools to support small farmers and consumers, including special products protections. Renegotiating the agreement's agricultural provisions shouldn't involve surgical incisions of specific clauses, but a deep reform and reorientation toward food sovereignty. End the Security and Prosperity Partnership. This 2005 NAFTA extension into further trade and investment liberalization and national security has no public mandate in any of the three countries. Further negotiations on expanding integration should be reviewed and, where approved, be channeled into open, representative talks. The U.S. military aid package it spawned, the Merida Initiative, should be converted into a development aid package for the 2010 appropriations. -- Citizen movements also call for national governments to have more development and social policy tools, many of which are prohibited under the competition and privatization terms of NAFTA. Some of these groups together produced a document of 10 areas that should be reviewed: energy, agriculture, role of the state, financial services, foreign investment, employment, migrants, environment, intellectual property, and dispute settlement. Will He or Won't He? Obama's campaign promise was explicit: "NAFTA's shortcomings were evident when signed and we must now amend the agreement to fix them." The president-elect called for enforceable labor and environmental standards in the text, an end to the ability of corporations to sue governments, and emphasizing the needs of "Main Street" over "Wall Street." But some Obama-watchers claim he's waffling on his trade commitments. Although these contentions in the pro-free-trade press are mostly wishful thinking, experts and activists are following the appointments closely. So far it has been a mixed message. The initial nomination of Bill Richardson, point-person for the passage of NAFTA under the Clinton administration, didn't sit well with fair-trade groups and elicited a sigh of relief among free-trade promoters, who instantly chalked up the president-elect's anti-NAFTA statements to electoral propaganda. Obama's economic advisors, led by Larry Summers, and appointee for Treasury, Timothy Geithner, at face value would also indicate a commitment to the status quo on trade. And when Ron Kirk, a former mayor of Dallas who proclaimed his city the "capital of NAFTA," accepted the nomination for U.S. Trade Representative, it reversed satisfaction among fair-traders at the initial nomination of Xavier Becerra, who turned down the job. Pending the new Commerce designate, that leaves Hilda Solis, Obama's nominee for Secretary of Labor, as the only real bright spot for fair-traders. A NAFTA critic, she would wield real clout since jobs will be the pivotal issue for the United States in renegotiation. As a Latina, she also has an acute understanding of the need to make NAFTA fair for all partners. Pessimistically, it's possible to imagine that the Obama presidency could end up merely adopting the Democratic platform on trade, which would stick side agreements in the text, add International Labor Organization core labor standards, and create an expanded U.S. jobs displacement program. Obama supported the U.S.-Peru Free Trade Agreement, which was modified along these lines. But the economic crisis has changed everything. Even as the Bush administration frantically -- and incredibly -- insists that free trade isn't the problem but the solution, most other countries are taking a second look at the model. As the crisis sets in, Europe wants more regulation and developing countries want more policy space. And Americans want more protection from the disaster that's currently befalling them. With every appointment, Obama has insisted he'll be the one calling the shots. For the next few weeks, then, all we really have to go on for predicting trade policy is Washington's current favorite game -- the psychic exploration of Obama's inner mind. A more productive activity for fair-traders is to pull out all the stops in the tri-national campaigns to renegotiate NAFTA and impose a moratorium on new free trade agreements. This is an historic opportunity to change course in crisis. Citizens Organize for Renegotiation Citizen organizations and legislators have called for renegotiation of NAFTA in the United States, Canada, and Mexico. The collapse of the financial sector spells the need for a reconversion strategy for the "real economy;" that is, U.S. productive capacity in the United States. This strategy will require a careful and critical look at NAFTA, our blind reliance on market forces, and the promotion of outsourcing as a competition strategy. The industrial policy that Obama outlined clashes ideologically and legally with NAFTA and other free trade agreements. It hasn't been lost on the rest of the world that the U.S. government is adopting measures such as massive subsidies and bailouts that it has sought to deny developing countries under free-trade rules. Robert Kuttner at The American Prospect refers to this as "the sin of committing industrial policy" and warns that it's only a matter of time before a trade partner registers a suit against Obama's anti-crisis measures. This would be an excellent opportunity to expose the hypocrisy of our trade policies and chart a new course. The new fair-trade members of Congress and others outside the leadership clique will provide new allies and be far more willing to move beyond the stodgy party leadership's position on trade. Some already have. The TRADE Act, introduced into Congress in April 2008, calls for a NAFTA review and lays out fair-trade principles. Meanwhile, poor countries need maximum room for maneuver to help those who are already living on the edge. Mexico is no exception. Although the current government isn't likely to willingly change neoliberal policies and accept NAFTA renegotiation, the citizenry opposes NAFTA two to one. Echoing the phrase that did in John McCain's candidacy, President Felipe Calderón continues to argue that the Mexican economy will be fine even as reports of job loss, wage declines, inflation, and capital flight pour in. In Mexico, as in the United States, only energetic measures can address the deepening crisis and growing social unrest. Renegotiation can and should be good for citizens in all three countries. With such a high degree of integration, our futures are intertwined. A recent study calculated that when Mexican real wages drop 10%, apprehensions at the border rise around 8%. Real wages in Mexico fell 24% from December 2006 to August 2008 and are plummeting now with the crisis; renegotiation should include a view toward job generation and retention in Mexico, and a compensation fund similar to the European Union's transition funds for less-developed countries. The current security aid in the ill-conceived Merida Initiative should be converted to this end. Review and Redo The first step for renegotiation must be a broad, in-depth review of NAFTA, or rather three reviews, one per country. Review bodies must be independent, representing different orientations and expertise. These should carefully define the criteria of evaluation, including social, economic, political, and cultural indicators. The U.S. TRADE Act, which also calls for a review, lists some criteria for evaluation, but we need precision. Also necessary are public consultations and other mechanisms for incorporating civil society input into the process. The review would achieve several important goals. First, it would open up a debate that in the United States had been practically dormant between NAFTA's passage and the recent presidential campaign. It also would provide valuable information on impacts. The apples-and-oranges debate on trade policy -- one side argues that NAFTA increased international trade and the other argues that international trade isn't all it's cracked up to be -- is sterile and abstract. We should be able to move beyond this debate with additional data and analysis. To convince public opinion of the case for renegotiation, at this critical moment in a process of economic integration gone awry, will require thinking about international trade and investment in the context of new economic arrangements. To do this we need to build both arguments and alliances. Renegotiation demands must be woven into comprehensive proposals for reform that have a coherent logic and go beyond NAFTA articles. Related issues include enforcing antitrust legislation, ending commodity speculation, adopting supply management mechanisms, creating grain reserves, supporting domestic food production, and building local marketing systems. The Obama statement from Jan. 12 indicates the president-elect will stand firm on renegotiating NAFTA. It may no longer be a question of "will he or won't he". To confront the crisis and establish mutual well-being in the region, the debate must move quickly now to "how and when."

#### The aff’s politicization is critical to spurring debates within the American labor movement, international cross-border organizing, working directly with women in maquiladoras and providing the basis for larger progressive coalitions.

