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NEW SOCIAL MOVEMENTS AND THE STRUGGLE FOR WORKERS' RIGHTS IN THE MAQUILA INDUSTRY

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Abstract

Introduction

Campaigns to improve worker's rights in export processing zones (EPZs), also referred to the maquila industry in Latin America, is an important topic analytically and politically. On theoretical and practical levels, the co-existence of market economies with effective means to ensure adequate working conditions for workers is a critical question. Underlying the issue is a vigorous debate regarding how the global economy should be governed; who or what should govern it, and whose interest is should serve (Faux, 2002).

For scholars and activists interested in understanding and bettering working conditions in developing countries, the last few decades present a landscape that is different from the preceding ones in a few important ways. One major trend has been the subordination of state-centered development by powerful supranational institutions and trade agreements which dictate the rules for countries integrating into the global economy. Another notable transformation has been transnational corporations (TNCs) closing many of their manufacturing plants in the United States and establishing production and assembly sites overseas.

The mobility of capital and production as coordinated by TNCs poses serious problems for developing countries, and workers and activists in them that try to regulate the operations of TNCs and working conditions in their subcontractors' factories. Much of the manufacturing now takes place in EPZs, which offer tax and other financial incentives to lure foreign investors. According to many critics, these zones are also notorious for substandard working conditions,

low pay and anti-union behavior. Additionally, the state is often unwilling or unable to direct foreign capital in a way that benefits local industries and workers. However, throughout much of the developing world the suppression workers' efforts to improve working conditions have been met by countervailing mobilization from below.

This manuscript analyzes emerging forms of resistance to corporate-driven global capitalism, and the unique strategies and organizing tools participants are employing to enhance international network-building and information sharing. It specifically examines attempts to increase wages and improve working conditions through unionization in the maquila industry in Mexico. Labor struggles in Mexico have been prevalent over the past few years, particularly since the passing of NAFTA, and have been covered closely by international NGOs mobilizing across the North and South. These organizations participate in the movement directly and also disseminate information to concerned citizens via frequent updates on the Internet. They are also useful case studies because they demonstrate novel modes of mobilization against some of the negative effects of global capitalism.

The literature on new social movements (NSMs) provides a way to examine power dynamics in the contemporary global economic system. A NSM theoretical framework also allows us to conceptualize the internationalization of grassroots efforts among workers, activists and other political actors to pressure TNCs and host governments to respect labor laws included in international trade agreements, national standards, and self-mandated corporate codes of conduct. This research combines aspects of both the "cultural" and "political" versions of NSM theory to heuristically analyze how transnational networks among activists have come to play an influential role in local and global politics.

The empirical nature of this research contributes to theory on social action in the global era by shedding light on how activists mobilize around local issues in transnational networks. It also refines our understanding of how globalization is transforming, empowering, and in some way constraining social action. I argue that in some instances, non-state actors can increase their capacity to play a role in domestic and international politics. This depends on their ability to operate outside of national borders, and to simultaneously target the local, national and international levels.

Global Economic Restructuring and Its Repercussions

The past few decades have brought about intensified processes of globalization under which neo-liberal strategies emphasize market-oriented approaches to economic development (Brecher, et. al., 2002; Strange, 2000; Mann, 2000; Dicken, 1998). One repercussion of global economic restructuring is that host governments are strongly discouraged from attempting to regulate and control trade and foreign investment. Some see contemporary patterns of economic globalization and the mobility of capital as shifting power away from governments to pursue progressive economic policies or redistributive social policies, and usurping powers that rightfully belong to people and to their representatives in government. Put succinctly by the ILO Director General,

“... globalization is eroding government policy instruments which have such a decisive impact on the level and quality of employment and on domestic policies for social progress” (ILO, 1994:90-94). Governments are barred from favoring their own citizens legally in some ways, and fearful to in other ways due to their dependence on foreign investment (Faux, 2002).

The position of the state (as well as that of labor) has been further weakened by structural adjustment measures implemented by the International Monetary Fund (IMF) and the World Bank (WB) (Brecher, et. al., 2002; Dicken, 1998). For many countries these institutions now determine the terms of trade, wages, currency exchanges, and state development policy (Safa, 1995). Other global institutions such as the World Trade Organization (WTO) have acquired many powers once reserved for national governments. Trade agreements such as the North American Free Trade Agreement (NAFTA) and the WTO tend to be controlled by the wealthy, industrialized nations that set the agenda to protect the interests of foreign investors and the mobility of capital in supply chains, but do little to protect the interests of labor (Basu, 2001; Connell, 2001).

Another major repercussion of global economic restructuring, which began as early as the 1970s, is that TNCs have come to play a dominant role in the new economic order (Brecher, et. al., 2002; Sklair, 1998, 1995). As the power of TNCs steadily increases, the ability of the state in lesser developed countries to pursue national goals such as local economic and human development are constrained by insufficient leverage over global corporate actors (Dicken, 1998).

Many TNCs rely heavily on international subcontracting arrangements in developing countries. Because they tend to relocate where labor costs are lowest, low-income countries must compete with one another to attract foreign investment and to attain employment opportunities (Boswell and Chase-Dunn, 2000; Dicken, 1998). One way that countries attempt to undercut their competitors is to create EPZs. An EPZ is a “relatively small, geographically separated area within a country, the purpose of which is to attract export-oriented industries, by offering them especially favorable investment and trade conditions as compared with the remainder of the host country” (UNIDO, 1980:6). Foreign investors are attracted to the zones for tax incentives, lax environmental standards, and a guaranteed cheap and compliant workforce (Korten, 2001; Rodrick, 2000). In some EPZs minimum wages are suspended, unions are forbidden, and benefits, job security and working conditions are very poor (Sklair, 1995; Bailey, et. al., 1993). Many critics refer to this process as the “race to the bottom.” (For a detailed analysis of the race to the bottom refer to Collingsworth, 1998; and Spar and Yoffe, 1999).

