

NAFTA THOUGHTS

A Newsletter on the North American Free Trade Agreement

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NAFTA SIDE AGREEMENTS PROVING INADEQUATE

OPENNESS OF ECOLOGICAL BODY FAILS TO MATERIALIZE

The first meetings of the U.S.-Mexico Border Environmental Cooperation Commission (BECC) have been mired in controversy due to the BECC's decision to seriously limit public participation in its deliberations. A coalition of border groups, including government officials, academics, environmentalists and community activists, presented a letter to the BECC at its 17 November meeting insisting that the Commission expand citizen involvement and accessibility, support the public's right to know about environmental contaminants, help in the search for sustainable and equitable funding to resolve environmental problems, and emphasize the need to address these problems binationally.

The BECC was set up under the North American Agreement on Environmental Cooperation (one of NAFTA's two supplemental agreements) to evaluate and certify proposals for funding by the North American Development Bank (NADBank). Statements by the U.S. Departments of Treasury and State and the Environmental Protection Agency indicated that the BECC would operate with an "unprecedented" degree of public participation and transparency.

In fact, according to the Texas Center for Policy Studies and the Bisbee, Arizona-based Border Ecology Project, the U.S. and Mexican governments negotiated a set of procedural rules for the BECC that in many ways violates this promise. According to the two groups, the proposed BECC rules would: allow the BECC's Board of Directors to hold discussions and make decisions behind closed doors; strictly limit public participation in "open sessions" of Board meetings; expand document confidentiality well beyond the intent of the original BECC agreement; and foster a staff structure that would reflect an emphasis on national interests rather than on binational cooperation.

In its first meeting on 12 October in Ciudad Juarez, Chihuahua, Mexico, Lynda Taylor, the sole U.S. non-governmental representative to the BECC's Board of Directors, was alone in opposing the rules of procedure.

(continued on page 7)

NAO REJECTS LABOR COMPLAINTS; UNION CONDEMNS "FIASCO"

On 12 October, after months of written submissions and oral testimony, the National Administrative Office (NAO) of the U.S. Department of Labor rejected union claims that the Mexican government had failed to protect worker rights in complaints against General Electric and Honeywell. The United Electrical Workers (UE) and the International Brotherhood of Teamsters had filed complaints in February 1994, charging the companies with firing workers for attempts to organize independent unions.

In its decision, the NAO found that, "...since workers for personal financial reasons accepted severance, thereby preempting Mexican authorities from establishing whether the dismissals were for cause or in retribution for union organizing, the NAO is not in a position to make a finding that the Government of Mexico failed to enforce the relevant labor laws." The NAO recommended instead that the three NAFTA countries work together to develop joint programs on freedom of association and the right to organize. It suggested this be achieved through the organization of a series of government-to-government seminars and public-information programs.

The NAO is the administrative body set up under the North American Agreement on Labor Cooperation (NAALC -- NAFTA's supplemental agreement on labor) to receive complaints related to the enforcement of labor laws in Canada and Mexico. The NAALC establishes two categories of labor-rights violations: violations of laws on child labor, minimum wage and occupational health and safety, which are potentially subject to fines; and violations of "industrial relations" laws, such as the right to organize and to collective bargaining.

The latter set of violations is subject to a more limited review, with no possibility of fines against countries failing to enforce their laws. The UE and Teamsters had hoped that their complaints would test the NAO's willingness to expose labor-rights violations to the light of day. "This whole thing has been a grand fiasco," Chris Townsend, UE's Political Action Director, told the

(continued on page 2)

BorderLinks Offers People-to-People Exchanges

BorderLinks, an ecumenical program seeking to raise consciousness about border issues through experiential education, offers travel seminars along the U.S.-Mexico border for groups from the United States and Canada. Typical trips include meetings with government officials, business managers, church leaders, community members, social-service providers, factory workers, and human-rights and environmental activists and provide the opportunity to develop personal relationships with border residents who are struggling to improve their communities.

For more information, contact BorderLinks at 924 North 6th Avenue, Tucson, AZ, tel. (602) 628-8263, fax (602) 622-5608.

NAO (continued from page 1)

Wall Street Journal. "This Department of Labor, this Secretary of Labor, this National Administrative Office have no enthusiasm to protect worker rights."