Andrias 3 – [Kate E., Special Assistant To The President and Associate Counsel To The President, and Chief of Staff of the White House Counsel’s Office. Academic Fellow at Columbia Law School. Taught American Constitutional Law as a Visiting Professor at L'Institut d'Études Politiques - Paris, France. She has also practiced labor law and worked as a union organizer. University of San Francisco Law Review, Spring, 37 U.S.F. L. Rev. 521, Date Accessed 9/8/13]

The time since NAFTA's signing has made clear that globalization is not a passing phase in our economic system, and that this global restructuring has particular impact for women workers. It is critical that those concerned about gender equality begin to engage in and support cross-border labor organizing campaigns, and, when possible, exploit NAALC's expressive capabilities. Moreover, such groups must begin to advocate for the creation of stronger, more effective transnational labor agreements. Such organizing efforts and transnational legal provisions are essential to the existence of democracy, workers' rights, and gender equity in an increasingly transnational economy. As international law experts have argued, NAALC confronts one of the central tensions now facing the world: that which exists between nationally organized democratic regulatory frameworks and the emerging transnational nature of economic life. 154 Moreover, as often ignored by international law and NAFTA experts, this tension has gendered roots and effects. 155 Eight years after the passage of NAFTA, there are hopeful signs, at least in terms of citizen efforts to shape trade debates while connecting gender to economic rights. Faced by a sharp decline in union membership caused by the flight of the manufacturing industry, unions have increased their focus on organizing women and immigrants in the growing service sector. Shortly after the passage of NAFTA, a political struggle within the labor movement broke out. A dissident group of union leaders, expressing frustration with years of membership decline, was elected to the leadership of the federation in the first contested election in the AFL-CIO's history. 156 The new slate was headed by John Sweeney of the largely female and immigrant Service Employees International Union, Richard Trumka, former president of the United Mine Workers of America, and Linda Chavez Thompson, a Mexican-American immigrant and the child of farmworkers. [\*558] The new leadership promised increased militancy and more progressive politics. 157 Subsequently, the AFL-CIO has built an active new department focusing on women's rights, nationally and internationally. 158 Unions such as the Service Employees International Union have focused intensely on organizing in female-dominated industries such as health care and homecare. Indeed, two out of three new union members are women. 159 With increasing numbers of women in unions, the number of women in leadership positions is also increasing. The national federation has begun taking public stands in support of women's rights legislation, publicly endorsing national legislation for contraceptive equity and to protect survivors of domestic violence from unemployment and insurance discrimination, for example. 160 In addition, acutely aware of the diminished power of workers with respect to multinational corporations, parts of the American labor movement, particularly the United Electricalworkers and the Steelworkers, are beginning to engage in more international cross-border organizing, working directly with women in the maquiladoras. 161 NAALC has facilitated these cross-border efforts. 162 Further, the AFL-CIO has dramatically revised its position on immigration, putting new emphasis on the rights of immigrant workers rather than on narrow protectionism. 163 Although there is much more progress to be made within the labor movement, and although unions face significant obstacles to organizing, changes enacted since the passage of NAFTA are promising. 164 [\*559] While unions have moved in the right direction, so too have women's groups. Although few women's groups have been involved in active organizing campaigns, such as the campaigns that brought complaints under NAALC, women's NGOs have become much more active in the trade debate. Since NAFTA's passage, new NGOs have formed that are focused on trade and women workers' rights. There are now more than thirty organizations doing advocacy and policy work around women's issues in the global economy. 165 Even traditional, well-established women's organizations are beginning get involved in the issue. In May of 2002, the League of Women Voters reassessed its stance on trade, for the first time since 1973, calling specific attention to the need to improve labor conditions and guarantee core labor rights. 166 The National Council of Jewish Women formed the No Sweatshop Coalition ("NOSCO") after their conference on sweatshops in October 1996. 167 Major national women's groups, including NOW and Feminist Majority recently wrote a letter to Speaker Hastert arguing against the renewal of fast-track trade authority. 168 Such advocacy work, merging issues of trade and gender, focusing specifically on women workers in the global economy is critically important. However, much of the current NGO work posits the women as victims of exploitation and sexual harassment at work, rather than as actors engaged in their own organizational efforts; it decides priorities and advocates policies on behalf of working women, rather [\*560] than furthering the rights of those women, as workers, to organize and to determine their own priorities. 169 The focus on working women as victims in need of someone to speak for them is not only normatively troubling, it is also practically limited. It occludes the importance of worker organizations. Unionization strongly correlates with economic gains for workers, and to some extent with social rights such as child-care, health care, and paid family leave. 170 Union membership raises median weekly earnings of American workers and reduces gender based income gaps. Overall, women who are members of a labor union earn over 30% more than their non-union counterparts; African American women earn 38% more and Latina women 41% more than non-union women of the same ethnic or racial background. 171 In addition, union membership decreases the wage gap between men and women by more than 10%. 172 Union workers are also much more likely to have health care and pension benefits than non-union workers. 173 Thus, a vital labor movement in transnational female workplaces such as Mexican maquiladoras and the American service sector, is critical for advancing women's economic and social rights. Moreover, facilitating organization is essential to furthering democracy and workers' ability to participate in and affect democratic political culture. Workplace organizations, like other voluntary associations, enable civic participation and strengthen democracy. As Theda Skocpol, Marshall Ganz, and Ziad Munson write: Public life in the United States has long been rooted in voluntary membership groups as well as competitive elections. From churches and unions to social groups and reform crusades, membership associations have provided paths into active citizenship, allowing [\*561] Americans to build community, pursue shared goals, and influence social and political affairs. 174 The right to organize, the right to bargain collectively, and the right to strike run parallel to basic American political rights - the right to assemble, the right to freedom of speech, and the right to petition the government for redress of grievances. Unions are some of the most formally democratic institutions in American society, aside from actual elected bodies. They can be a space where workers learn about democracy first-hand, and, as a result, they tend to foster greater political participation. 175 Moreover, unions have historically constituted a fundamental basis for a progressive coalitions in American politics. 176 Thus, unionization in female-dominated industries has the potential not only to improve women's economic conditions, but also to give them a collective voice through which to exercise power in the democratic process. Skocpol, Ganz, and Munson warn us that the precipitous decline of organizational life in American society has dangerous implications for democracy. They urge Americans to "reimagine their democratic future and look to revitalize their shared and representative institutions not just in national politics but in associational life as well." 177 [\*562] Reconsidering their words in light of NAFTA, NAALC, and the current global economy, suggests that we must "re-imagine" organizational life not only nationally, but internationally. Foremost in the agenda of rights activists - human rights, women's rights, and labor rights alike - as well as that of sympathetic legal scholars must be to create transnational legal norms that strengthen civic participation and democratic structures. In short, efforts should focus on shaping trade agreements so that they protect the rights of workers to build effective labor organizations across borders. Only if NAALC and similar agreements include stronger organizational rights will they play a critical role in reestablishing democratic life on a transnational basis, allowing women to finally decide for themselves what rights they deserve.

#### Including labor protections in the main body of NAFTA sends a message of people over profit

Jacobs 10 \* [Cody, Attorney at Law Center to Prevent Gun Violence, Writing Program Director at Georgetown Journal on Poverty Law & Policy, Winter, 17 Geo. J. Poverty Law & Pol'y 127, Date Accessed 9/8/13]