However, the race to the bottom phenomenon is highly contested among social scientists. Many see globalization as providing states with a potential strategic coordinating role, highlighting the constraints as well as the generation of new demands that can prompt the reform of the welfare state and the renewal of social democracy (Rodrik, 2000; Greider, 1998). Dicken (1998) and Sklair (1995) argue that the relationship between TNCs and governments can be both cooperative and conflictual in that it is dialectical and changing over time. The ability of TNCs to play countries’ bids for investment against one another depends upon the specific relative bargaining power of TNCs and states.

Though there is no consensus as to what extent states or global markets are in control of socioeconomic life, there is a general consensus that globalization offers great opportunities for human advance, but only with strong governance. In EPZs, however, TNCs enjoy an advantage in the balance of power due to particular arrangements under which the interests of workers and governments are compromised in comparison to other sectors of the economy.

How to best combat the power of global capital over workers' interests is under intense debate. Some propose that self-regulation by foreign investors themselves is the best solution, and see a role for business executives as potential agents of political influence in their ability to encourage host governments to raise human rights issues. Others argue that global mechanisms, such as international accords on labor standards are needed to guarantee basic labor rights. Still other strategies proposed advocate regulation at the national and local level in that host governments must force foreign investors to obey national laws.

To date, neither the goals nor the enforcement of any of these proposals have been systematically accomplished. What small victories that have been won were achieved through the internationalization of grassroots mobilization that persuaded either international, national or corporate actors (or all of the above) to recognize and enforce legislation protecting workers' rights. These efforts are emblematic of new social movements, which play a key role in what is referred to as "globalization from below."

New Social Movements

New social movements theory can help explain the nuanced practices and organizational forms undertaken by activists to oppose exploitative forces of economic globalization. NSMs refer to diverse arrays of collective actions that have presumably displaced the old social movement of proletarian revolution due to the presumed transcendence of industrial capitalism (Buechler, 2000).

The cultural version of NSM theory rejects the Marxist vision of the centrality of the system of production and class-based struggle as the engine of social change. Instead, it focuses on the decentralized nature of both power and resistance. This perspective sees collective actions as based on a plurality of identity-oriented issues (Della Porta and Diani, 1999). Unlike the workers' movement, these movements do not limit themselves to seeking material gain. Rather than advocating for redistributive struggles in the conventional political sphere, post-materialist values emphasize the quality rather than the quantity of life (Habermas, 1987; Offe, 1985). In their defense of personal autonomy, they oppose state intervention in daily life to guarantee security and well-being (Porta and Dianni, 1999). They also partake in cultural and symbolic forms of resistance along side or in some cases in place of more conventional political forms of contestation (Cohen, 1985).

One advantage of this version is that it places the importance on the actor and individual agency. It also has the ability to capture the innovative characteristics of movements which no longer define themselves principally in relation to the system of production (Brecher, et. al., 2002). Critics of the cultural version, however, argue that it "... leaves unresolved the analysis of

mechanisms which lead from conflict to action” (Porta and Diani, 1999:13). Often ignored or glossed over are the structural conditions under which social contention is likely to arise, how social actors are able to mobilize resources for successful mobilization, some of the constraints that they face, and the repercussions of mobilization efforts (see for example Tarrow, 1998; Tilly, 1996).

Politically-oriented NSM theorists seek to update and revise conventional Marxist assumptions. They argue that the working class as a revolutionary force organized through the labor movement is still alive. They envision a global social movement that can provide a systemic counter-balancing force, or a ‘globalization from below,’ in response to corporate-led globalization (Brecher, et. al, 2002; Falk, 1993). However, the exclusive proletarian responsibility for the movement is replaced by multiple class- and identity-based struggles, which are beginning to converge against “globalization from above.” They advocate for an alternative global system in which issues such as equity, dignity, well-being, and sustainability are as important as profitability and capital accumulation.

Though the central focus of the struggle is centered on advanced capitalism, they see an important role for new constituencies in social activism based on race, gender, nationality, etc. However, these must work in conjunction with worker-based movements. Therefore, the greatest potential for proactive, progressive change is through the formation of alliances and coalitions between class-based and nonclass-based movements, and to ultimately create a global civic movement (Buecheler, 2000:48).

What is agreed upon between the two branches of NSM theory is that the organizational and participant structure of activism has changed, whether they are class-based constituencies or more culturally/socially-oriented struggles. NSMs tend to be more encompassing in that individuals can participate in them directly, whether or not they are formally affiliated through organizations (Brecher, et. al., 2002). The organizational form of NSMs tends to be decentralized, egalitarian, participatory, and work in an ad hoc fashion (Gusfield, 1994; Mueller, 1994). They typically organize for specific battles while constantly maintaining movement visions and values (Buechler, 2000). Because the ties between social movements are flexible, actors are able to reach wide and heterogeneous audiences that can organize from different angles to form broad coalitions across various movement domains (Rucht, 1999).

Keck and Sikkink (1998) use the term “advocacy networks” to describe these emerging types of organizations that are voluntary, and through which there are “reciprocal and horizontal patterns of communication and exchange,” “operating beyond national boundaries and motivated primarily by shared principled ideas or values. The actors involved may include NGOs as well as local social movements, the media, churches, trade unions, consumer organizations, intellectuals, parts of regional and international governmental organizations, and parts of the executive and/or parliamentary branches of governments” (Pp. 8, 30). They argue that in these novel forms of mobilization activists can act back on their states and induct policies and institutional and procedural change.

It has been these types of networks that have been most effective in resisting exploitative forces of economic globalization in the case studies examined here. However, before exploring this in

more detail, it is important to first examine other types of organizational strategies – what might be called “mobilization from above.” These tend to be top-down policies and institutional arrangements that originate at the macro level in an attempt to address micro-level, or local concerns.

