association and the right of the workers to organize. Even if we would win the case [in the institutions provided by the NAALC] there was no sanction, there was no fine. The only penalty provided was a Ministerial Consultation, what we called a 'ministerial cup of coffee', where the Labor Ministers of the countries sit down together and talk about what's going wrong. But the company [involved in the violations] does not pay a fine, there is no trade sanction and in the end the companies really do not care. And so that is one of the reasons why we fought very hard for stronger sanctions: we want to have a strong commitment on labor rights included in our trade agreements, but we also want the ability to use the strongest possible sanctions in the events that there is the violation of labor rights.\[^{48}\]

Indeed both the NAALC and the Chile-Canada Agreement on Labour Cooperation (CCALC), even though they provide the possibility of dispute settlement and fines in case of failure to protect some labor rights, only referred to some specific ones such as the commitment to enforce child labor, minimum wage and health and safety, but openly excluded any enforcement mechanism for the freedom of association, non-discrimination, forced labor, rights of migrant workers.

But in some cases the result was more concrete. The US-Jordan FTA is generally considered to contain one of the most advanced clauses: "Since NAFTA was put in place we got stronger language put into the Jordan free-trade agreement at the end of the 1990s and into a bilateral apparel deal with Cambodia, where you had much stronger evidence that the countries would respect the ILO core labor standards (...) The Jordan case was a full bilateral FTA where the labor and environmental provisions were subject to the same exact enforcement mechanisms as their commercial provisions, so there could be the possibility of trade sanctions if there were a violation.\[^{49}\]

3.3 Lobbying Campaigns

The trade unions always had to struggle on two different fronts: first, on the importance of labor and environmental standards in trade; and, second, in the political arena. In the US the Executive Branch negotiates the trade agreements but the Legislative Branch, that is to say the Congress, needs to approve them. According to the AFL-CIO, since trade is not so popular in the US, regardless of which majority was in the Congress, the approval of an FTA

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\[^{48}\] Thea Lee, Interview on March 16th, 2009, by Bruno Ciccgaglione

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has never been easy for any administration, and this gave weight to the critique coming from the labor movement. Even after intense pressure from the Bush administration to have the Central American Free Trade Agreement (CAFTA) approved, it passed the US House by only two votes. When a Democratic majority replaced the Republican one in 2007 in the House and the Senate, the AFL-CIO also pushed for stronger labor and environmental provisions in the remaining FTAs. This mostly had an impact in the Peru FTA, that in the beginning had been strongly opposed by the AFL-CIO\(^5\). In the US-Peru case Thea Lee argues that finally the legislative battle produced the \textit{“strongest language we’ve ever gotten and that any government has ever put in place in a FTA, which was a commitment for both parties to the agreement, including the United States, to adopt, maintain, and enforce in law and in practice the ILO core labor standards as outlined in the Declaration of the Fundamental Principles and Rights at Work (…). It is subject to the same dispute settlement mechanisms as all the commercial provisions in the agreement”}\(^5\).

According to Thea Lee, the main trade battles conducted by the AFL-CIO with the Congress were: the NAFTA, the Fast-Track (Trade Promotion Authority)\(^\text{52}\), the joining of China to the WTO, and the CAFTA. The lobbying campaigns of the AFL-CIO are generally based on regular substantive communication with Members of Congress and their staff, which are provided with material on the labor movement’s position on a range of issues. But this basic work is just a part of a lobbying campaign. When a bill is being debated in Congress (which may take a period of a couple of months to a couple of years), the AFL-CIO will send out calls for action to their state and local union bodies, the state federations of labor, the Central Labor Councils, and to their activists at the grassroots, asking them to contact their members of Congress and to pressure them by organizing local activities on the issue. In other words, rather than trying to compete with the rich lobbying campaigns of the business community, which usually rely upon expensive advertisements on TVs or on newspapers, the lobbying campaigns are heavily based on the local activists of the TU. \textit{“This is particularly true in those}

\(^5\) It is noteworthy that in the negotiations the Peruvian President had offered to include the basic labor rights standards from the ILO but the Bush administration rejected this position because apparently the US would have to change some of its own laws to be in compliance. http://blog.aflcio.org/2006/08/08/bush-pushes-another-bad-trade-deal%E2%80%94this-time-with-peru/

\(^5\) Thea Lee, Interview on March 16th, 2009, by Bruno Ciccgagine

\(^5\) The Fast-Track procedure allows the Congress only to approve or to reject a FTA as it had been negotiated by the government, without any possibility to make amendments or adjustments. http://www.ustr.gov/Document_Library/Fact_Sheets/2007/Trade_Promotion_Authority_Delivers_Jobs_Growth_Prosperity_Security_at_Home.html
States where strong labor coalitions exist, or larger coalitions exist, including other groups, like environmental groups, family farm groups, religious groups, development organizations, immigrant workers groups, sometimes also small business groups that have their own reasons to be concerned about trade agreements. So the coalitions that we have, work often both at the national level but also in every state. There’s also some town meetings where you bring some experts to give some more detailed informations of what is the workers situation in Central America and so on... It’s like turning up the heat on the members of Congress, making sure that they know what the concern is53. It is noteworthy that lobbying campaigns are mainly focused on elected representatives in the Congress or Senate (often aiming to be re-elected in future elections), in a system where they are directly responsible for the approval or the refusal of FTAs.

3.4 Cross-border Trade Union Alliances

The natural step for trade unions facing FTAs, especially for bilateral FTAs, is to build a link with the trade unions of the countries involved. We already explained that trying to speak with one voice is not necessarily simple but sometimes quite difficult. The case of NAFTA, where the main trade union confederations of Mexico were unconditionally supportive of the Mexican government promoting the NAFTA, is the first and most serious case of such problems. Trying to build a common discourse is always challenging especially when labor movements of a country are closely allied with the government. According to the AFL-CIO’s Thea Lee “one of the things you have to do is respect the politics and the constituencies of the different organizations”54. In the case of NAFTA “It was frustrating to us dealing with the Mexican unions (...) because (...) they were supporting NAFTA. We worked with some smaller independent unions like the Frente Autentico del Trabajo (FAT), but it was tiny, and we could not really argue that the friends of the FAT were representing the workers of Mexico. So that was often in front of our face: the Mexican unions think NAFTA is a good idea, who were you to to tell them that it is not going to be good for them? That is the challenge. So we would have to work ten times as far, to say that our critique was not because we hate Mexicans or because we do not want Mexico to have good jobs, get richer or to develop. We had to say that we do not think that NAFTA is going to be the right tool to help Mexico develop. But it did sound a little bit like 'We are in the US and know better than the Mexicans’. That is never

53 Thea Lee, Interview on March 16th, 2009, by Bruno Ciccgaglione
54 Thea Lee, Interview on March 16th, 2009, by Bruno Ciccgaglione