The NAO held hearings on the complaints on 12 September in Washington, D.C. UE and the Teamsters brought seven Mexican workers to the hearings, including fired workers from the GE and Honeywell plants, and Mexican labor lawyers.

In fact, two of the Mexican workers involved did not accept severance pay until after the NAO decision. Former GE worker Valerio Castro explained, "The decision to accept an economic settlement with CASA [the GE plant named in the complaint] and give up my right to reinstatement was very difficult, but I felt that I had no other choice. It has been over a year since I was fired...I went all the way to Washington to testify before the NAO because I believed that they would seriously consider our claims. Instead, the NAO gave us no assistance and the Report does not even address the delay in our cases, the health and safety and wage violations, or the refusal of the Mexican labor authorities to process the union's petition. The fact that both the U.S. and Mexican authorities were unwilling to protect our rights as workers were determining factors in our decision to accept an economic settlement."

UE's Robin Alexander explained that, since there is no unemployment insurance system in Mexico, workers are forced by economic necessity to accept the pay and relinquish their rights, in violation of International Labour Organization conventions on the right to

organize. In addition, Mexican labor leader Benedicto Martinez testified that government officials in Chihuahua had told the union that its charges would not be processed because STIMACS, part of the Frente Auténtico de Trabajadores (FAT), is an independent union and because GE is a maquiladora-sector company.

U.S. and Mexican human and labor rights groups are continuing to press forward with new complaints to the NAO. UE has filed a second complaint alleging GE interference with union elections at the Nuevo Laredo plant. A separate complaint was filed on 16 August against the Sony Corporation by the International Labor Rights Education and Research Fund (ILRERF), the American Friends Service Committee, the Coalition for Justice in the Maquiladoras and the National Association of Democratic Lawyers of Mexico. The groups allege that Sony obstructed the rights of workers at its Magnéticos de México plant in Nuevo Laredo, Tamaulipas, and charge the Mexican government with failure to enforce its laws on freedom of association and hours worked per week. Pharis Harvey, Executive Director of ILRERF, said, "Despite the disappointing results of the first two cases, all three demonstrate that there is a pattern of legal and extralegal measures that prevent workers from organizing. The Sony case has a chance of being taken much more seriously because it clearly shows the Mexican government's role, and, together with the other cases, demonstrates a pattern of abuses of worker rights."

*Sources: 12 October 1994 NAO Decision on UE and Teamsters submissions, "Findings and Recommendations"; Asra Q. Nomani, "Unions Angry After Administration Rejects Complaints about Mexican Plants," The Wall Street Journal, 14 October 1994; Robin Alexander, "NAO Report a Tragedy: Finds Matters of Concern and Does Nothing," 25 October 1994. **

NAFTATHOUGHTS

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BEYOND NAFTA: HEMISPHERIC TRADE WORK FOR THE FUTURE

Over 100 representatives of grassroots groups, policy-advocacy organizations and academic institutions attended the "Beyond NAFTA: Toward Equity and Sustainability" conference held in Madison, Wisconsin from 6 to 11 October. Included were participants from Mexico, Canada, Chile, Colombia, Nicaragua, Brazil and Jamaica, as well as South Africa, the United Kingdom and Japan. U.S. participants included members of ART, CTC and others working on trade issues who are not part of those networks. They met to evaluate past and current campaigns on trade and to advance strategies for developing a longer-term citizens' movement for social and economic justice.

The conference was divided into an international meeting held on 6-8 October and a national meeting from 9-11 October. Many participated in both and stressed the importance of broadening the focus of trade work beyond trade agreements to include the neoliberal economic model on which they are based. NAFTA represents, they emphasized, not so much a turning point in our economic relations as the acceleration of an economic model based on deregulation, privatization and cuts in social spending.

Participants from throughout the Americas asserted the urgency of establishing a hemispheric network on trade and the neoliberal model, focusing on issues of economic and environmental justice. As first steps, the following proposals were developed: producing a set of popular educational materials in Spanish; increasing communications among national networks by e-mail; learning more about the Southern Cone Common Market (Mercosur) experience in the development of a social charter; and having a presence at the Summit of the Americas. Each of these actions will require developing new sources of funding.