Mobilization From Above

a. self regulation: codes of conduct

In the 1990s allegations involving the use of sweatshop labor by major brand-name retailers got a lot of attention in the mainstream media and in academic circles. By the late 1990s there was evidence that consumers were willing to express their dissatisfaction with corporate abuses through their purchasing decisions. According to a 1999 study conducted by Marymount University’s Center for Ethical Concerns, 75% of respondents said that they would avoid shopping at a retailer who is known to sell garments made in sweatshops. 86% stated that they would pay an extra dollar on a \$20.00 garment if they were sure that it was not made in a sweatshop (Fung, O’Rourke and Sabel, 2001).

Citizens also demonstrated growing concern regarding governance of international trade and implications for human, worker, and environmental rights. In a 1999 study conducted by the University of Maryland’s Program on International Policy Attitudes (PIPA), 74% of the respondents believe they have a “moral obligation” to ensure that people in other countries that make “products that we use...do not have to work in harsh or unsafe conditions.” 78% said they think the WTO should consider such issues as labor standards and the environment when making decisions on trade. 88% agreed that “increasing international trade should be balanced with other goals, such as protecting workers, the environment and human rights, even if this may mean slowing the growth of trade and the economy.” 93% agreed that “countries that are part of international trade agreements should be required to maintain minimum standards for working conditions. 73% said “I regard myself as a citizen of the world as well as a citizen of the United States.” 63% agreed that wealthier countries should allow in more of the products from very poor countries, even if this threatened the jobs of some American workers (Brecher, 94-95).

Several TNCs took the initiative to legislate working conditions by establishing codes of conduct that they demand their subcontractors adhere to. Despite the initial popularity of these measures among retailers, by the mid 1990s there was widespread agreement that the individual company-mandated codes were seriously flawed (Greenhouse, 1997). Workers tended to have little if any knowledge of the codes and subcontractors rarely enforced them. Even when subcontractors did attempt to adhere to them there was no mechanism to do so. To establish more comprehensive reform leaders of the apparel and footwear industries and representatives from human rights and labor rights organizations came up with standard regulations that subcontractors must recognize and enforce. In 1997 they released the Apparel Industry Partnership (AIP) Code of Conduct, which included guidelines on worker rights along with general health and safety regulations (Greenhouse, 1997). A subsequent agreement established the Fair Labor Association (FLA) to enforce and monitor the AIP code.

However, the implementation of the code put forth by the FLA hinged on two key issues: wages and how best to monitor the factories. Task force members representing labor and human rights groups criticized the fact that the FLA code advocates a minimum wage versus a living wage. It also condemned the FLA's monitoring strategy for being one of corporate governance. It is based on a system of internal monitoring in that apparel manufacturers select their own accounting firms to conduct inspections and the reports are not released to the public (Featherstone, 2002). Overall, opponents of the FLA charged that compliance with the weak standards as implemented by the FLA was merely a PR tactic designed to defray public interest in sweatshops rather than construct systemic change.

In the late 1990s student participation in the movement began to grow. United Students Against Sweatshops (USAS) formed in 1998 to ensure that their college and university names and logos would not be associated with sweatshop labor (Featherstone, 2002). Students organized across the country to pressure administration to uphold the manufacturers of collegiate footwear and apparel to a code of conduct. In 1999 when labor, human rights groups and NGOs dropped out of the FLA, these groups together with USAS established the Workers Rights Consortium (WRC). The WRC attempts to help the indigenous worker-allied groups develop their capacities to participate effectively in the monitoring system (Featherstone, 2002). The WRC adopts a process of spot checks in response to worker complaints to ensure compliance of national law and codes of conduct. Monitoring is carried out by WRC members in conjunction with local NGO and labour organizations.

b. institutional solutions through trade agreements

There is no consensus as to what the appropriate institutional mechanisms are to protect labor rights. One position holds that the international community should attempt to standardize worker rights in foreign-owned factories and that trade agreements should contain and provide the same enforcement mechanisms as for other commercial provisions, using similar binding dispute resolution procedures and trade sanctions for failure of corporations or governments to comply with international standards (Connell, 2001). Others see it as the exclusive role of the ILO to constitutionally set and deal with labor standards.

Currently, neither of these has been vigorously pursued, and the interests of business continue to enjoy advantages over those of workers, the environment, and human rights. Advocates for the inclusion of human rights guarantees in trade agreements note that supranational institutions and trade agreements such as the WTO entail specific terms of trade and operate according to ground rules that favor corporate and financial interests and that protect trade, investment and intellectual property rights (Winston, 2002). However, corporations are not subject to any binding regulations or formal sanctions for failure to respect the human and labor rights (Faux, 2002; Winston, 2002). The limited clauses that do address labor issues are weak and/or not enforced (Fung, O'Rourke and Sable, 2001).

Monitoring is also problematic. For example, the WTO contracts with Social Accountability International (SAI), an organization that administers a code to monitor contractors. It has a commission that can recommend trade sanctions if conditions do not meet the prescribed standards that it holds subcontractors to. However, its standards can bypass ILO standards of

freedom of association. For example, in 1998 the SAI clause was used to implement guaranteed normal trade status with China despite its ban on independent unions and collective bargaining by mandating that factory managers can appoint government worker representatives to act on behalf of workers' interests (Gilley, 2001). Governments, of course, can also be highly selective in their ratification of ILO labor standards. Reliance on ILO conventions in general has substantial drawbacks because the ILO operates on the basis of consensus between labor, management and governments and therefore its actions are necessarily limited to what can be agreed upon by these three actors (Winston, 2002).

Another example is the side agreement in NAFTA. It allows workers and interested third parties in the United States, Mexico and Canada to file complaints when a government is failing to enforce its own labor legislation (Fung, O'Rourke and Sabel, 2001). However, it does not allow for similar motions against corporations for labor rights violations, or address the problem of weak and deteriorating labor standards in national legislation. Though there have been dozens of complaints filed against both Mexico and the United States, charging an unwillingness to enforce workers' rights, not a single independent union has been able to negotiate a contract as a result of any NAFTA ruling (Bacon, 2001). Also, TNCs can easily evade international or national standards by moving their capital, investments, and production facilities elsewhere (Winston, 2002).

