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Recent proposals that have been put forward to “deepen” North American integration ignore the role of an important actor, civil society, in a future North America. Proposals like those from Wendy Dobson, Thomas d’Aquino and former Canadian ambassador to the United States, Allan Gottlieb, perhaps overlook civil society because it is often assumed that civil society is an inhibitor, not a driver, of North American integration. Civil society opposition has indeed become an important factor in decision-making around the Canada-US Free Trade Agreement (FTA), the North American Free Trade Agreement (NAFTA), and more recent trade talks on the Free Trade Area of the Americas (FTAA) and the World Trade Organization (WTO). Nonetheless, proposals geared to the interests of big business ignore broader public concerns for the implications of these proposals for equity, social justice and democratic accountability.

I would argue that proposals for deepened integration that ignore the role of civil society do so at their peril. At earlier stages of the integration process, civil society, including environmental and labour activists, came close to derailing both the FTA and NAFTA through widespread mobilization. The failure of recent talks on the FTAA and the WTO show that skepticism about the merits of neo-liberal globalization are widespread, and that civil society has become adept at marshalling opinion and mobilizing opposition to these initiatives for “globalization from above.” At the same time, the growth of cross-border linkages among labour, women, environmentalists, indigenous peoples, farmers and others means that civil society has become a driver of a different form of integration based on “globalization from below.” Proposals for deeper integration that ignore these pressures from below are extremely short-sighted. The disconnect between these two forms of globalization is a major source of conflict in contemporary societies, including Canada.

The concept of civil society is a contested one, with a long heritage in liberal political theory. There are three common usages of the term. The term is commonly used colloquially to refer to the public in general. In a second common usage, it refers only to “progressive” or “left wing” social actors. Finally, an intermediate and less normative approach defines civil society as referring to all organized social groups that are located outside of the formal sphere of the state, but which attempt to influence state action. This third approach would include business lobby groups as well as the union and environmentalist groups with which the term civil society is commonly associated.

As is widely known, non-business civil society actors organized actively in opposition to earlier integration initiatives in North America. The FTA and NAFTA debates resulted in a deep polarization in North American societies, with states and business on one side of the debate and a wide range of civil society actors on the other. This outcome was the result, in part, of inadequate mechanisms of consultation with non-business civil society actors, as all three countries in North America adopted consultation mechanisms skewed toward business participation. The result was an unproductive polarization of all three societies. In the process, there emerged a strong, cohesive civil society alliance among social actors that were previously unconnected or even antagonistic toward one another. These included traditional protectionist actors like labour unions and nationalist groups like the Council of Canadians, as well as environmentalists, Third World development agencies, women's organizations and farmers' groups. Civil society organizations were concerned about such familiar issues as job loss and loss of Canadian sovereignty. However, the emergence of these cross-class coalitions also was a result of the changing nature of trade talks — as GATT talks were largely successful in dismantling existing tariff barriers, trade discussions moved toward more contentious areas such as regulatory convergence, investment rules, trade in services and intellectual property rights. These new trade policy issues gave rise to a wide range of concerns about implications of these decisions for the capacity of elected states to protect citizens' interests.

In the initial debate on the FTA, few cross-border linkages were involved in civil society mobilization since US civil society and state actors did not view Canada as a major threat. The NAFTA negotiations, which included Mexico, galvanized public debate, however. US actors ranging from Ross Perot and Pat Buchanan on the right to the AFL-CIO and Ralph Nader on the left leapt into the fray. Non-business civil society actors from Canada, the United States and Mexico developed extensive cross-border ties and strategies, and impressive expertise in complex and even arcane trade policy issues. Civil society organizations did not succeed in preventing the implementation of the two trade agreements, but they did promote lively debate about trade and globalization and helped to catalyze public concerns about the meaning of globalization for social inequities, environmental standards and working conditions in the three countries. As well, in the United States, public opposition did lead to the adoption of the two side agreements on labour and environmental standards, a limited recognition that trade agreements did have broader social effects that would not be solved merely through the operations of the marketplace.

Reflecting the neo-liberal origins of the trade agreement, civil society had little formal role in the “new North America” constructed by NAFTA. In contrast with the European Union, whose origins were closely linked with concerns about democracy, human rights and international conflict, NAFTA was founded as a trade agreement, with little or no attention to the political aspects of governance and bounded by the technocratic discourse of international trade law. The founders of NAFTA explicitly rejected the European Union’s institutional framework, and the European idea of a human rights and democracy requirement for entry into the agreement, since Mexico would have immediately been barred at that time. As a result, NAFTA sets up few institutions apart from those established under the side agreements, and the ones that exist, like the dispute resolution panels and working groups on common issues, are non-accessible and non-transparent.

Despite NAFTA’s institutional minimalism, and the absence of an explicit human rights component, critics have argued that the agreement does constitute a new form of “supranational constitutionalism,” since it establishes norms which “control government behaviour even though they are not part of the domestic constitution.” Civil society organizations have focused much of their critique of NAFTA on its Chapter 11 investor-state clause which, they argue, gives corporations an unprecedented right to sue governments for imposing regulations that might jeopardize their profits. However, it is important to remember that despite civil society opposition to the agreement, and the lack of a formal role for civil society actors outside of the labour and environmental side accords, civil society actors do play an important role in making integration socially sustainable. Particularly in Mexico, economic liberalization has resulted in substantial social dislocation. Civil society plays a crucial role as a social shock absorber, allowing individuals and groups left out of the benefits of integration to survive and adapt to the new economic environment.

