The Problem of Coherence:
the dilemmas of activism across the national and transnational scales

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Abstract: Based on the study of the dynamics of transnational networks of trade agreement challengers in the Americas, this article argues that civil society actors face a basic problem when linking domestic and transnational collective action: the problem of coherence across scales. It refers to the ability of actors to formulate frames, adopt proposals and implement strategies that are compatible at various scales. This problem has become increasingly relevant, as civil society actors face the challenge of formulating alternative proposals domestically and globally. It has also gained new contours as the political context has changed in the Americas in the past decade, opening the potential for influencing policy-making at home. It is felt by a variety of actors, but, most specially, by actors such as labor unions, that engage in transnational networks while maintaining firm domestic roots.

COMMENTS ARE WELCOME

Introduction

The literature on transnationalism has emphasized often the positive impacts for civil society organizations of the creation of ties with allies from different countries. This literature has demonstrated that, through the boomerang effect, through joint actions, or simply through the exchange of information, actors use their collaborative ties in other countries as leverage in domestic and international fora². Thus, involvement in transnational networks has, in general terms, a positive impact on actors’ abilities to reach their domestic goals. In spite of the importance of this

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² There is a large literature that focuses on the impacts of transnational ties. See, for example, Keck and Sikkink, 1998, della Porta and Tarrow, 2005, Anheier, Glasius and Kaldor, 2005, Chandler, 2005.
finding, it tells us only one part of the story. It is also true that transnationalization can present actors with new predicaments that may endanger their ability to build alliances, and can put into question the strategies they choose.

In this paper, I will focus on a specific source of potential difficulties, faced by actors when formulating and implementing strategies at different scales. I refer to this as “the problem of coherence” across scales. This problem is felt most vividly by “transnationalized civil society organizations” (TCSOs), those that cross national borders but maintain firm domestic roots. Such actors, as shown in the recent literature, are much more commonly found than full-scale global ones (Tarrow 2005; von Bülow 2010). It is also a more frequent problem when actors participate in long-term transnational collaboration efforts that try to go beyond “just saying no” to formulating alternative proposals. In fact, perhaps the reason why the literature has not paid enough attention to this issue is that most of the cross-border campaigns studied have been constructed to last for a limited amount of time, around specific demands. Fewer of these are long-term coalitions that are based on a set of concrete alternatives to global governance policies and institutions. And, yet, actors are constantly pressured to do exactly that: to offer other civil society actors, government officials and international organizations alternative language for agreement, to recommend new policies, and to suggest innovative governance arrangements. When they fail to do so, actors are quickly labeled by critics as “anti-globalization”.

This article offers an empirical approximation to the problem of coherence across scales by focusing on the study of a set of organizations that have engaged in transnational efforts to challenge trade agreements in the Americas. This is a relevant case study because, in the past two decades, there has been an unprecedented effort at building transnational coalitions to influence trade negotiations, across North-South, cultural, and political barriers (von Bülow 2010).

In the Americas, most of the members of these coalitions are domestic-rooted civil society organizations such as labor unions, which remain attached to the national scale through their membership, and through their embeddedness in domestic political and social networks. The
analysis of the roles played by labor unions shows that the problem of coherence across scales is most visible when actors move across scales, either internationalizing or domesticating agendas, demands, and strategies. Although this article pays special attention to the case of labor, I contend that the problem of coherence across scales is wide-reaching. It can be felt across issue areas, as well as across ideological divides.

The tensions between domestic and transnational collective action became more relevant in the Americas in the past decade, as the balance of power shifted in the region, pending toward the political forces that had been critical of the model of free trade negotiations that was characteristic of the 1990s. In the United States, Democrats won the majority in Congress in 2006, and went on to elect the President in 2008. In South America, the new Presidents of Argentina (2003), Brazil (2003), Bolivia (2006), Ecuador (2007), Paraguay (2008) and Venezuela (1999) were all – in spite of significant differences among them – much more skeptical about the potential impacts of trade liberalization policies than their predecessors. On the one hand, this was seen by activists as a positive turn, one in which many of them played an active role. On the other hand, the opening of new possibilities for dialogue and influence at home led to strong disagreements, which put in jeopardy the process of coalition-building of the previous two decades.