Much of the discussion among U.S. participants at both the international and domestic meetings focused on the need to better articulate the work of grassroots and D.C.-based groups. There was agreement on the need to develop an inclusive, long-term movement based on the active involvement of groups representing diverse constituencies, such as regional networks and those representing women, Latinos and African Americans. This would be an essential first step in moving beyond campaigns organized around specific legislative initiatives, such as NAFTA and GATT, to

the longer-term building of a citizens' movement on trade, the neoliberal model and economic and environmental justice.

Other concrete actions and proposals emerged from the conference.

Discussion of immigration issues. A statement on immigration was drafted, expressing opposition to initiatives such as California Proposition 187 and "Operation Gatekeeper" and advocating instead a broad-based discussion of immigration issues designed to yield solutions that respect the dignity, health and human rights of migrant workers and that deal with the economic causes of migration.

Discussion of gender and trade. While it is clear that women are generally affected disproportionately by trade agreements, that point is not appearing consistently in analyses and proposals on trade. There will be a women's meeting planned to take place one day before the next hemispheric meeting on trade.

Just and Sustainable Development and Trade Initiative for North America. New material was proposed on gender, immigration and other issues. A new draft of the document incorporating this and other input will be released at the time of the Summit of the Americas.

NAFTA monitoring. ART, CTC, RMALC and ACN will issue preliminary monitoring reports at the Summit of the Americas. A trinational proposal for longer-term monitoring efforts is being developed. It was emphasized that monitoring work can also contribute to movement building. Grassroots and research groups will work together to develop appropriate popular-education materials.

Trinational conference calls will be held periodically to further joint work between meetings.

There was widespread agreement that the work to date on NAFTA and GATT has set the stage for further hemispheric collaboration on these issues.

*A full report on the meeting will be available from the Havens Center (Department of Sociology, 8112 Social Science, 1180 Observatory Drive, University of Wisconsin, Madison, WI 53706) by the end of the year. **

CENTRAL AMERICANS UNITE TO ADDRESS ECONOMIC INTEGRATION

Eight regional networks representing millions of Central American small and medium-scale farmers and businesses, unions, coffee producers, cooperatives, community organizations and NGOs have joined together to form the Civil Initiative for Central American Integration (ICIC). The coalition, formally established in October 1993 and inaugurated in May 1994, works to ensure that citizens' perspectives are heard in debates on regional economic integration.

In its platform, ICIC writes, "The process of economic integration and globalization should ensure that the Central American people have the necessary elements to guarantee a dignified existence." The coalition analyzes and documents the impact of these policies, but also proposes alternatives that address their needs, moving "from protest to proposal". ICIC works in four issue areas: democracy and human rights; structural adjustment and poverty; environment and sustainable development; and commerce and production by grassroots groups.

ICIC members made a series of presentations at the International Conference on Peace and Development in Central America, held in Tegucigalpa, Honduras in October 1994, and succeeded in inserting language into the final communique establishing a commitment

to continued dialogue among governments and civil society at periodic future events. The conference, called by the Central American presidents, was attended by international governmental and civil-society representatives.

The regional networks participating in ICIC are: the Association of Central American Peasant Organizations for Cooperation and Development (ASOCODE); the Confederation of Cooperatives from the Caribbean and Central America (CCC-CA); the Central American Workers' Coordinating Committee (COCENTRA); the Central American and Caribbean Confederation of Small and Medium Businesses (CONCAPE); the Central American Coordination of Non-Governmental Development Organizations (Concertación); the Central American Workers Confederation (CTCA); the Continental Association of Community Organizations, Central American Chapter (FCOC); and the Union of Small and Medium Coffee Producers from Mexico, Central America and the Caribbean (UPROCAFE). ICIC's coordinator is ASOCODE.