A final problem is that there is much resistance to universal labor standards in developing countries themselves. Many governments fear that such standards and monitoring efforts will serve as an instrument of protectionism for the North to impose arbitrary and inflexible trade sanctions on Third World countries (Basu, 2001).

Mobilization From Below

The concerted efforts of workers and activists at the grassroots level in host countries, in conjunction with those at the transnational level, have in a few cases successfully pressured governments, retailers and their subcontractors to adhere to labor laws and codes of conduct. The following case studies illustrate the importance of targeting local, national and international levels to improve working conditions in EPZs, and how these different spheres can be mutually reinforcing. A decisive factor in each case has been whether or not the host government can be forced to take a proactive role in helping to resolve conflicts between foreign capital and labor.

Kukdong

In January of 2001 9,800 workers went on strike in Puebla, Mexico at the Korean-owned Kukdong factory. The strike was in reaction to a host of substandard conditions including the use of child labor, failure to pay the minimum wage and the firing of union leaders (Kepne, 2000; Verite, 2001). Also, workers were also forced to sign with the government-mandated CROC (Revolutionary Confederation of Workers and Peasants) union in order to be employed. After a three-day strike a police crackdown ensued and state police attacked the workers guarding the factory. Fifteen workers were hospitalized, and five organizers of the strike were fired (Bacon,

2001). Nike Corporation was one of the largest manufacturers doing business with Kukdong, producing sweatshirts for many big-name universities.

A diverse network of support for the workers mobilized among student, labor, and other human rights groups across the North and South. The workers used the power of the growing anti-sweatshop movement in the United States to reinforce their efforts. They contacted the Mexico City office of the AFL-CIO which helped Kukdong workers publicize their case on US campuses (Bacon, 2001). Across the country, at universities that had contracts with Nike students pressured administrators to threaten Nike with the termination of the contracts if they did not help to rectify the situation. They used creative forms of resistance to raise awareness about the issue. They organized speaking tours for Kukdong workers across the country, held sit-ins and occupied administrative offices, leafleted on campus and outside of Nike Towns, staged rallies, and held mock fashion shows sporting Nike gear with information about where and under what conditions the footwear and apparel was being made (Featherstone, 2002). Representatives of USAS and the WRC, in conjunction with WRC's monitoring agency Verite, also went to the Kukdong factory and verified the workers complaints. The International Labor Rights Fund (ILRF) also confirmed these complaints by visiting the factory (CLR, 2002)

Support was also provided by the Workers Support Centre (CAT) in Mexico, USAS in the USA and in Canada, students at the Autonomous University of Puebla, the AFL-CIO, Campaign for Labor Rights (CLR), the United States Labor Education in the Americans Project (US/LEAP), Sweatshop Watch, the European Clean Clothes Campaign, Global Exchange, the Maquila Solidarity Network (MSN) and the Korean House for International Solidarity.

The mobilization to sustain the workers' campaign was a multi-level, multi-task strategy targeting the local, national and international level. In solidarity with the workers, activists pressured the Labor Secretary in Mexico, the Mexican Cabinet Secretary, the Global Director for Labor Practices at Nike, Kukdong International (Mexico), and Kukdong Corporation Korea (Korea) to resolve the dispute. They demanded that management comply with Mexican labor laws, Nike's code of conduct, the respective universities' codes of conduct, and the international agreement regarding the right of freedom to organize.

NGOs played an instrumental role in the organization and information sharing aspect of the campaign, most of which was done via the Internet. MSN, Global Exchange, and CLR in particular were fundamental in organizing the broad network of activists. CLR's' action alerts that circulate on the web requested that concerned citizens send letters to Nike demanding the corporation support a fair negotiation process between the workers and the factory management. CJM and Global Exchange also had frequent updates on their websites and also published these on various labor-oriented list serves and email listings.

After receiving letters from over 6,000 people from 17 countries, in a unique move Nike declared it would not abandon production orders at Kukdong but preferred the situation be rectified between management and workers, and that management meet their legal responsibilities (Maquila Solidarity Network, 2001). Nike released its plan outlining the corrective actions and a timetable for Kukdong to comply with Nike's code of conduct. Through letters and contact with Mexican government officials, Nike urged respect for freedom of

association and requested an expedited review of any forthcoming application for an election of a new union (WRC, 2002).

However, the conflict was not solved easily or quickly. Weeks of intimidation ensued at the factory and managers refused to allow organizers of the strike to return to work. Eventually, management did succumb to pressure from local protestors and pressure from Nike. The organizers of the strike were eventually allowed to return to work and charges were finally dropped against two of the five leaders as demanded by Nike. After a nine month strike, workers successfully established their own union and negotiated a contract with the Korean owners. At Kukdong, now renamed Mexmode, an independent union replaced the CROC union and workers received a wage increase of 10%, a 5% increase in cash benefits, and attendance bonuses (Kidd, 2001). Workers now make up to 40% more pay than they were making under the old contract. In addition, the Mexico City office of the ILO conducted freedom of association training and provided technical assistance to the factory at Nike's urging (Kidd, 2001).

International solidarity at the grassroots level unequivocally played a significant role in the success of this campaign. Speaking at the University of Michigan, Marcela Mnoz Tepepa, a seamstress at the Kukdong factory who helped to initiate the work stoppage stated, "Without the dialogue at the University of Michigan it would have been impossible to win the struggle. This is one of the reasons we continued to struggle... because we knew we had your support" (Schrader, 2002).