This article begins with a discussion about the problem of coherence across scales, putting it in the context of recent theoretical debates about transnational collective action. The second section presents an analysis of the process of creation of a transnational coalition by challengers of free trade agreements: the Hemispheric Social Alliance (HSA). It focuses on the attempts it made at forging a consensual program, entitled “Alternatives for the Americas”, and, more specifically, on the discussions about the inclusion of labor provisions in trade agreements. It follows an analysis about how labor unions affiliated to the HSA have reacted in face of the perception of new domestic political opportunities to negotiate the language of trade agreements, based on the case of the American Federation of Labor – Congress of Industrial Organizations (AFL-CIO). The article ends with
a call for further research on the impacts of transnationalization on nationally-rooted civil society actors.

1. The Problem of Coherence across Scales

To the extent that many – if not most – actors that participate in transnational collective action remain attached in crucial and various ways to local and national contexts, we need more research on what I call in this article the “problem of coherence across scales”. As Tarrow has aptly argued, “transnational activists are often divided between the global framing of transnational movement campaigns and the local needs of those whose claims they want to represent” (Tarrow 2005: 76). How do actors deal with the potentially contradictory pressures that arise from being embedded in collaborative networks at various scales?

The problem of coherence across scales refers to the ability of actors to formulate frames, adopt proposals and implement strategies that are reconcilable at various scales. Although my empirical focus here is on civil society organizations, and, more specifically, on labor organizations, this problem can be felt also by government officials, who constantly have to adjust their rhetoric and strategies according to various publics and scales. In this sense, this is not a new problem: the ability to adapt has always been a crucial political skill.

However, this is not a problem for all civil society actors in every situation, nor do they react to it in the same way. It becomes a problem for transnationalized civil society organizations (TCSOs) when they find themselves squeezed between the desire to negotiate new positions at one scale, and the need to uphold previous commitments with allies in another scale. I argue that this happens most clearly when actors are engaged in sustained transnationalization, that is, when TCSOs see the international arena not just as an intermittent option to further their immediate goals, but as a long-term site for political action. The choice of this pathway to transnationality entails going beyond

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3 Elsewhere I have proposed a typology of pathways to transnationality, according to differences in the endurance and degree of internationalization of actors’ organizational and ideational strategies. See von Bülow, 2010.
short-term mobilizations to thinking in terms of common programs with allies in other countries, and necessarily presupposes coherence across scales.

The scholarly literature on social movements has long acknowledged the difficulties facing actors that try to go beyond protest. It has discussed the twin dangers of cooptation and of isolationism, as actors decide whether to negotiate with political parties and state officials\(^4\). It has also analyzed the additional complications posed by tensions between individual organizations and the coalitions in which they participate\(^5\). Transnationalized actors face these same dangers and tensions, but their embeddedness in coalitions and in political contexts within and across national borders adds complexity to them.

By concentrating on the links between domestic and transnational collective action, I distance myself from arguments that tend to blur the boundaries between these two scales, as though they have become less relevant. Civil society actors prioritize different scales and also make choices with respect to the durability of actions. Simply blurring the boundaries does not help us to understand why and how they make these choices, and the tensions that arise from them (von Bülow 2010: 35).

I also distance myself from arguments that tend to focus on the international scale when discussing transnational collective action, because "not all activism that is relevant to transnational politics takes place in the international arena. Relevant processes are found within domestic politics, in transitions from the domestic to the international level, and between states and within and around international institutions" (Tarrow 2005: 30). More specifically, actors often actively internalize, or “domesticate”, strategies and frames. As Kathryn Sikkink has argued, many actors privilege domestic political change, while maintaining transnational activism as a complementary option that is used intermittently (Sikkink 2005: 165). However, neither the process of "domestication" not its opposite movement, the process of “internationalization”, is automatic or simple. They entail collective action dilemmas and tensions that are not easily resolved.