ASOCODE publishes *Central American Peasants*, a quarterly newsletter in English which includes news on ICIC. Subscriptions are \$10, with checks payable to ASOCODE at Apartado Postal 948, Managua, Nicaragua. •

1994 Electoral Fate of U.S. Congressional Supporters and Opponents of NAFTA*

House Democrats

Voted for NAFTA and won: 68
Voted for NAFTA and lost: 14
Voted against NAFTA and won: 123
Voted against NAFTA and lost: 19

Senate Democrats

Voted for NAFTA and won: 6
Voted for NAFTA and lost: 0
Voted against NAFTA and won: 7
Voted against NAFTA and lost: 2

House Republicans

Voted for NAFTA and won: 114
Voted for NAFTA and lost: 0
Voted against NAFTA and won: 41
Voted against NAFTA and lost: 0

Senate Republicans

Voted for NAFTA and won: 9
Voted for NAFTA and lost: 0
Voted against NAFTA and won: 2
Voted against NAFTA and lost: 0

* In the House, there were 52 open seats and two Republicans who did not vote on NAFTA. Rep. Bernie Sanders, the sole House Independent, voted against NAFTA and was re-elected. There were nine open seats in the Senate and 65 Senators not up for election. Some election results were not yet official when these figures were tabulated in late November.

Prepared by Ethan Brown, *The Development GAP*

THE WHITE HOUSE AND NAFTA: PROMISES KEPT AND BROKEN

by Sarah Anderson, Institute for Policy Studies

A year ago this month, the U.S. Congress voted to approve the NAFTA implementing legislation. In the weeks leading up to that vote, President Clinton made two sets of promises as he fought for the Agreement's passage. The first set, made to some five-dozen Members of Congress, consisted of specific programs, subsidies and protections to which he committed his Administration. The second set of promises were made in an attempt to assure environmental, labor and community leaders that their interests would also be protected. In examining the evidence that has emerged over the past year, it appears that the President largely kept the first set of commitments but failed to follow through on the second.

Of the many promises reported by the press last fall as allegedly made by the Clinton Administration to Congressional Members, the Institute for Policy Studies (IPS) examined 104 supposedly made to 62 Representatives. While in some cases the Member denied that a promise was actually made, IPS found that in 64 percent of the cases in question the Clinton Administration fulfilled its commitments in the areas promised. In 22 percent, some part of the promise was fulfilled, and in only 14 percent did the promise go unfulfilled.

For example, Rep. E.B. Johnson (D-TX) was promised help in securing appropriations for two additional C-17 cargo planes, planes that have consistently failed to withstand the stress of flight. Vought Aircraft, an important Texas contractor for McDonnell Douglas, was the beneficiary of the promise to add two additional planes to the originally requested lot of four. Although Rep. Johnson's Legislative Assistant for defense declined to verify the deal, the McDonnell Douglas public relations office confirmed that the appropriation for a lot of six C-17s was in fact made. The cost of this promise was \$300 million.

On the other hand, the Clinton Administration has not followed through on its promise that 100,000 jobs would be created in the United States in the first year of NAFTA and that worker rights would be advanced by the labor side agreement. This supplemental agreement on labor stated that NAFTA will "grow jobs in America and...promote improved labor conditions and strong enforcement of national labor laws."

In order to make a preliminary assessment of the jobs impact, IPS carried out two exercises. First, it carefully studied the claims made in a new USA*NAFTA document entitled, "NAFTA: It's Working for America." Rather than the 100,000 new jobs promised, IPS found only 535 that the pro-NAFTA groups could convincingly maintain were generated by the Agreement. IPS also studied the petitions of tens of thousands of U.S. workers who have filed complaints under a new NAFTA-related Transitional Adjustment Assistance (TAA) program of the U.S. government. As of 3 October, about 30,000 workers had claims filed on their behalf. Of these, 10,345 have been certified by the Department of Labor as qualifying for assistance. More than one-half of these cases (5,336) are directly related to production being shifted from the United States to Mexico.

There are many reasons to believe, however, that these cases represent only the tip of the iceberg of those who have lost their jobs as the result of NAFTA. Spotchecks of unemployment offices conducted by the AFL-CIO indicate that many dislocated workers are not being informed about the NAFTA-related TAA program. Also, some unions are encouraging workers to apply to the general TAA program, which has more lenient deadlines for enrolling in retraining programs and a larger overall budget than NAFTA-related TAA.

The Clinton Administration has clearly done a far better job keeping its commitments to certain members of Congress than to the working people of this country. While NAFTA is not the sole cause of the problems facing workers, it does represent an acceleration of a set of free-market policies that have been damaging to the majority of the people in Mexico, the United States and Canada. A very different kind of agreement is needed to address the needs of communities, workers and the environment for both North America and the entire hemisphere.