Maria Eitel, vice-president and senior advisor on corporate responsibility for Nike Corporation, also credits the protesters' actions for bringing these issues to Nike's attention and the ultimate concessions. She states, "I don't think Nike would have made the kind of progress it has made if we hadn't been attacked" (Cave, 2002). Additionally, Dusty Kidd, the Vice President of Nike sent a letter to Universities that partook in the monitoring process. He stated, "We believe collaboration can yield positive, successful results for workers in delicate situations like Kukdong/Mexmode. Companies like Nike... can make an immediate impact in reaching resolution because we have the ability to place or terminate orders which can affect the factory's ability to be profitable and attract other buyers" (nikebiz.com). Thus, the case of Kukdong supports the idea that corporations can have a positive impact on forcing host governments to abide by certain standards regarding labor and human rights. However, it was only through the intense and constant pressure put on Nike which led the corporation to urge government officials and its subcontractors to take action, and which led to change at least at the factory level.

The overall success for the workers was due to organizing, solidarity, and corporate campaign strategies in enforcing concessions among retailers, their subcontractors and local governments to respect workers' rights. The combined efforts of students, university administrations, unions and labor rights organizations created sufficient democratic space for the workers to organize and win their independent union. While pressure on Nike was crucial in helping workers achieve their victory, and lobbying of the Mexican government helped win the registration of the independent union, ultimately it was the courage and determination of workers that was critical in improving the situation (Featherstone, 2002)

This case also illustrates the limitations of the social clause in the NAFTA agreement which does not allow workers to challenge TNCs directly. Organizers had to operate outside of the legislative realm of any established trade agreement. It also highlights some of the flaws in the corporate-driven self-monitoring process. Although Nike's social responsibility department currently employs 100 people, and it has tripled its budget since 1998 and spent \$500,000 on global reporting initiatives (including those produced by the FLA) it was only through independent verification monitoring mechanisms that workers' rights came to be respected (Cave, 2002).

Duro

In June of 2000 workers at the Duro plant in Rio Bravo went on strike to establish an independent union and force the reinstatement of their elected leaders who were illegally fired (CLR, 2000). Duro produces gift bags for retailers such as Hallmark, Neiman Marcus and the GAP. In August 2000 Mexican government officials granted official registration to the Duro workers independent union. This was the first independent union to win registration in decades in the state of Tamaulipas and forced a representation election. Like the union at Kukdong, this independent union competed with the government-controlled CROC union. With the help of the FAT (Authentic Workers Front) the workers presented over 400 signatures on a petition for the election to the Conciliation & Arbitration Board (CAB) in Mexico City on September 28, 2000 (Bacon, 2001).

Elections to vote on union membership were held in March 2001, but were conducted in the midst of threats of violence and reprisals by the company and CROC "enforcers" (Bacon, 2001). Out of 1400 workers, only 502 voted and the four workers who voted for the independent union were fired (Bacon, 2001). Workers had been escorted to the voting area by CROC organizers and were forced to verbally declare their choices. While campaigning for President, one of Vincente Fox's promised reforms was to establish secret ballot union elections (MHSSN, 2001). Not only was this right neglected, but during the ensuing firings, intimidation and physical abuse the government did nothing to protect the workers' rights.

In October of 2001 the union was taken over by members of the CROC union, which conducted a secret election of the independent union's Executive Board without the knowledge, or participation of the union's members (CLR, 2001). The CROC move, backed by local government authorities, was designed to prevent the independent union from contesting the March election as a violation of the workers' right to a secret ballot election (MHSSN, 2001). This was in direct violation of the Joint Declaration signed by the labor ministers of Mexico and the United States (as part of the NAFTA agreement), in which Mexico pledged to promote "the use of eligible voter lists and secret ballot elections in disputes over the right to hold the collective bargaining contract."

Again, NGOs and their links with other grassroots organizations coordinated efforts to play an essential role in the struggle. CLR organized letter-writing petitions to Hallmark to uphold its code of conduct, which ensures freedom of association (Bacon, 2001). It also sent out action alerts asking people to email, call, and fax or write the CEO of Duro Bag Manufacturing Company and tell him to reinstate the workers, pay all workers their due amount of severance

pay according to the Mexican Federal Labor Law, and improve conditions at the Duro factory (CLR 2001).

Duro workers were also supported from the North by the Coalition for Justice in the Maquiladoras (CJM). This NGO constitutes a collaboration of over 100 member organizations, including North American unions, churches and community organizations, and serves as a bridge between workers, researchers and activists in all three NAFTA countries. The CJM coalition demonstrated with signs and banners demanding that the right to freedom of association be upheld wherever Tomas Yarrington, the governor of Tamaulipas, made a public appearance. They also confronted police outside the plant where the workers were striking, and camped out in Rio Bravo's main plaza when police physically removed them from the factory. When CJM activists were arrested for refusal to leave, the coalition sent hundreds of letters, emails and faxes to media outlets and other NGOs regarding the abusive behavior and/or neglect of Yarrington Duro company officials (Bacon, 2001).

In addition, CJM arranged for the Mexican Association of Democratic Lawyers to provide legal counsel and for the Transnational Information Exchange to sponsor a speaking tour in the US and Canada for a former Duro worker. Additionally, it incorporated the assistance of the Interfaith Committee for Corporate Responsibility and the Marin Interfaith Task force to arrange a meeting with executives of Duro clients to press the company to abide by the Mexican Labor Board's resolution and to reinstate the Duro workers with back pay or severance pay. CJM members also sent letters to all Duro Company clients to pressure the Duro Company into abiding by the CAB resolution which secured legal recognition of the independent union (CLR, 2003).

In March 2003, the company finally agreed to meet the workers' demands during a conference call between the Duro Company, CJM and one of Duro's most important clients. The legal battle lasted almost three years, but Duro workers were able to establish an independent union, and those that were illegally fired received full severance pay and back wages (CLR, 2003).

The situation at Duro again shows the inability of treaties like NAFTA to provide sufficient mechanisms to protect workers' rights. Although the labor ministers of the United States and Mexico signed an agreement ensuring secret ballot elections, this agreement was not respected. It also demonstrates the lack of state support for national labor laws and the tendency among national and state governments to appease TNCs in an effort to promote investment under neo-liberal reforms at the expense of the legal rights of workers to unionize (Bacon, 2001).