While some would argue that imposition of "international" labor standards amounts to an intrusion on sovereignty, the United States' existing Generalized System of Preferences (GSP) already requires other developing countries to conform to "internationally recognized worker rights" in order to access special trade benefits. 90 Requiring Mexico to meet similar standards to gain NAFTA's benefits would not be a huge logical leap. A more harmonizing agreement has the advantages of being less ambiguous and setting a "floor" for labor standards to prevent a "race to the bottom." 91 The US-Jordan Free Trade Agreement (US-Jordan FTA) provides a good model of steps that could be taken in that direction. Under that agreement, both nations are required to "strive to ensure" that the law protects the labor principles recognized by both countries as members of the International Labor Organization (ILO). 92 [\*139] Failure to uphold these principles, whether through inadequate enforcement or inadequate laws, can be a ground for dispute resolutinder the agreement. 93 Additionally, by incorporating the ILO standards rather than relying solely on each country's domestic laws, the US-Jordan FTA makes it easier for the parties to determine whether there has been a violation. 94 The ILO standards have the advantage of being more specific and objective than the NAALC principles, while still broad enough to allow the US and Mexico to maintain independent systems consistent with the vast socio-economic differences between the two nations. 95 Any renegotiation of NAFTA to better protect worker's rights should follow the lead of the US-Jordan FTA by adopting binding, specific standards that uphold internationally recognized workers' rights. Even if the parties refuse to adopt uniform standards, there are still several improvements which can be made to NAALC's existing framework that would make it more effective, including: creating a non-political non-diplomatic entity to adjudicate disputes, creating incentives for private parties to bring complaints, making all labor principles equally enforceable and incorporating NAALC into NAFTA itself. NAALC's dispute resolution mechanism is reliant entirely on action by the secretary of labor in each country, a political appointee. When deciding, for example, whether to call for an ECE to be convened on a complaint or whether to stop at the ministerial consultation level, the secretary will not just consider the merits of the complaint, but also will be considering, inter alia, her country's diplomatic posture with regard to the complained against country, the ideology of her administration and the political clout of the companies, labor unions and NGOs involved in the complaint. 96 Thus, it seems clear that to provide any meaningful remedy for violations, the agreement must be overseen by an independent adjudicatory body. 97 A permanent supranational body that is more isolated from political and diplomatic concerns would be able to provide a much more neutral arbiter of the agreement as well as a source of consistent [\*140] interpretations of the agreement that diplomatic negotiations simply cannot provide. 98 However, such a supranational body will not be effective unless the victims of violations bring complaints to its attention. It is no accident that the majority of the cases brought under NAALC have been related to the right to organize; organized labor is the only group with a broad enough constituency in all three countries and enough financial resources to bring claims which will, at best, result in publicity for their cause. 99 In order to promote more broad based enforcement, the agreement must create incentives for private parties, particularly wronged workers, to bring complaints to their NAOs. For example, countries could be required to provide back-pay, re-instatement or other remedies through their domestic courts to workers who prevail in a NAALC claim. More stringent trade sanctions, equivalent to sanctions a party would face for violating NAFTA's trade provisions, could also motivate NGOs to bring complaints since stronger penalties would be more likely to achieve NGOs' policy goals. Any stronger NAALC would also have to eliminate its "tiered structure" where only three of the eleven labor principles are currently enforceable. This structure has been widely criticized since the rights to organize, bargain collectively and strike are the least enforceable, 100 even though the exercise of these rights may be the most effective way for workers to secure the other eight principles NAALC articulates and better working conditions generally. Perhaps in recognition of this flaw, subsequent U.S. labor agreements in free trade agreements have made all worker's rights equally enforceable. 101 Changing this aspect of NAALC might be one of the more uncontroversial ways to make it more effective since even ardent free traders seem to have already accepted equality of treatment among labor rights as a standard part of labor provisions in free trade agreements. Making all of the labor rights guaranteed in NAALC equally enforceable would bring it "up to speed" with modern free trade agreements and, at the very least, would be an important symbolic recognition of the equal importance of all the rights NAALC seeks to promote. Similarly, NAALC's status as a "side agreement" rather than a part of NAFTA itself is inconsistent with modern agreements, sends the wrong message symbolically and limits the potential effectiveness of NAALC's enforcement [\*141] mechanism. After NAFTA, U.S. trade agreements have generally included labor provisions in the text of the agreement rather than in a side agreement. 102 Symbolically, this inclusion sends a signal that the people making the goods in international trade are as worthy of protection as the goods themselves. 103 Incorporation into the body of an agreement sets the stage for subjecting labor rights disputes to the more effective trade dispute enforcement processes. 104 Similar to other modern free trade agreements, a new, stronger NAALC should be included within the body of NAFTA in order to recognize the agreement's importance and increase its efficacy. While making any modifications to NAFTA, particularly its labor provisions, will be an uphill battle, making any of the changes outlined above will at least take a step towards leveling the playing field for American blue collar workers and finally giving NAFTA a chance to have an unequivocally positive impact on the lives of working class Mexicans. b. Development Fund Although improving NAALC will go a help set up a more equitable legal framework for workers to assert their rights, workers lives will only improve when the infrastructure is in place in all three countries to help workers adapt to the realities of global competition. As discussed above, Mexico simply lacks much of the physical, educational and administrative infrastructure necessary to provide workers with the bargaining power to make meaningful use of the rights articulated in NAALC to improve their working conditions. Blue collar workers in the United States and to some extent Canada, even with an improved NAALC, will continue to be pushed into lower paying service sector jobs as the manufacturing sector takes advantage of still cheaper Mexican labor. 105 Therefore, it is essential that the NAFTA partners work together to help workers in all [\*142] three countries and plan for long term economic growth. Professor Stephen Zamora and other experts have proposed the creation of a North American Regional Development Fund to help ease the hardships of economic integration in all three countries. 106 The fund would require significant funding from all three countries in order to have a real impact on development, particularly in Mexico. 107 One possible source of this funding would be a tax on the multinational corporations that have seen the most benefits from NAFTA. 108 Creating this fund would be a giant step towards spreading the benefits of NAFTA more equitably and could fund worthy projects aimed at this goal. Such could be used to fund essential infrastructure projects in Mexico to improve both its physical infrastructure (i.e. transportation, water management, power generation) and social infrastructure (i.e. better schools, more effective administrative agencies, unemployment assistance). 109 But the fund would not simply be a U.S. "foreign aid" program for Mexico; it would also be a source of funding to help people in the United States hit hard by the loss of manufacturing jobs as a result of economic integration. The fund could create programs for education and job training or public works projects to give blue collar workers an opportunity to maintain the standard of living that has been slipping away from them since NAFTA's implementation. These programs will pay long term dividends for both countries: Mexican workers will enjoy a higher standard of living and greater purchasing power, increasing demand for U.S. goods; 110 Mexican migration will be reduced as the lives of the working poor improve 111 and American workers will be better able to compete, not just in NAFTA, but in the increasingly globalized economy generally. 112 V. CONCLUSION Renegotiating NAFTA will certainly be no easy task politically, but in a time when workers are already reeling from the global economic crisis, the imperative has never been clearer. Reflexive protectionism is not efficacious or realistic, and [\*143] workers may have been even worse off had the United States and Mexico gone the Ross Perot route. Over the last fifteen years, NAFTA has proven to be a rapid creator of economic growth, but proper measures are needed to make sure this growth is shared equitably. NAFTA's future success should not be measured in GDP or corporate profits but should be measured by the living standards of workers--from farmers in Oaxaca to factory workers in Ohio. Empowering workers with rights and giving them the structural tools they need to exercise these rights in a meaningful way is an important step in this direction.

#### The aff is critical to larger labor movements – Cross-border labor collaboration is in doubt because activists have no faith in current labor protections. Current NAFTA-induced constraints are too effective at preventing status quo criticisms of neoliberalism from succeeding.

Ayres 4 [Jeffrey, Political Science Department Chair and Environmental Studies Program Director, Professor of Political Science. Studies in Political Economy, POWER RELATIONS UNDER NAFTA: REASSESSING THE EFFICACY OF CONTENTIOUS TRANSNATIONALISM 74, Date Accessed 9/8/13]