Copies of "Clinton's NAFTA Promises to Congress and Workers," by Sarah Anderson, John Cavanagh and Dan Smith are available for \$2.00 from the Institute for Policy Studies, 1601 Connecticut Avenue, NW, Washington, DC 20009, tel. (202) 234-9382. The IPS report is part of a larger study that will be released by the Alliance for Responsible Trade and Citizens' Trade Campaign on 5 December 1994. •

CLINTON GOES TO MIAMI SUMMIT WITHOUT FAST-TRACK AUTHORITY Citizens' Groups to Contest Closed-Door Talks on Hemispheric Trade and Democracy

As NAFTA's first year draws to a close, the Clinton Administration is gearing up for its next big push to extend free trade throughout the Western Hemisphere. The current focus of its activities is the Summit of the Americas, which is scheduled for 9-10 December in Miami. The Summit will be attended by the heads of every government in Latin America and the Caribbean except Cuba. In addition, close to 6,000 government officials, businesspeople, NGO representatives and journalists are expected to attend the events in Miami.

While the Summit was originally intended to promote free trade, the withdrawal of fast-track authority from the GATT implementing bill in September leaves the Clinton Administration unable to make any firm commitments on future trade agreements. The official focus has thus shifted to the issue of democracy in the Americas, with three themes included on the Summit agenda.

The first theme is "Making Democracy Work: Reinventing Government," which includes proposed initiatives related to corruption, drug cartels, regulatory reform, model legal/tax frameworks for NGOs, and strengthening the Organization of American States (OAS). The second is "Making Democracy Prosperous: Hemispheric Economic Integration," with initiatives to be taken on "Hemispheric Free Trade" (free trade based on the principles of "open regionalism"), "Hemispheric Capital Movements Liberalization" (regarding the possible launching of negotiations for a Hemispheric Capital Movements Code to promote the free flow of capital and reduce corruption), and infrastructure. Theme three is "Making Democracy Endure: Sustainable Development," with initiatives on primary education, basic health care, microenterprises, energy, "Hemispheric Partnership for Nature" (affirming commitments to existing international agreements and the Global Environmental Facility), and environmental protection.

While the agenda appears to be set, the content of the final communique is still being debated. U.S. and Latin American unions are working to incorporate language on labor rights into the document. There is also a proposal that the OAS be charged with carrying out any follow-up activities resulting from the Summit. Many U.S. NGOs have expressed their concern about that choice, since, with the exception of the Inter-American Court on Human Rights, the OAS does not provide for NGO participation or observer status in its work.

When, at a recent OAS meeting, the Canadian Ambassador suggested studying the issue of NGO observer status at the OAS, the proposal generated such heated opposition from other governments that it was tabled. NGOs are also concerned that, with Cesar Gaviria as its Secretary General, the OAS will likely have a strong commitment to free-trade agreements unfettered by social concerns.

The official Summit meetings will be closed. Each country can send its president or prime minister and one other minister. There will also be a series of meetings and events which will be somewhat more open. Among these will be a seminar organized by the U.S. Commerce Department which will include participation by businesses, academics and NGOs. There may also be as many as 3,000 journalists from around the hemisphere in Miami to cover the Summit, so NGOs will have an important opportunity to publicize alternative perspectives on issues related to the Summit.

Despite the emphasis on democracy in the official agenda, many concerns raised by citizens' groups will not be addressed. This has generated a number of separate NGO initiatives. Many human-rights groups are angry that human rights are not on the agenda, particularly since 10 December is Human Rights Day. Some of them will focus on ratification of the Inter-American Convention on Human Rights. Indigenous groups will likely have a presence at the Summit, as well. ASOCODE, the Central American small farmers' coalition, also plans to send a representative. Other NGOs are focusing on the exclusion of Cuba from the Summit.

An informal working group of U.S. church, solidarity, human-rights and development groups has developed a set of proposals in consultation with Latin American counterparts. That document, entitled "Promises to Keep: The Unfinished Agenda for Human Rights and Economic Justice in the Americas," includes proposals on: international human-rights safeguards and impunity for violators; the creation of an enabling environment for civil society; civil-military relations; macroeconomic policy; sustainable development; and trade and economic integration.