As was the case at Kukdong, it was only through consistent organization at the micro level across the North and South that activists gained sufficient leverage to press retailers and government officials to respond to the workers' demands and to obtain policy change.

The Theoretical Relevance of the Kukdong and Duro Struggles

These struggles shed interesting insights into the mobilizing strategies of new social movements and the importance of international solidarity in resisting some of the oppressive dynamics of globalization. They can expand social movement theory by demonstrating mechanisms that can lead states – at some level-- and corporations and other opponents to change policy or enforce those already in place. Also, the centrality of alliances between the “old” interest-based movements and other kinds of mobilization networks suggest the necessity of certain revisions of new social movements theorizing.

The successes at Kukdong and Duro depended on the coordination and reinforcement of different synergistic strategies between different agents and coalitions. These cut across national boundaries to link activist groups in developed countries with labor and community groups in developing countries. This research shows that cross-national networks of solidarity that link grass roots organizers in the factories with students, labor and human rights groups have achieved the greatest success in pressuring brand-name retailers, local manufacturers, and local authorities to improve wage levels and working conditions. Independent monitoring based on grassroots efforts also played an essential role at the struggle at Kukdong.

Workers’ rights campaigns in the maquila industry are a major component of what is often referred to as the anti-globalization campaign (though this label is not entirely accurate). The emerging global movement is specifically resistant to the corporate-dominated economic, social and political form that globalization has taken. Though this international movement has a central focus, how to best resolve the crisis is disputed. As Brecher, et. al. (2002) delineate, some emphasize the need for a global system that provides minimum rights and standards and new forms of global economic regulation. Others emphasize the need to restore the power of the nation state to control national economies and empower them over corporations and markets. Still others portray localization as the true alternative to globalization. This entails the economic empowerment of workers, local communities and other civil society actors-vis-à-vis their own governments and global actors.

As Brecher, et. al. argue, and as these cases illustrate, the question is not whether global or national authority should dominate, but whether the global economy should be controlled from above, which disempowers people at all levels, or from below, which expands self-government at the global, national and local level -- a democratized form of globalization whereby institutions are made accountable to those that they affect.

Though workers have no voice in international trade agreements such as the WTO and NAFTA, they can affect policy change in other ways that necessarily emerge at the micro level. As Sklair (1998) argues, at the level of the production process global capitalism has proven too powerful for the local organization of labor. Workers are often confused about whom to oppose when their interests are threatened. The only chance they have to succeed is to globalize the disruption of the local agencies (their ability to accumulate profits) that they come into direct contact with in

their daily lives. When local labor organizes at the point of production, in alliance with other international groups, this can filter up to global level and manifest itself in institutional change (Sklair, 1998; Evans, 2000).

This research supports the claim by Brecher, et. al. that the empowerment of local and national communities and politics requires a degree of global regulation and governance because they are interdependent. International and national standards such as freedom of association and minimum wage laws were respected only when non-state local actors linked transnationally with other civil actors to assure their enforcement. Thus, by establishing greater control over global capital people can establish greater control over their economic lives. At Kukdong and Duro, NSMs formed to advocate for a stronger governmental role, while simultaneously demonstrating an increased organization in civil society at the local, national and international level.

David Harvey (1998) argues that state power is no longer the most important means of large-scale social change. However, although the nation-state is no longer the exclusive strategic site of class organization and struggle, he claims that it has in fact become more relevant than ever. By this he means that the choice of spatial scale is not “either/or” but “both/and.” The state does not have to be directly or solely targeted, but it can be forced to respond to civil society’s demands through other mechanisms. For example, Michael Mann (1986) describes how new solutions to social problems are developing in “interstitial locations.” These consist of the “nooks and crannies in and around the dominant institutions” (pg. 13). He argues that groups that are marginal and blocked by the prevailing institutions can link together and cooperate in ways that transcend these institutions. Such movements create “...subversive invisible connections across state boundaries and the established channels between them...these interstitial networks translate human goals into organizational means” (pg. 13).

These global networks of people, what Keck and Sikkink call “transnational advocacy networks,” share similar identities and interests, and work outside the control of the national, state and local authorities. This was clearly how the victories at Kukdong and Duro were achieved. The activists incorporated a global perspective to link international issues with local concerns in order to implement policies that may ultimately help to modify the institutional forms of organizational globalization from above. Though the activists are diverse, they have been able to recognize commonalities to construct a common movement. This convergence is occurring because globalization is creating common interests (respect for environmental, worker and human rights) that transcend both national and interest-group boundaries. It is here that the distinction between “old” and “new” social movements begins to blur as the interest and goals of actors in the North and South become intermeshed.

The activists in the struggles in the Mexican maquila industry have been able to identify links between new social structures and new forms of collective action, with the underlying target being the power relations manifested through the global capitalist system. Though industrial capitalism is no longer predominant in the North, it has taken on increasing importance in much of the South, and particularly those countries with EPZs. Economic restructuring has certainly hurt workers in the North due to job loss. While this has created jobs in the South, this has been at the expense of just treatment for workers in many instances. Therefore, in one sense this

mobilization is representative of the “old” social movements based on confronting the system of production, with goal being to secure material interests.

However, for many other actors involved in the movement from below, material interests are not the primary interest. Rather, participation or support for the movement is based on raising the quality of life for all, and establishing a type of globalization that includes justice and ethical concerns in addition to capital accumulation. For example, the studies by Marymount University and PIPA revealed that consumers and citizens in the North are indeed concerned with issues that do not enhance their own material or self interests. Not only are people willing to avoid retailers that sell merchandise made under questionable conditions, they are also willing to pay more for garments if they can be guaranteed they were produced under fair conditions. Also, regarding international trade, respondents demonstrated overwhelming support for the inclusion of environmental, worker, and human rights protections. The basis of this support was not material gain but a sense of moral obligation and of connectedness to those in the South. The preference for justice over profit, or material being, was evident in that most of the respondents showed concern for the protection of workers in the South even at the expense of the health of the U.S. economy and the loss of jobs. The vast majority of respondents also stated that they regarded themselves as much a citizen of the world as a citizen of the United States.