Other types of cross-border solidarity actions not limited to close border collaboration include the efforts of the Workers Rights Consortium and the United Students Against Sweatshops in supporting striking Mexican workers at assembly plants across Mexico.37 The explosive growth in foreignowned, low-wage assembly plants in Mexico since the implementation of NAFTA has subsequently encouraged further campaigns to stretch corporate codes of conduct across borders. In the ten years since NAFTA’s inception, civil society groups’ crossborder actions have expanded the national power repertoire. The evolving patterns of contentious transnationalism have attracted considerable attention, and why not? There have been unexpected advances in civic cooperation and innovative tactics for challenging the state prioritization of neoliberal principles across the region. Novel cooperation has emerged through the exploitation of side-agreement institutions, through the construction of cross-border solidarity networks, and through coordinated protests and strikes. These forms of cooperation have encouraged the spread of information about consumer, labour, and environmental practices in all three NAFTA states. This contentious transnationalism has also been a fruitful site for the sharing of national struggles and campaigns against privatization schemes, and trade and investment liberalization. However, the long-term potential for the NAALC and the NAAEC to sustain cross-border civil society collaboration, or promote greater policy convergence between the three NAFTA countries, is in doubt. There has been a decline in citizen submissions to the NAALC and NAAEC, which underscores the limitations of these regional institutions as they exist today for advancing civil society complaints.38 Civil society actors have become disillusioned with the weaknesses of the institutions and have shunned participation in the process. Ultimately, these institutions are severely limited in their capacity to promote any sort of labour or environmental regulatory regime under NAFTA. Moreover, these institutions hold less potential for helping popular sector forces exercise political and economic leverage under a neoliberal-oriented regime that is geared towards promoting a deregulated environment for investors and capital accumulation. At the same time, while there are some notable achievements in cross-border collaboration — the Echlin-Dana Workers Alliance and the Coalition for Justice in the Maquiladoras come immediately to mind — there remain significant asymmetries and built-in conflicts of interest between sectors and across the civil societies of the three NAFTA states.39 Outside of the more developed partnerships along the US-Mexican border, cross-border partnerships have been difficult to sustain and have had limited impact on advancing popular sector claims.40 Second Assessment: Power Shift Under NAFTA Despite the development of a more flexible protest repertoire marking shifts towards increased episodes of contentious transnationalism across North America, the balance of power under NAFTA has continued to shift markedly. The capacity for working people to effectively exercise political and economic power across the continent has diminished, despite innovations in power strategies designed to challenge neoliberal restructuring. With NAFTA, investors have gained a variety of specific new rights that have advanced capital mobility, and enhanced efficiency and profit accumulation. No corresponding rights were accorded to working people. What NAFTA represents is a ten-year exercise in advancing the interests of capital, strategically facilitating opportunities for downsizing, outsourcing, and factory relocation in the face of still nationally situated and relatively immobile workers. The following section of this article suggests some of the ways in which the changing economic conditions across the continent under NAFTA have differently affected the power capacities of capital and working people. Enhancement of Investor Rights Perhaps the most obvious example of a NAFTA-induced constraint is the creation of specific rights granted to investors and holders of private property. The now well-known and contentious NAFTA Chapter 11 “investor-state” clause gives investors the right to seek compensation by suing governments over public interest laws that might undermine profits.41 Aside from the largely ineffective labour-side agreement, NAFTA by contrast is silent on labour rights, and has not in any way over the past ten years helped workers in campaigns to unionize or bargain collectively over wages. Rather, it seems clear that this investor state clause has helped corporations sue over “indirect expropriation,” and has possibly discouraged governments from passing new public interest laws.42 This has created a context where nearly any government action that might hinder profits is subject to complaint and compensation.43 Even more broadly, NAFTA has accelerated the mobility of goods and capital, while doing little to promote labour mobility across the continent. NAFTA has privileged the relocation of factories and jobs as well as the privatization of essential services. While limitations on the regulation of foreign investors have become a continent-wide norm, it is arguably most apparent in Mexico.44 Under NAFTA, the Mexican government is prevented from adopting local content policies or procurement preferences, undermining the capacity for small- and medium-sized businesses to compete with larger, foreign multinational corporations.45 Enhanced Capacity to Outsource or Relocate NAFTA has encouraged the development of a significantly more flexible labour market across the continent. Clearly one consequence of this more flexible labour regime is the enhanced power gained by management and investors to either threaten or actually undertake the relocation of production facilities. As the Carnegie Endowment for International Peace has noted in its recent study, NAFTA’s Promise and Reality, it is “likely that the relative bargaining power of labor is reduced by the possibility of outsourcing or plant relocation, even when it does not actually occur.”46 Indeed, another study concluded that the threat of closing and moving factories to Mexico has been a tactic used by management to beat back unionization drives, and in bargaining with workers over working conditions and wages;47 more broadly, NAFTA-induced trade and investment liberalization, which has given management such greater leverage to threaten or implement job relocation, has helped to undermine job quality, suppress wages, and lower unionization rates.48

#### Public debate and documentation of NAFTA’s impact is critical to move past the logic of markets and to force the government to live up to its promises, rolling back the current model of NAFTA

Carlsen 9 [Laura is Director of the Americas Program of the Center for International Policy, A Pressing Case for NAFTA Review and Renegotiation, 9-9, <http://www.cipamericas.org/archives/5617#sthash.E7Fh3OOD.dpuf>, Date Accessed 9/8/13]

Over a thousand people protested outside the North American Summit. They were kept at a distance. Police cordoned off several blocks around the meeting to prevent any uncomfortable contact between the leaders and their subjects. Relegated once again to the sidelines, environmental, fair trade, and labor organizations called for renegotiation of NAFTA. By law, there’s no question that NAFTA can be renegotiated. The citizen movements and unions that demand renegotiation of NAFTA aren’t asking for an end to international trade. They ask that government incentives to move production overseas be eliminated and that economic sectors that can’t compete on the international market but are vital in generating decent jobs be given a chance to survive. Now, with the crisis, citizens in all countries have increased the demand for governments to adopt more local development and social programs of the kind prohibited under the competition and privatization terms of NAFTA. Each country in the NAFTA agreement has its particular interests to pursue. In the United States, President Obama as candidate echoed citizen demands when he said: "We must add binding obligations to the NAFTA agreement to protect the right to collective bargaining and other core labor standards recognized by the International Labor Organization. Similarly we must add binding environmental standards so that companies from one country cannot gain an economic advantage by destroying the environment. And we should amend NAFTA to make clear that fair laws and regulations written to protect citizens in any of the three countries cannot be overridden simply at the request of foreign investors." Now the problem appears to be in the details and the timing. Obama said before the summit that renegotiation would not be on the table, stating that he "has a lot on his plate right now" with healthcare, energy, and financial reforms, and the need to stabilize the economy before opening up a long debate on NAFTA renegotiation. But the economic crisis and the debate reopened by the Obama presidency offer the opportunity to make some needed changes to an obsolete agreement. The Obama presidency could end up merely adopting the Democratic platform on trade, which stipulates making the labor and environment agreements part of the main text and adding the core labor standards of the International Labor Organization, as well as create an expanded U.S. jobs displacement program. Obama voted for the U.S.-Peru Free Trade Agreement that was modified along these lines. It’s not at all clear that this format will have more teeth than the current NAFTA rules. The current rules have never allowed a single case to move to sanctions, no matter how blatant the violations. Grassroots citizen organizations will be a critical factor in forcing the administration to live up to its promises in reforming the trade pact. On the Canadian side, civil society organizations demand the elimination of the proportionality clause that requires Canada to send oil to the United States even in times of scarcity. They also call on their government to eliminate the Ch. 11 investor-state clauses that give investors the right to sue governments. This chapter is controversial in all three countries because corporations are using it to override health and security laws that interfere with their "present or future earnings." The peculiar legal structure—outside all national judicial systems—not only allows private corporations to sue governments for a broad range of supposed grievances, but it is also clearly skewed; a recent review showed that special trade tribunals have ruled in favor of corporations in the overwhelming majority of the cases. In Mexico, a broad popular movement has called for renegotiation of NAFTA’s agricultural chapter with an eye toward protecting basic food production and removing corn and beans from the agreement altogether. They demand the right to regulate the food system so both consumers and producers have access to decent work and sustenance. Finally, citizen groups demand an end to the Security and Prosperity Partnership (SPP)—sometimes known as the "NAFTA Plus" agreement. There are indications that the SPP may, in fact, be at the end of its political lifespan. The ill-conceived pact between the leaders of the three governments was engineered by the Bush administration as a regional counterterrorism cooperation plan and a way of deepening NAFTA integration without congressional or public oversight. It allows the United States to police Mexico’s southern border, increase surveillance, and deepen economic integration. No members of civil society are invited to participate regularly in the many working groups, which are made up of representatives from transnational corporations and governments. Since both the right and the left in the United States repudiate it, there is talk that the SPP will be revoked or restructured soon. The first step toward renegotiating NAFTA must be a comprehensive study of impact in all three countries. In the United States, Senator Sherrod Brown (D-OH) and Rep. Mike Michaud (D-ME) have authored the Trade Reform, Accountability, Development, and Employment (TRADE) Act and presented it to Congress. The TRADE Act calls for a NAFTA review and lays out fair trade principles for moving forward. This act mandates the government to include not only trade figures in the study, but also jobs and job loss, labor standards and conditions, consumer safety, and environmental impacts. The TRADE Act was re-introduced in Congress on June 24 and currently has 116 sponsors. Rethinking NAFTA must include the facts on the impact and consequences of the great experiment that have so far not been reported and analyzed. The review should be independent and allow for public consultation and input. It must have carefully defined criteria of evaluation, including social, economic, political, and cultural indicators and a mechanism for receiving civil society analysis and presenting that as part of the process. To break through the leaders’ denial and delay tactics to move toward a thorough assessing and revamping of NAFTA will require broad-based citizen movements. In Mexico, farmers’ movements have held major demonstrations, several with over 100,000 people in the streets, calling to remove corn and beans from the agreement to be able to manage Mexico’s most basic food supply. After the first march in January of 2003, then-President Vicente Fox asked for a renegotiation and the U.S. government said no. Fox immediately dropped the request. Current president Felipe Calderon—a strict neoliberal—opposes renegotiation. In the United States, President Obama’s oft-repeated line that "NAFTA helped Wall Street and hurt Main Street" contains an understanding that the agreement is flawed because of its pro-corporate orientation and not just because it contains a few bad clauses or unforeseen consequences, but he has put the issue of renegotiation on the back burner. Citizen movements continue to push for renegotiation while competing with a number of major issues for visibility. Canadians, U.S. citizens, and Mexicans need public debates to determine their own priorities and national strategies to reform policies, relieve suffering and poverty, and build alternative structures. It will be the convergence of these strategies from citizens of all three nations that enable us to join together and rollback the current NAFTA model.