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\(^4\) See, for example, the discussion in Munck, 1995.
\(^5\) See, for example, Staggenborg, 1986.
The argument of the “problem of coherence” is based on the assumption, that, increasingly, transnational collective action is about the ability of actors to go back-and-forth among privileging the subnational, national, or the international scale, in ways that enhance their ability to reach their goals. Thus, changes of scale are not one-time decisions, but rather a constant and, to some extent, an unpredictable part of transnational collective action. This unpredictability derives from the dynamic character of politics.

McAdam, Tarrow and Tilly have contributed to this debate by focusing on the process of “scale shift”, defined as “a change in the number and level of coordinated contentious actions to a different focal point, involving a new range of actors, different objects, and broadened claims” (McAdam, Tarrow and Tilly 2001: 331), which “can also generate a change in the meaning and scope of the object of the claim” (Tarrow 2005: 121). These shifts in scale “are not simply the reproduction, at a different level, of the claims, targets, and constituencies of the sites where contention begins; they produce new alliances, new targets, and changes in the foci of claims and perhaps even new identities” (idem; ibidem).

It is also true, however, that specific changes in context can help to explain actors’ choices. By emphasizing the relevance of political opportunity structures, I am borrowing from the political process tradition in social movement theory, which has demonstrated that the emergence of social movements is impacted by the relationship between actors and the political environment. The concept of “political opportunities” has been defined by Tarrow as “consistent - but not necessarily formal or permanent – dimensions of the political environment that provide incentives for collective action by affecting people’s expectations for success or failure” (Tarrow 1998: 76-77). In this article, the analysis emphasizes the fact that the opening of political opportunities can be perceived differently by similarly situated actors. In focusing on these various interpretations, it favors a

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nondeterministic use of the concept. Although this article deals primarily with the impacts of changes in the domestic political context on TCSOs, the interactions between civil society organizations and political allies and foes go beyond national borders. Thus, the concept of political opportunity can – and should – be applied to various scales (Sikkink 2005).

As argued above, the problem of coherence gained increased relevance for transnationalized civil society actors in the Americas in the past decade. Although the domestic scale had never been ignored as a site of activism for trade agreement challengers, the election of new center-to-left governmental coalitions in various countries significantly changed the prospects for incidence at that scale. In spite of important differences among them, the political forces that came to power in the past decade in various countries of the Americas gave renewed importance to the debates about the role of the state in development efforts, and led to greater attention being paid to discourses that linked trade negotiations to loss of national sovereignty. For many – although not all – of the members of the Hemispheric Social Alliance, this change was perceived as an important opportunity to advancing their agendas.

2. **Reforming Global Governance: the proposals of “Alternatives for the Americas”**

At the end of the 1980s, the Americas became a laboratory ground for the implementation of new rules on global governance, through the negotiation of several bilateral and regional trade agreements. Such agreements innovated by sponsoring an agenda that went much beyond the reduction of tariffs and quotas. In 1990, the beginning of the talks among Mexico, the United States and Canada on what eventually would be the North American Free Trade Agreement (NAFTA) included, for the first time in a trade agreement, issues such as labor rights and environmental protection. These negotiations provided a sort of “coral reef” (Tarrow forthcoming 2011: chapter 11) around which an increasing number and variety of civil society organizations (CSOs) coalesced.

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7 There has been a lot of debate on the more or less structuralist usage of the concept of “political opportunities”. See, for example, Goodwin and Jasper, 1999, Goodwin and Jasper, 1999, Tarrow, 1999, Tilly, 1999, Tarrow, 2005.
However, when civil society organizations began to mobilize around the wave of free trade agreement negotiations that swept the Americas in the 1990s, there were few hemispheric or even subregional spaces to exchange ideas and information, or to formulate common strategies with allies from other countries (von Bülow 2010: chapter 4). During the Canada-U.S. Free Trade Agreement negotiations, at the end of the 1980s, Canadian unions had allied with other civil society actors in a broad-based domestic coalition against that agreement. When the NAFTA negotiations were launched, a few years later, similar coalitions were created in the U.S. and in Mexico, but, in spite of a lot of collaboration among these alliances, no institutionalized space for the debate of common strategies and proposals was created at the regional level (idem ibidem).