All of these responses indicate a sense that there is something wrong with the current form of “globalization from above,” and that most people that are either directly involved in the globalization from below campaign, or supportive of its goals, believe that the struggles of the oppressed are linked, as is the happiness and sense of justice for all peoples. While the workers benefit materially from these campaigns in their ability to unionize, groups in the North, whether they are labor, student, religious, or human rights groups, benefit in a non-material way in the sense that they are helping to create a more just world.

There are also links between the “old” and “new,” or “cultural” and “political” movements in that although the system of production is the central focus, identity issues have also helped to fuel these campaigns. For example, students, women, people of Mexican descent, and of course marginalized or exploited workers in the North share an affinity with the young, mostly female, Mexican workers whose rights are being neglected. Also indicative of both the cultural and political versions of NSMs, these mobilizations have used novel as well as conventional forms of protest. They have petitioned governmental officials, but they have also engaged in numerous symbolic types of protest. USAS has been most active in this role -- and Nike has been by far their number one target. Other parts of the movement from below have advocated for the boycott of certain retailers, or influencing shareholders to pressure corporations to respect the rights of workers. Other organizations, such as Adbusters out of Canada, have created spoof ads that expose the hypocrisy of the self-empowering messages contained in marketing slogans in comparison to how the products are made.

The organizations involved in the struggle tend to be smaller, more flexible, and more specialized than the “old” social movements. Thus, they are able to adapt and respond quickly and effectively to workers’ rights violations when they are provided with evidence of labor abuses in the South. The Internet has certainly facilitated the mobilization of resources, and revolutionized contemporary forms of mobilization. NGOs such as CJM, MSN, CLR and Global

Exchange provided an overarching forum for the exchange of information and communication among activists that helped expedite the campaigns and enhance coalition building. This phenomenon, by which amorphous groups of NGOs link online and can descend on a target, has been labeled an “NGO swarm” by David Ronfeldt and John Arguilla in a recent RAND study. They argue that the swarm is incredibly effective because “...it has no central leadership or command structure, it is multi-headed, impossible to decapitate. And it can sting a victim to death” (cited in Brecher, et. al, 2002). Both the Kukdong and Duro campaigns relied heavily on the Internet to alert concerned citizens of recent updates as events unfolded and provided information regarding how to best support the workers in their attempts to unionize.

And finally, the reconciliation of aspects of the “cultural” and “political” versions of NSMs is useful in understanding the success at these two factories because they combined a sense of agency among individual actors, but only within the framework of changing structural conditions. In many developing countries that have established EPZs, the state is unable or unwilling to protect workers’ rights, and as of yet there is no regulatory mechanism in place to enforce international or national labor standards. Thus, international grassroots activists are filling this void as workers struggle to obtain democratic space to shift the balance of power between global capital, the state, and labor. Additionally, the growing mobilization from below has reenergized many activists in the North who are lending support to the workers’ efforts, helping to solidify the bargaining power.

Conclusion

Justice for maquila workers is still a long way off as the political apparatus in developing countries still tends to protect foreign investors at the expense of the workers. In lapse of a socialist alternative, international solidarity will continue to be refined, and there are multiple trajectories currently being put forth to resist some of the exploitative processes of global corporate-driven capitalism. At present, there is no definitive solution as to how best balance the co-existence of market economies with decent working conditions.

As economic globalization intensifies, states have lost some of their leverage in dealing with foreign investors. As a result, actors in civil society are increasing their capacity to influence policy to try to strike a more fair balance between global capital and workers’ rights. Though there is no anti-systemic movement rapidly emerging upon the scene, numerous interconnected movements and networks are negotiating spaces and growing within global politics. NGOs in conjunction with other groups are becoming increasingly threatening to foreign investors and the political apparatus that protects them.

These grassroots efforts have proven far more effective than alternative “top-down” mechanisms such as corporate codes of conduct or supranational initiatives such as NAFTA or the WTO. However, they have succeeded only when the state has been forced to play a proactive role in protecting worker rights. Thus, the goal should be to ensure workers have a democratic space to pressure their governments to enforce their rights. In lieu of any supranational enforcement policy, for the time being both a stronger governmental role and increased organization in civil society are needed to ensure workers’ rights are upheld.

References

- Bacon, David. 2001. "NAFTA's Side Agreements Fails." *In These Times*. April 16.
- Bailey, P., Parisooto, A. and G. Renshaw (eds.). 1993. *Multinationals and Employment: The Global Economy of the 1990s*. Geneva: International Labour Office.
- Basu, Kaushik. 2001. "The View From the Tropics," in *Can We Put An End to Sweatshops?*, edited by Fung, Archon; O'Rourke, Dara; and Charles Sabel. Boston: Beacon Press. Pp. 59-64.
- Boswell, Terry and Christopher Chase-Dunn, C. 2000. *The Spiral of Capitalism and Socialism: Toward Global Democracy*. Boulder: Lynne Rienner Publishers.
- Brecher, J., Costello, T., and B. Smith. 2002. *Globalization from Below: The Power of Solidarity*. Cambridge: South End Press.
- Campaign for Labor Rights (CLR). Various years. Online, <http://www.clrlabor.org>.
- Cave, Michael. 2002. "Just Change It." *Australian Financial Review*. June 14.
- Cohen, Jean. 1985. "Strategy and Identity: New Theoretical Paradigms and Contemporary Social Movements." *Social Research*, 52: 633-716.
- Collingsworth, Terry. 1998. "An Enforceable Social Clause." *Foreign Policy in Focus*, (3) 28.
- Connell, Tula. 2001. "Maquila Melee: Death Threats and Plant Closings Threaten Workers Rights in Guatemala." *In These Times*. Dec. 7.
- Dicken, Peter. 1998. *Global Shift: Transforming the World Economy*. New York: The Guilford Press.
- Evans, Peter. 2000. "Fighting Marginalization with Transnational Networks: Counter-hegemonic Globalization." *Contemporary Sociology*, 29: 230-41.
- Falk, Peter. 1993. *Global Visions: Beyond the New World Order*. Boston: South End Press.
- Faux, Jeff. 2002. "Corporate Control of North America." *The American Prospect*, 13: 24.
- Featherstone, Liza. 2002. *Students Against Sweatshops*. Verso: New York.
- Free Press. 2001. "Police Raid Strike at Nike Factory", Online, www.twincities.indymedia.org/local/freepress/page7.pdf
- Gilley, Bruce. 2001. "Sweating It Out." *Labour*. May 10.