#### The plan’s effects do not end in Mexico – the reformation of NAFTA’s labor protections is critical to ensuring stronger ones in future trade negotiations

Delp et al. 4 [Linda, Project Director, UCLA Center for Labor Research & Education, Marisol Arriaga and Guadalupe Palma, Graduates of UCLA Law School, Haydee Urita, Graduate, UCLA Department of Urban Planning and Latin American Studies, and Abel Valenzuela, Associate Professor, UCLA Department of Urban Planning and Chair, Cesar Chavez Center for Chicano Studies, “NAFTA’’S LABOR SIDE AGREEMENT: Fading into Oblivion? An Assessment of Workplace Health & Safety Cases”, UCLA CENTER FOR LABOR RESEARCH AND EDUCATION, http://www.labor.ucla.edu/publications/pdf/nafta.pdf]\

\*NAALC = NAFTA’s side agreement which contains labor protections, Date Accessed 9/8/13

One government representative expressed an optimistic long-term view of the NAALC: ““this may be a step towards different types of agreements in the future if we look at it as part of an ongoing evolution.”” (Canadian government representative) However, this potential evolution has been stymied by the governments’’ failure to use the agreement to its full potential. With the transfer of the Autotrim/Customtrim and other cases to a government-to-government Working Group, the partner governments have themselves effectively abandoned the NAALC submission process. 􀂃􀀃 Submitters likewise are abandoning the process. They are disillusioned and frustrated by the weak outcomes of ministerial consultations and the governments’’ refusal to further pursue even the best-documented cases. How many of these cases can you file. . .When something’’s new it has a lot of attention . . .but if you have another case filed. . .they’’re going to get the same experts to write the same report . . .With the first cases, there was scrutiny and energy about whether this thing was going to be effective but how many times can you keep doing it? (U.S. union representative) Unfortunately you need a lot of time and money to use these tools [the NAALC] . . .participating in the hearing [in Mexico] was very expensive . . .you lose days from work, so economically it affects each worker because unfortunately we live day to day. . .the complaints are very costly because you have to travel, have to collect all the information . . . (Mexican immigrant packinghouse worker, Washington State Apple case) 􀂃􀀃 The political, historic moment for using the NAALC as leverage to improve workers’’ conditions appears to have passed. The limited positive outcomes from previous NAALC cases –– the sunshine effect and cross-border dialogue –– have been undermined by a lack of political will to resolve the problems identified and by a refusal to include workers in government dialogue to resolve those problems. 􀂃􀀃 The NAALC is no longer a viable tool under the current political climate and is in danger of fading into oblivion if lessons learned are not applied to improve the NAALC and future agreements. Recommendations: Political will to improve the NAALC as follows is critical if it is to function as a viable tool: 􀂃􀀃 Streamline the process by incorporating deadlines. 􀂃􀀃 Establish an Evaluation Committee of Experts (ECE), the next step in the NAALC process, to examine the Autotrim/Customtrim case.7 􀂃􀀃 Openly evaluate the NAALC’’s effectiveness at 10 years, actively soliciting written input and testimony from submitters, with a commitment to improve the current NAALC process and future trade agreements.8 Lessons from the NAALC have important implications for trade negotiations and for global activists: 􀂃􀀃 Build workers’ rights into trade agreements rather than attaching them as a side agreement with no enforcement mechanism. 􀂃􀀃 Expand cross-border solidarity efforts: If the maquiladoras go [from here] to another country, we ought to tell them what happened here, what they too can expect . . .to begin to spread the struggle to the whole world. (Mexican workers) [We need] an international pact between workers. We would not handle goods unless they met the labor standards and child labor laws of the country of origin . . .This pact would be enforced by an international delegation of workers to certify goods and if goods that aren’’t certified come into a port, we would just leave them on the dock or the truck. We don’’t need any big complicated bureaucracy to administer that…… (U.S. union representative)

#### And, NAALC’s enforcement mechanism and regulations are a model for the post-NAFTA trade agreements – specifically the TPP

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The labor chapter of the NAFTA, which is actually a side agreement to the main FTA called the North American Agreement on Labor Cooperation, has been considered to be one of the most flawed aspects of the NAFTA arrangement. On the one hand, the NAALC is a template for subsequent labor chapters in U.S. free trade agreements, with the NAALC’s requirement to “effectively enforce labor laws” remaining a cornerstone of labor chapters of U.S. FTAs with Jordan, Morocco, Bahrain, Oman, all 5 Central American nations and the Dominican Republic, Colombia, Panama and South Korea - as well as the labor chapters of FTAs the U.S. has with TPP member states Chile, Singapore, Australia and Peru. On the other hand, since the U.S.-Jordan FTA was finalized in 2000, labor (and environmental) provisions have been incorporated directly into the main text of U.S. FTAs. Post-NAFTA U.S. FTA labor chapters have also left behind the artifice of a hierarchy of labor rights set forth under the NAALC under which freedom of association, the right to collective bargaining and the right to strike form a tier of rights subject to minimal enforcement under the NAALC while minimum wage, child labor and occupational safety and health are part of a different tier of rights for which member states could potentially be liable for trade sanctions for enforcement failures (though this potentiality has never reached actuality during the 18 years of the NAFTA’s existence).¶ Similarly, while the NAALC does not refer to international labor standards, all subsequent U.S. FTAs obligate signatories to comply with core labor standards set forth by the International Labor Organization (freedom of association and the right to collective bargaining, protection from workplace discrimination, child labor protections and occupational safety and health protections). While the NAALC has its own rather precious enforcement mechanism separate from the dispute resolution mechanisms of the NAFTA, subsequent U.S. FTAs make violations of the labor chapter subject to some variation of the main trade enforcement mechanism of the FTA. For example, labor petitions under the Central American-Dominican Republic FTA are subject to international arbitration. The arbitration process has been invoked with regard to a 2006 labor petition filed in relation to Guatemala under the CAFTA-DR. The first tier of review of labor-related petitions under post-NAFTA FTAs is the same as that for the NAALC, however, with review conducted by “National Administrative Offices” or “National Contact Points” within member states’ labor ministries.¶ With all its faults, however, it is arguable that the NAALC is one of the few international agreements under which the U.S. is subject to any meaningful international scrutiny for its labor practices, especially those involving immigrant workers, and that the Government of Mexico is the only entity with the clout and moxy to engage in such scrutiny, no matter how diplomatically couched NAALC reports prepared by the Government of Mexico may be. The NAALC is also the only U.S. FTA labor chapter to explicitly provide protection for migrant workers (a provision inserted by Mexico during the negotiation process), and one of a few modern U.S. FTA labor chapters that does not attempt to exclude application to sub-federal entities such as U.S. states or Canadian provinces. Over the years, Mexico has accepted and reviewed 9 labor petitions alleging the U.S. and various U.S. states have failed to effectively enforce labor laws in connection with immigrant workers, challenging the U.S. to better protect Mexican and non-Mexican immigrant workers alike. Currently, the the Government of Mexico is reviewing a petition filed by the Service Employees International Union that alleges recent anti-immigration legislation passed by the State of Alabama violates the NAALC. The NAFTA member states are entering an interesting phase in their relationship with one another as they become a part of the TPP, especially when it comes to labor issues. While the U.S. has not always recognized the fact that the Government of Mexico is more than its equal and a worthy adversary in disputes such as the NAFTA Trucking Dispute and with regard to NAALC labor petitions, Mexico’s record over the past 18 years speaks for itself, especially in the fact that Mexico boldly raised duties on U.S. agricultural and industrial products in retaliation for U.S. failure to comply with NAFTA trucking provisions. Unfortunately for many international human and labor rights advocates, one of the areas in which the Government of Mexico has been particularly successful is in deftly blocking efforts by the U.S. Government to interfere in Mexican labor affairs. While it has always been a misleading mischaracterization to describe Mexico as a country without labor standards, the Mexican labor market and labor administration systems have some persistent and somewhat intractable flaws, especially the widespread protection contract practice whereby employers enter into collective bargaining agreements with trade unions without genuine and effective participation of the workers themselves. This system has remained largely intact since the advent of the NAFTA and the NAALC in part due to the deft and sophisticated maneuvering of the Government of Mexico. This deft maneuvering is spurred in part by the well-founded fear of Mexican policy-makers that labor conditionality in an FTA with the U.S. might mean the devolution of labor laws to what many Mexicans and others throughout the world deem to be poor labor standards in the U.S. such as inadequate protection against unfair termination from employment and the lack of requirement that maternity leave be paid.