Members of ART, CTC, the Action Canada Network and the Mexican Action Network on Free Trade plan to challenge the Summit's celebration of the free-trade agenda with several international initiatives. Reports

(continued on page 7)

A Market Basket Survey

The Coalition for Justice in the Maquiladoras has produced an in-depth, comparative analysis of the cost of groceries and other household consumable items in cities in the United States and Mexico. The report translates the costs of these goods into the hours workers must work in order to purchase them, while providing comparative data on U.S. and Mexican workers employed in similar jobs.

The report is available in two formats. A complete, 140-page version that includes historical information, comparative statistical data and in-depth analysis is available for \$40, plus \$5 shipping and handling per copy. A 28-page version highlighting the essential elements of the analysis is available for \$12, plus \$2 shipping and handling per copy. Bulk rates are available for five or more copies. Contact The Coalition for Justice in the Maquiladoras, 3120 West Ashby, San Antonio, TX 78228.

Americas Summit (continued from page 6)

evaluating the first year of NAFTA's implementation will be released at the Summit, along with a joint letter on immigration written at the recent international citizens' meeting in Madison, Wisconsin. The groups will also use the Miami forum as an opportunity to release a new version of the "Just and Sustainable Development and Trade Initiative". Discussions of democracy held behind closed doors at the Summit will meet strong challenges from citizens groups' insisting that development and trade policies be based on the active participation of all sectors of civil society.

Copies of the NAFTA monitoring reports and the alternative trade and development initiative will be available after 1 December from the Institute for Policy Studies (1601 Connecticut Avenue, NW, Washington, DC 20009) and on the trade strategy conference of Peacenet/Econet. Copies of the "Promises to Keep" paper are available from Cheryl Morden at Church World Service/Lutheran World Relief (110 Maryland Avenue, NE, Washington, DC 20002) and on the cws/lwr.summitam conference of Peacenet/Econet. Additional information on the Summit is available electronically through the Florida International University gopher service. *

BECC (continued from page 1)

In a memorandum explaining her position, she stated, "I believe these rules do not facilitate, and could in fact be used to substantially curtail, the type of unprecedented public involvement in BECC activities which the public and localities in the border region have been assured would occur."

Reps. Richard Gephardt (D-MO) and Esteban Torres (D-CA) wrote to the BECC and Secretary of State Christopher, respectively, urging changes in the BECC's rules of procedure. Echoing proposals by the Border Ecology Project and the Texas Center for Policy Studies, Rep. Gephardt urged the BECC to establish a policy of open board meetings, an open-door policy regarding testimony, and an inclusive policy of public participation, ensuring that U.S. and Mexican community organizations with limited resources are not precluded from being heard. In his letter, Rep. Torres stated, "These procedural rules violate the spirit of openness upon which the BECC and NADBank were founded...The credibility of the BECC with local and border state governments, private investors, the U.S. non-governmental community, and Latino organizations has also been put in jeopardy."

At the 17 November meeting, community leaders stressed their support for the Commission, but urged it to redress the problems its rules of procedure have created. Dick Kamp, Director of the Border Ecology Project noted, "The BECC should accept that without the strongest and broadest binational cooperation possible, they will not succeed. The BECC has very little money that will have to go a long way." Gildardo Acosta, a chemical engineer and a leader of the Agua Prieta-based Enlace Ecológico, insisted, "If we are going to begin 'sustainable development' and end the stagnation that has dominated attempts to solve health and environmental problems in this region, the governments of both countries must be promoting the effective flow of information, as well as the creation of right-to-know programs as a foundation for the future."

*Sources: 17 November Press Release from Northeast Sonora Conchise County Health Council; 20 October 1994 Memorandum from Dick Kamp, Geoff Land (Border Ecology Project); 5 October 1994 letter to Mr. Arturo Valenzuela and Mr. Bob Sussman from Mary Kelly (Texas Center for Policy Studies) and Dick Kamp; 12 October 1994 Memorandum to BECC Commissioners from Commissioner Lynda Taylor; 11 October 1994 letter to Hon. Warren Christopher from Rep. Richard Gephardt; 14 October 1994 letter to BECC from Rep. Esteban Torres. **

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