Greenhouse, Steven. 1997. "Accord to Combat Sweatshop Labor Faces Obstacles." *New York Times*. April 13.

Grieder, William. 1998. *One World Ready or Not*. New York: Simon & Schuster.

Gusfield, Joseph. 1994. "The Reflexivity of Social Movements: Collective Behavior and Mass Society Theory Revisited," in *New Social Movements*, edited by Enrique Larana, Hank Johnston and Joseph Gusfield. Philadelphia: Temple University Press. Pp. 58-73.

Habermas, Jurgen, 1987. *The Theory of Communicative Action*. Cambridge: Polity Press.

Harris, John and Peter McKay. 1996. "Companies Agree to Meet on Sweatshops." *Washington Post*. August 8, p. A10.

Harvey, David. 1998. "The Geography of Class Power," in *The Communist Manifesto Now: Sociologist Register*. New York: Monthly Review Press. Pp. 72-90.

ILO, 1994. ILO Publications. (1998-99). World Employment Report. Geneva, Switzerland: ILO Publications.

Keck, M. and Sikkink, K. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.

Kepne, A. 2000. "For Two Students, Spring Break Trips Offer a Glimpse into Clothing Factories." *The Digital Collegian*. April 13.

Kidd, Dusty. 2001. "Kukdong/Mexmode Update From Nike." www.nikebiz.org. November 30.

Korten, D.C. 2001. *When Corporations Rule the World*. Bloomfield: Kumarian Press.

Mann, Michael. 2000. "Has Globalization Ended the Rise and Rise of the Nation-State?" in *The Global Transformations Reader: An Introduction to the Globalization Debate*, edited by Held, D. and A. McGrew. Pp. 136-147. Cambridge: Polity Press.

Maquila Solidarity Network. 2001. "Nike Concedes Victory: Sportswear Giant Promises to Place Orders with Unionized Factory." Dec. 12.

MHSSN (Maquiladora Health & Safety Support Network). 2001. 5 (4) Garrett, Brown (editor). December 9.

Moberg, David. 2001. "Unions and the State" in *Can We Put An End to Sweatshops?*, edited by Fung, Archon; O'Rourke, Dara; and Charles Sabel. Boston: Beacon Press. Pp. 65-69.

Mueller, Carol. 1994. "Conflict Networks and the Origins of Women's Liberation," in *New Social Movements*, edited by Enrique Larana, Hank Johnston and Joseph Gusfield. Philadelphia: Temple University Press. Pp. 234-263.

Nike, Online, <http://www.nikebize.com>

Offe, Claus. 1985. "New Social Movements: Changing Boundaries of the Political." *Social Research*, 52: 817-68.

PIPA. 1999. "Americans on Globalization: A Study of US Public Attitudes, Summary of Findings. University of Maryland: PIPA, November 16, 1999.

Porta della Donatella and Mario Diana. 1999. *Social Movements*. Oxford: Blackwell.

Rodrik, D. 2000. "Has Globalization Gone Too Far?" in *The Global Transformations Reader: An Introduction to the Globalization Debate*, edited by Held, D. and A. McGrew. Cambridge: Polity Press. Pp. 323-327.

Rucht, D. 1999. "The Transnationalization of Social Movements: Trends, Causes and Problems," in *Social Movements in a Globalizing World*, edited by della Porta, D., Kriesil, H., and D. Rucht. New York: Macmillan.

Safa, H. 1995. *The Myth of the Male Breadwinner: Women and Industrialization in the Caribbean*. Boulder: Westview Press.

Schrader, Jordan. 2002. "Sweatshop Worker Credits University of Michigan for Better Working Conditions." *Michigan Daily*. Dec. 4.

Sklair, L. 1998. "Social Movements and Global Capitalism." *The Cultures of Globalization*. Durham: Duke University Press.

-----1995. *Assembling for Development: The Maquila Industry in Mexico and the United States*. San Diego: Center for U.S.-Mexican Studies, University of California at San Diego.

Spar, Debora and David Yoffe. 1999. "Multinational Enterprises and the Prospects for Justice." *Journal of International Affairs*. No. 55, spring.

Strange, S. 2000. The Declining Authority of States, in *The Global Transformations Reader: An Introduction to the Globalization Debate*, edited by Held, D. and A. McGrew. Cambridge: Polity Press. Pp. 148-155.

Tarrow, Sidney. 1996. "States and Opportunities: The Political Structuring of Social Movements," in *Comparative Perspectives on Social Movements*, edited by Dough McAdam, John D. Mcarthy and Mayer N. Zald. New York: Cambridge University Press. Pp. 41-61.

Tilly, Charles. 1995. *Popular Contention in Great Britain, 1758-1834*. Cambridge: Harvard University Press.

UNIDO. 1980. "Export Processing Zones in Developing Countries" in *UNIDO Working Paper on Structural Change*. Pp. 19-34.

Verite. 2001. "Comprehensive Factory Evaluation Report on Kukdong International Mexico, S.A. De C.V. Atlixico, Puebla Mexico."

Winston, Morton. 2002. "NGO Strategies for Promoting Corporate Social Responsibility." *Ethics and International Affairs*, 16 (1).

WRC (Worker's Rights Consortium). 2002. Online, <http://www.workersrights.org>.

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