#### And, educating the public about the TPP is key – this exact debate room is a perfect example of a starting point for the political movement that must take root in order to combat corporatism – specifically, this spillsover into international movements that organize in the people’s interest.

**Vorpahl ’12** [Mark, a union steward, social justice activist, writer for Workers’ Action, anti-war and Latin American Solidarity activist, LASC is an association of national and local US-based grassroots Latin America and Caribbean solidarity groups, many of which have long histories of working with grassroots organizations throughout Latin America and the Caribbean, 7/6-8, A Global Attack by the One Percent, CounterPunch, <http://www.counterpunch.org/2012/07/06/a-global-attack-by-the-one-percent/>, Date Accessed 8/25/13]

During the week of July 1st – 7th an international cabal of corporate lobbyists has been meeting behind closed doors in San Diego. Their aim is moving the Trans-Pacific Partnership (TPP) towards completion. For over two years TPP negotiations have been in process, yet the proposals and agreements made so far have been carefully kept from public view, until recently.¶ A leaked TPP document, published at Public Citizen, has revealed what the 600 corporate advisers involved in the negotiations, including representatives from Verizon, FedEx, and Walmart, have been up to. Considering the contents of this document, it is no wonder why the public and even elected representatives have been kept in the dark.¶ Publicly the TPP is being described as a Free Trade Act (FTA). This understates its scope. While the FTAs already in existence have raked in giant profits for the corporate elite, for workers internationally they have resulted in lay offs and a race to the bottom in terms of living conditions and rights. The big business tops have been working hard to enhance the power of their moneymaking weapons of mass destruction. If NAFTA was a hand grenade, the TPP is a bunker buster.¶ What is perhaps most astonishing about the TPP is its architects’ disregard for the consequences of its destructive potential. Their greed has blinded them to the political instability and popular revolt the consequences of the TPP will create. The corporate elite imagines their rule to be absolute and eternal. Sheltered by these illusions and goaded on by the need to increase their riches regardless of social costs, they are creating a bomb that could blow them up as well.¶ Currently the countries in on the TPP are the United States, Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore and Vietnam. These countries alone are a combined market of 658 million people worth $20.5 trillion annually. (1) Canada, Japan, and Mexico are also expected to get on board. The TPP also has built in mechanisms to allow other nations to join after its ratification.¶ While China could theoretically become a member, there can be little doubt that part of the intention of this pact is for the United States to build a coalition, in which its big business interests dominate, to compete against China’s economic might. This ratcheting up of competition will result in greater political animosity. In turn, these consequences will contribute to a course towards greater conflict, including the possibility of war. This is because international capitalist competition is not determined by gentlemanly agreements, but by the law of the jungle and, frequently, brute force. While it may be a relatively simple matter for the United States to bully its economically weaker TPP partners into line, China is not so easily dominated. Other more crude and costly measures than diplomacy will be required to get the competitive upper hand and the TPP is laying the foundation for this possibility.¶ What all FTAs share in common, including the TPP, is how they open up doors for multi-national corporations to transfer operations to other nations where labor is cheaper and the profit rate is greater. In the first 10 years of NAFTA this outsourcing resulted in the net loss of 879,280 U.S. jobs. (2) Considering the greater number of countries involved in the TPP, this number of lost jobs will be all the greater.¶ In addition, for the nations these jobs are outsourced to, the results are even more devastating. The dislocation of local economies by the larger scale corporations moving in also results in greater unemployment. For instance, NAFTA resulted in the loss of 1.3 million Mexican farm jobs as U.S. agribusiness moved in (3), leaving the farmers to toil for a living in the brutal Maquiladoras or move to the U.S. for jobs where they have been persecuted as “illegal” immigrants. Even more damaging was how NAFTA accelerated the privatization of Mexico’s once strong public sector resulting in huge layoffs, wage cuts, and a dramatic drop in the countries unionization rate. Other than for a well-connected few within the developing nations signing onto the TPP, there is nothing to gain and much to lose for these countries’ citizens if this agreement is enacted.¶ Where the TPP departs from past FTAs is in the range of issues it covers and the degree it flagrantly defies national sovereignty in favor of multi-national corporate interests. Only two of the TPP’s 26 chapters have to do with trade. The rest are focused on new corporate rights, privileges and tools to override local government interests.¶ Perhaps the most controversial of these tools would be the setting up of a three attorney tribunal, with no checks on conflicts of interest, to judge foreign corporate complaints regarding government regulations in the countries they are setting up operations in. If, for instance, a foreign owned corporation argues it is losing profits because of its host nation’s overtime laws, this tribunal could rule that the country’s taxpayers owe that corporation compensation for this loss. Such costly judgments could result from any regulations including labor law, local environmental standards, financial rules, etc. In short, the TPP’s tribunal would act as the hammer of multi-national corporate interests above the power of the states’ governments they do business in. While, because of their size, U.S. based corporations have the most to gain from this arrangement, it will result in not only a greater deterioration of the living standards of those working in the U.S. but also any semblance of democracy as well.¶ As negotiated under the Obama administration by U.S. trade representative Ron Kirkland, the TPP is extremist. Public interest and national sovereignty are sacrificed on the altar of a corporate agenda to a degree that it is doubtful a Republican president could get away with. Should it be passed into law, revolts against its effects are likely. This will set into motion events that will not go as planned by the 1% behind the measure.¶ The time is now to start trying to defeat the TPP. Currently, many of the organizations expressing concerns about it, including the AFL-CIO leadership, are limiting the fightback to pressuring the Obama administration to amend or drop the TPP. It should first be demanded that the agreements and proposals regarding the TPP are open for all to see. The public needs to be educated about its effects. If such efforts are linked to a mass action campaign for jobs – not cuts, it would go a long way towards creating a grass roots political movement that could take on this extremist 1 percent agreement.¶ Such a movement cannot afford to counter the TPP with an equally reactionary protectionist program. Currently, this is the position put forward by the AFL-CIO leadership and their “buy America made” slogan. At first glance, it appears to be common sense for many rank and file U.S. workers. “If we want to prevent the off shoring of American jobs we should only buy products made at home” goes the reasoning. However, there are several problems with this line that undercut our ability to combat the TPP.¶ One problem is that there are very few products that are made exclusively in the U.S. The division of labor to produce even most “American made” commodities is international in scale. Otherwise, few if any of the corporations that make them would be able to survive. Therefore, the logic behind this protectionist slogan is utopian, harking back to a long gone time before the economy became such a globally dependent system.¶ There are other more pernicious consequences to protectionism, however. It fosters jingoistic “America first” attitudes that, as political tensions increase between economically competing nations, can easily be manipulated into support for military adventures that are against the 99% interests. In addition, even if U.S. jobs are being protected by such measures as tariffs against foreign competitors, this, in effect, exports unemployment and divides the working class by nationality. If extremist 1% measures are to be defeated, it can only be done by a political policy that unites the 99% across national boundaries. Protectionism creates just the opposite.¶ Workers need their own international campaign to fight the TPP. The labor movement in the U.S. could begin by linking up with other union and community groups from the nations signing onto it. An international conference could be set up to share information, assist one another in their efforts to combat the TPP, and plan for joint actions. However, in order for such a conference to not be limited to purely symbolic value, serious efforts must be dedicated towards turning the ideas coming out of it into a physical force through mass organizing.¶ The passage of NAFTA was a defeat for workers that we are still suffering from in a big way. Labor and its allies were unprepared to effectively fight it, though there were notable solidarity efforts between U.S. and Mexican unions. The stakes are even higher with the TPP. Statesman like appeals to President Clinton by labor to drop or, at least, reform NAFTA did no good. Likewise, similar appeals to President Obama, especially after the passage of the Korean, Colombian, and Panama FTAs, will leave us saddled with the TPP. The unions need leverage to defeat the TPP, and that leverage comes from mass organizing and action.