On a more positive note, the two NAFTA side accords, on labour and the environment, did create some new supranational architecture with the potential to promote new spaces for citizen engagement. NAFTA was the first international trade treaty to include labour and environmental provisions, and was designed to promote international discipline on enforcement of domestic labour and environmental regulations. Nevertheless, both side accords lack effective enforcement mechanisms. The side agreements were designed to avoid harmonization of labour standards and supranational norms, and instead to provide only for institutionalized monitoring of existing labour legislation within each country.

The environmental side agreement enjoys a considerable degree of support from environmental NGOs, and has promoted some lively debates and research concerning the connections between trade and environment in the North American region. In contrast, it is widely agreed that the agreement on labour has had minimal impact on the promotion of labour rights and improved labour standards in the region. The North American Agreement on Labour Cooperation (NAALC) has permitted civil society organizations to publicly challenge governments over their lack of enforcement of their labour laws and has created some public pressure on corporations to abide by existing legislation, for example, in the case of pregnancy screening of female maquiladora workers. However, there is widespread disappointment with the responses given by the National Administrative Offices in each country to the submissions filed, and the number of submissions, never high, has dropped.

The ineffectiveness of the NAALC in promoting labour rights is attributable not just to its weak capacity for enforcement, but also to the lack of common understanding and strategies among governmental and non-governmental actors in the three countries of the region. The three governments of the region designed the agreement to maintain their sovereign control over labour issues, and non-state actors like unions and NGOs have been highly skeptical about the labour side agreement and reluctant to appear to seemingly contribute to its legitimacy by working through the NAALC institutions to promote labour rights in the region. In sum, the anemic institutional structure of NAFTA has failed to build a public constituency for North American integration. Nevertheless, there are a series of factors that may indicate the possibilities of more constructive dialogue between civil society and proponents of deeper integration.

First, an important new factor since the signing of NAFTA is the democratization of Mexico. Certainly, under President Vicente Fox, Mexico has been the most active promoter of deepened North American integration. Fox's proposals emphasize most strongly improved access for Mexican workers to the US labour market, but his government has also promoted other measures like regional development funds like in the European Union. His proposals reflect widespread disappointment with the failure of NAFTA to reduce Mexican poverty or reduce the gap between living standards in Mexico and those in Canada and the United States.

Second, there has been a gradual growth of cross-border ties among civil society organizations in North America. As argued above, civil society is thus not so much an inhibitor of integration, but representative of a different form of regionalization, from below. Cross-border contentious political activity has been pursued

not only within the formal institutions established by NAFTA (the NAALC and the NAAEC), but also on a more informal basis, particularly around labour, environmental, and human rights issues. In particular, the tri-national ties established during the NAFTA debate have extended to an important hemispheric alliance in opposition to the proposed FTAA. NAFTA has thus created the basis of cross-border alliances and cooperation that would not otherwise have existed.

Finally, the recent widespread circulation of proposals not just by the Mexican government but also by corporate actors and conservative think tanks for the deepening of North American integration may create an opening for discussion of social citizenship rights at the regional level. Particularly in Canada, big business groups were galvanized by the virtual closing down of the Canada-US border immediately following the September 11th attacks in the United States, spurring them to seek new ways of guaranteeing access to the US market. Proposals for a customs union, monetary union, energy sector integration, and defense integration have all been floated. While these proposals offer little in the way of new institutions or democratic rights, they have prompted broad discussion and new ways of thinking about the North American region.

John Foster, an academic and long-time activist in free trade debates has encouraged movements on the left to think further about the future political shape of North America. According to Foster,

The deep integrationist project demands a fundamental democratic challenge...If those favouring deeper economic integration are moving toward the creation of further legs to the stool [of North American integration] in the security area, and in energy cooperation as well, it would seem to me that popular and social organizations should challenge the imbalance of these propositions and work at the sorts of norms, agreements, mechanisms and institutions which would ensure human rights, environmental security and democratic participation for all on the continent.

These proposals are quite unorthodox, given the Canadian Left's predisposition toward abrogation of the NAFTA agreement. But given the high level of integration that has now occurred within the North American economy, disintegration may no longer be an option.

Promoters of deeper integration have given insufficient attention to what might attract North American citizens to a deeper form of continental integration. Any serious attempt by the North American governments to undertake dramatic new economic integration initiatives would undoubtedly spark massive

political response by civil society organizations promoting alternative political visions. In the United States, John Kerry's campaign is profiting from widespread skepticism about the benefits of NAFTA, Mexicans are even more skeptical, and recent polls show Canadians remain opposed to deeper ties with the United States. In this context, civil society organizations in all their diversity deserve a voice in any project of re-thinking North America.

Laura Macdonald of Carleton University is the author of "Governance and State Society Relations: The Challenges," in *Capacity for Choice: Canada in a New North America*, edited by George Hoberg and published by University of Toronto Press, 2002.