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Is There an Emerging Transnational Regime for Labor Standards? Remarks

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Is There an Emerging Transnational Regime for Labor Standards? Remarks

Abstract
[Excerpt] In concluding his remarks, Professor Compa outlined what he sees as the major benefits of the NAALC. First, the submission process under the NAALC is open, allowing anyone to file. Second, the NAALC impels cross-border partnerships between labor activists who must work together in order to file a submission. Third, the NAALC offers a range of targets, including corporations, unions, governments and retailers. Finally, the NAALC mobilizes the *regional* arena to force action within the *national* arena.

Keywords
North American Agreement on Labor Cooperation, NAALC, North American Free Trade Agreement, NAFTA, Canada, United States, Mexico, labor law, complaints, standards, administration

Comments
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seek both direct and indirect ways to affect legal proceedings in other countries, or they might seek private remedies, pressuring corporations to establish their own codes of conduct. All these strategies are most effective when accompanied by strong public relations efforts and forceful political action.

SUMMARY OF REMARKS BY LANCE COMPA*

Professor Compa spoke about the NAALC and a recent case illustrating the dynamic described by Professor Trubek and Rothstein. He began with a brief description of the submission process under the NAALC, which allows activists in any of the three countries signatory to NAFTA to file a complaint with their own government alleging the failure of one of the other signatories to enforce *its own labor laws*. Professor Compa explained that although the NAALC was widely criticized for its lack of "teeth" by labor activists who opposed NAFTA, it has become a useful, if not perfect, tool. To date, seventeen submissions have been made to the three governments.

In a major new case accepted for review by Mexico in July 1998, a Mexican coalition of independent union, farmworker and human rights groups backed by the United Farm Workers (UFW), the International Brotherhood of Teamsters and the International Labor Rights Fund in the United States filed a wide-ranging complaint alleging failure of U.S. labor law to protect workers' rights in the Washington State apple industry, where more than 45,000 workers, many Mexican, are employed in the orchards and warehouses. Both the Teamsters and the UFW have been organizing the workers. The submission is a direct result of threats, intimidation and discrimination directed at union supporters, as well as health and safety hazards discovered by a delegation of Mexican trade unionists while observing two elections supervised by the National Labor Relations Board in January 1998.

The Washington State apple industry complaint prompted the first public hearing in Mexico under NAALC and led to consultation between the two countries' secretaries of labor. Unlike most NAALC complaints, which can only lead to consultation, this case could result in actual economic sanctions, which NAALC provides only for health, safety and other similar violations. Overall, the case exemplifies the opportunities for creative use of labor rights clauses in trade agreements. It has brought together the Teamsters and the UFW, along with sympathetic U.S. human rights groups, in coalition with Mexican counterparts in the independent labor and human rights movements. They have worked together on the Teamsters' organizing campaign in apple industry warehouses in Washington State, and on preparing the complaint. Now they are preparing for public hearings, ministerial consultations and further proceedings under the NAALC, working together on testimony, media relations and other campaign efforts.

In concluding his remarks, Professor Compa outlined what he sees as the major benefits of the NAALC. First, the submission process under the NAALC is open, allowing anyone to file. Second, the NAALC impels cross-border partnerships between labor activists who must work together in order to file a submission. Third, the NAALC offers a range of targets, including corporations, unions, governments and retailers. Finally, the NAALC mobilizes the *regional* arena to force action within the *national* arena.

SUMMARY OF REMARKS BY KATHERINE VAN WEZEL STONE**

Professor Stone began with a brief reflection on the paper presented by Professor Trubek and Rothstein. She noted that while the case studies in their paper demonstrated that a broad spectrum of legal arenas have been mobilized by transnational activists, the cases themselves were few in

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