#### And, TPP solvency spillsover sets an international precedence for a brand new model of trade – FAIR TRADE NOT FREE TRADE

**Zeese and Flowers 7/10** [Kevin, co-director of It’s Our Economy, organizer of National Occupation of Washington DC, one of the original organizers of Occupy movement, President of Common Sense for Drug Policy, Lawyer, Margaret, co-director of It’s Our Economy, Co-host of Clearing the FOG radio, Degree from University Maryland School of Medicine in 1990 and John Hopkins Hospital, advocate of single payer health care system, 2013, Stopping the Trans-Pacific Partnership: Global Revolt Against Corporate Domination, Truthout, <http://www.truth-out.org/news/item/17472-stopping-the-tpp-a-victory-in-the-global-revolt-against-corporate-domination?6>, Date Accessed 8/31/13]

Ushering in a New Era of Fair Trade¶ If the TPP, and its sister TTIP, are prevented from going forward as intended, this could bring in a new era of fair trade that respects the rights of people and the planet. Free trade agreements have been proven to be flawed models for trade because in addition to accelerating the downward trends in worker rights and environmental protection, they also increase the US’ trade deficit.¶ The 2012 trade data reveal that for countries with which the US has a trade agreement, the trade deficit increased by 440 percent. At the same time, the trade deficit decreased slightly for countries with which the US does not have a trade agreement. And the US already has trade agreements that cover 90 percent of the GDP of the countries involved in the TPP.¶ These numbers alone should tell us that the TPP is not really about trade. It is actually a back door for corporations to get laws passed that are in their favor and that could not pass Congress under a democratic process. McIntyre refers to ‘Free Trade” as ‘De-regulated International Commerce.’ Most of the trade in these trade agreements is happening through global corporate supply chains that go wherever the resources and labor are the cheapest.¶ Not only does de-regulated trade harm the environment by allowing corporations to settle where environmental laws are the most lax and making new laws difficult to pass, but it leads to hundreds of thousands of jobs leaving the US. The TPP is often referred to as ‘NAFTA on steroids.’ It is estimated that close to 700,000 jobs were lost from the US due to NAFTA alone. The TPP will make it easier for transnational corporations to re-locate where labor is the cheapest, which drives down wages and working conditions for everyone. Free trade agreements escalate wealth inequality worldwide.¶ One group of workers at a paper mill in the Northwest whose jobs were sent overseas visited the new paper mill and found that not only had they lost their jobs, but all of their hard-won concessions for worker rights and environmental safety were also lost in the transfer.¶ This is why there is an opportunity for global solidarity to stop this flawed model of trade. Important questions that must be answered going forward are why corporations are given rights that people don’t have and why corporations are not held liable for the harmful effects of mines and factories in their global supply chains. It is time to put a pause on trade agreements that further the free trade model until these and other issues are sorted out.¶ Fair trade coalitions are calling for sensible trade processes that are grounded in transparency and democracy. This means that all groups affected by the agreement must be involved in the negotiations in a fair and equitable way. And fair trade means that the rights of people and the planet come first, before corporate profits with people empowered to enforce those requirements.

#### Spotlighting solves for 3 reasons – activist groups, media scrutiny, and consumer backlash – it also spills over to affect the entire economy

Greenhill, et. al 9 (Brian Greenhill is Ph.D. candidate, Department of Political Science, University of Washington–Seattle, Layna Mosley is Associate Professor, Department of Political Science, University of North Carolina at Chapel Hill, and Aseem Prakash is Professor, Department of Political Science, University of Washington–Seattle. “Trade-based Diffusion of Labor Rights: A Panel Study, 1986–2002” American Political Science Review Vol. 103, No. 4 November 2009.)

An important dimension of recent economic integration is the globalization of production networks. Most corporations tend to source a large percentage of their inputs, components, and, in some cases, even ﬁnished products, from overseas suppliers. Alongside, multinational corporations have come under pressure from avariety of directions—such as shareholders, nongovernmental organizations (NGOs), and consumers—to ensure ethical conduct and practices within their supply chains (Becker and Sklar 1999; Prakash and Potoski 2007; Spar and LaMure 2003). For many ﬁrms, the threat of political action by activist groups in importing countries concerned about buying goods from countries that suppress labor rights, the ensuing media scrutiny, and the possibility of consumer backlash create strong incentives to pay attention to labor issues abroad. These incentives often exist even when multinational ﬁrms use subcontractors, rather than directly owned production facilities, to carry out their overseas operations. For instance, during the past decade, ﬁrms in the apparel and footwear industries have faced increasing pressure to disclose their factory locations and to oversee workers’ rights in such locations (Bartley 2005). Similar dynamics exist within the carpet industry (Siedman 2007). Moreover, shareholder activism by ethically focused investment funds, as well as large institutional investors such as Calpers, encourages ﬁrms to adopt codes of corporate social responsibility whose obligations extend to their overseas subsidiaries and suppliers (O’Rourke 2003). By establishing explicit corporate policies unilaterally or via their membership in voluntary labor codes, importing ﬁrms seek to ensure that their overseas subsidiaries and subcontractors respect labor rights. Furthermore, we expect multinationals’ attention to labor rights within their supply chains to spill over to local ﬁrms as well. There is ample evidence that multinational ﬁrms often bring their “best practices” to developing nations, and that because of the sizable externalities multinationals create in host economies, these practices are often adopted throughout the economy (Garcia-Johnson 2000; Moran, Graham, and Blomstrom 2005). In the context of China, Guthrie (2006) documents how local suppliers of multinational corporations, as well as local ﬁrms that want to join these international production networks, have initiated improvements in working conditions and workers’ rights (e.g., instituting formal grievance procedures) at the factory level. These micro-level changes, Guthrie suggests, are supported by macro-level institutional changes such as the establishment of the Labor Arbitration Commission; reformers in China have used globalization as an argument to push through domestic reforms

#### And, a universal standard for labor rights is necessary in which the organization’s standards and expertise are universally recognized. The International Labor Organization is a perfect example of this – it has an excellent dispute system and enforcement mechanism

Alternatives for the Americas 98 [second draft of a document initially prepared for the April 1998 Peoples' Summit of the Americas-a historic gathering of activists determined to change the prevailing approach to trade and investment policy in the Western Hemisphere. Building a People's Hemispheric Agreement, <http://www.iatp.org/files/Alternatives_for_the_Americas_Building_a_Peopl.htm>, Date Accessed 8/27/13]

Naturally, such a workers' rights provision would be effective only to the extent that it were accompanied by an effective monitoring and enforcement mechanism. We propose that the monitoring function, as well as that of making recommendations regarding the application of specific enforcement measures, be delegated to the ILO, whose expertise in the field of monitoring the application of international labour standards is universally recognized. The complaints-based procedure that the ILO currently uses for keeping track of the respect of the freedom of association Conventions would be used for the Americas' workers' rights clause. That is to say, unions or other non-governmental organizations could initiate an examination procedure by the ILO by lodging a complaint to the latter when fundamental rights contained in the core Conventions are violated. The ILO would, at a first stage, carry out an investigation to verify whether or not the Conventions have in fact been violated. In cases where the Conventions are confirmed to have been violated, the ILO would, at a second stage, formulate recommendations to the country to assist it in complying with the Conventions which have not been respected. Only if this second stage were unsuccessful would the enforcement mechanism be applied, which is to say that the direct perpetrator of the violations would be deprived of specific benefits of the accord, i.e., through trade sanctions. To the extent that the perpetrator of the violation was a specific company, any specific sanctions would be directly targeted at that company. For example, if an auto-parts manufacturer in Country A were found to have violated the rights of freedom of association of its work-force, the exports coming from that particular manufacturer in Country A would no longer benefit from tariff-free access to all other countries party to the accord. Regular customs duties would be applied, in accordance with WTO agreements, as if the particular export came from outside of the Americas' free-trade area. More generalized sanctions – i.e., sanctions which would apply to all exports from a particular country – would only be administered if the country's government were shown to be an active and repeated accomplice in the violation of fundamental workers' rights in that country. If both countries and companies were obligated to respect and apply fundamental workers' rights, this would help to establish and generalize workplace practices throughout the Americas, in which: the most extreme forms of labour exploitation would be eliminated workers could, without suffering threats to their jobs and their physical well-being, strive to improve their wages and working conditions workers and employers could resolve their differences through peaceful means

#### The procedural “bracketing out” of our Affirmative is a strategy to maintain the status-quo

Meszaros, 1989 (Istvan, Chair of Philosophy at the University of Sussex, The Power of Ideology, p. 232-234)

**Nowhere is the myth of ideological neutrality** – the self-proclaimed Wertfeihert or value neutrality of so-called ‘rigorous social science’ – **stronger than in the field of methodology.** Indeed, **we are often presented with the claim that the adoption of the advocated methodological framework would automatically exempt one from all controversy about values, since they are systematically excluded** (**or** suitably **‘bracketed out’**) **by the scientifically adequate method itself**, **thereby** saving one from unnecessary complication and **securing the desired objectivity and uncontestable outcome**. **Claims and procedures of this kind are**, of course, **extremely problematical**. For **they** **circularly assume that their enthusiasm for** the virtues of ‘methodological **neutrality’ is bound to yield ‘value neutral’ solutions with regard to highly contested issues, without first examining the all-important question as to the conditions of possibility** – or otherwise – of the postulated systematic neutrality at the plane of methodology itself. The unchallengeable validity of the recommended procedure is supposed to be self-evident on account of its purely methodological character. In reality, of course, **this approach to methodology is heavily loaded with a conservative ideological substance. Since, however, the plane of methodology** (and ‘meta-theory’) **is said to be in principle separated from that of the substantive issues, the methodological circle can be conveniently closed.** Whereupon the mere insistence on the purely methodological character of the criteria laid down is supposed to establish the claim according to which the approach in question is neutral because everybody can adopt it as the common frame of reference of ‘rational discourse’. Yet, curiously enough, **the proposed methodological tenets are so defined that vast areas of vital social concern are a priori excluded from this rational discourse as ‘metaphysical’, ‘ideological’, etc.** **The effect of circumscribing in this way the scope of the one and only admissible approach is that it automatically disqualifies, in the name of methodology itself, all those who do not fit into the stipulated framework of discourse**. As a result, the propounders of the ‘right method’ are spared the difficulties that go with acknowledging the real divisions and incompatibilities as they necessarily arise from the contending social interests at the roots of alternative approaches and the rival sets of values associated with them. This is where we can see more clearly the social orientation implicit in the whole procedure. For – **far from offering an adequate scope for critical enquiry – the advocated general adoption of the allegedly neutral methodological framework is equivalent**, in fact, **to consenting not even to raise the issues that really matter**. Instead, **the stipulated** ‘common’ methodological **procedure succeeds in transforming the enterprise of ‘rational discourse’ into the dubious practice of producing methodology for the sake of methodology**: a tendency more pronounced in the twentieth century than ever before. This practice consists in sharpening the recommended methodological knife until nothing but the bare handle is left, at which point a new knife is adopted for the same purpose. For the ideal methodological knife is not meant for cutting, only for sharpening, thereby interposing itself between the critical intent and the real objects of criticism which it can obliterate for as long as the pseudo-critical activity of knife-sharpening for its own sake continues to be pursued. And **that happens to be precisely its inherent ideological purpose.** 6.1.2 Naturally, to speak of a ‘common’ methodological framework in which one can resolve the problems of a society torn by irreconcilable social interest and ensuing antagonistic confrontations is delusory, at best, notwithstanding all talk about ‘ideal communication communities’. But **to define the methodological tenets of all rational discourse by way of transubstantiating into ‘ideal types’** (**or by putting into methodological ‘brackets’**) **the discussion of contending social values reveals the ideological colour as well as the extreme fallaciousness of the claimed rationality**. For such treatment of the major areas of conflict, under a great variety of forms – from the Viennes version of ‘logical positivism’ to Wittgenstein’s famous ladder that must be ‘thrown away’ at the point of confronting the question of values, and from the advocacy of the Popperian principle of ‘little by little’ to the ‘emotivist’ theory of value – inevitably always favours the established order. And **it does so by declaring the fundamental structural parameters of the given society ‘out of bounds’ to the potential contestants, on the authority of the ideally ‘common’ methodology**. However, even on a cursory inspection of the issues at stake it ought to be fairly obvious that to consent not to question the fundamental structural framework of the established order is radically different according to whether one does so as the beneficiary of that order or from the standpoint of those who find themselves at the receiving end, exploited and oppressed by the overall determinations (and not just by some limited and more or less easily corrigible detail) of that order. Consequently, to establish the ‘common’ identity of the two, opposed sides of a structurally safeguarded hierarchical order – by means of the reduction of the people who belong to the contending social forces into fictitious ‘rational interlocutors’, extracted from their divided real world and transplanted into a beneficially shared universe of ideal discourse – would be nothing short of a methodological miracle. Contrary to the wishful thinking hypostatized as a timeless and socially unspecified rational communality, the **elementary condition of a truly rational discourse would be to acknowledge the legitimacy of contesting the given order of society in substantive terms**. **This would imply the articulation of the relevant problems** not on the plan of self-referential theory and methodology, but **as inherently practical issues whose conditions of solution point towards the necessity of radical structural changes.** In other words, it would require the explicit rejection of all fiction of methodological and meta-theoretical neutrality. But, of course, this would be far too much to expect precisely because the society in which we live is a deeply divided society. This is why through the dichotomies of ‘fact and value’, ‘theory and practice’, ‘formal and substantive rationality’, etc., the conflict-transcending methodological miracle is constantly stipulated as the necessary regulative framework of ‘rational discourse’ in the humanities and social sciences, in the interest of the ruling ideology. **What makes this approach particularly difficult to challenge is that its value-commitments are mediated by methodological precepts to such a degree that it is virtually impossible to bring them into the focus of the discussion without openly contesting the framework as a whole**. For the conservative sets of values at the roots of such orientation remain several steps removed from the ostensible subject of dispute as defined in logico/methodological, formal/structural, and semantic/analytical terms. And who would suspect of ideological bias the impeccable – methodologically sanctioned – credentials of ‘procedural rules’, ‘models’ and ‘paradigms’? **Once**, though, **such rules and paradigms are adopted as the common frame of reference of what may or may not be allowed to be considered the legitimate subject of debate, everything that enters into the accepted parameters is necessarily constrained not only by the scope of the overall framework, but simultaneously also by the inexplicit ideological assumptions on the basis of which the methodological principles themselves were in the first place constituted.** This is why the allegedly ‘non-ideological’ ideologies which so successfully conceal and exercise their apologetic function in the guise of neutral methodology are doubly mystifying. Twentieth-century currents of thought are dominated by approaches that tend to articulate the social interests and values of the ruling order through complicated – at time completely bewildering – mediations, on the methodological plane. Thus, more than ever before, the task of ideological demystification is inseparable from the investigation of the complex dialectical interrelationship between methods and values which no social theory or philosophy can escape.