This pattern of coalition-building among challengers of trade agreements in the region changed only with the beginning of the negotiations of the Free Trade Area of the Americas (FTAA). The Hemispheric Social Alliance (HSA) was created during the second half of the 1990s, as the first hemispheric cross sectoral coalition that aimed to build long-term common goals and principles across a broad spectrum of CSOs, from tiny NGOs to million-member labor organizations. Among its founders, the Interamerican Regional Organization of Workers (ORIT) (reestablished in 2008 as the Trade Union Confederation of the Americas - TUCA) had an important role in helping to overcome traditional resistances against the participation of labor in such encompassing coalitions. Labor federations that had participated in efforts to build trade alliances at the domestic scale, such as the Canadian Labour Congress (CLC), and organizations that had historical ties to other civil society actors, such as CUT-Brazil, were instrumental in overcoming these resistances within ORIT (von Bülow 2009: 11).

The HSA was organized on the basis of consensus-based coordination instances: members created a rotating Secretariat, a Coordinating Group, thematic working groups, and a Hemispheric Council that took the most important decisions, in which all affiliated organizations could participate. These organizations were of two types: national chapters of the HSA, which were themselves broad coalitions, and sectoral regional coalitions. Most of the members of these
affiliates were domestic organizations that wished to challenge NAFTA-like free trade agreements. Organizations such as the AFL-CIO participated both through the U.S. national chapter, the Alliance for Responsible Trade (ART), and through ORIT. As of 2010, the HSA had nineteen national chapters. In 2006, the HSA was defined by its members as an “open space”, a “forum of progressive social movements and organizations of the Americas, created to exchange information, define strategies and promote common actions, directed at finding an alternative and democratic development model” (my emphasis). Thus, the coalition was not meant to be only a short-term space for debate and coordination. The goal of finding a new “development model” implied the construction of a programmatic consensus among organizations that were, for the most part, located somewhere to the center-left of the political spectrum. At the same time, neither the HSA nor its national chapters sought to impose a rigid and hierarchical decision-making structure that would limit the autonomy of members (Rebrip 2007). However, as will be discussed below, the balance between institutionalization of a transnational coalition and autonomy of its members remained a moving target and a key challenge.

The most important instrument used by the coalition to craft this programmatic consensus was the document “Alternatives for the Americas”. Between 1998 and 2005, HSA members produced five versions of this document, which became increasingly broader in terms of the issues covered, and at the same time more specific in terms of the proposals advanced.

This initiative is relevant if we consider that many experiences of mobilization against free trade agreements in the region have been carried out by focusing on domestic targets and frames, without an attempt to build a programmatic consensus will allies in other countries. For instance, during the Canada-U.S. Free Trade Agreement negotiations, Canadian organizations that gathered for the first time in a broad-based coalition to fight an FTA emphasized the defense of national

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9 The 2005 version had chapters on human rights, environment and natural resources, sustainability, gender, labor, immigration, the role of the state, communications, education, foreign investment, international finance, intellectual property rights, agriculture, market access and rules of origin, services, and conflict resolution disputes.
interests, the perceived threats to Canadian sovereignty, and the danger of loss of national identity. In Brazil, over a decade later, the motto of the National Campaign against the FTAA was emblematic of this domesticated approach. It stated: “Sovereignty yes, the FTAA no!”

The five editions of “Alternatives” are as interesting for what is written in them, as for what is suppressed. Absent, for example, is a common position on South-South processes of integration, some of which existed since before the FTAA negotiations, such as the Common Market of the South (MERCOSUR), and others that were launched in direct opposition to the FTAA, such as the Peoples’ Trade Agreements and the Bolivarian Alternative for the Americas (proposed by the governments of Cuba and Venezuela in December of 2004). Members of the HSA received these proposals with varying degrees of sympathy and suspicion. Their suppression from the programmatic agenda allowed them to “agree to disagree” on the importance of these initiatives (von Bülow 2010: chapter 9).

This lack of agreement did, however, have important consequences, as new center-to-left governments were elected in Latin America, and as the Democratic Party won the Presidency in the United States. Together with the freezing of the hemispheric negotiations, this sweeping change in the political context helps to explain why the effort of “Alternatives for the Americas” was abandoned after 2005. All of a sudden, not only did HSA members lack a common hemispheric target around which to mobilize, but there was increased pressure from political allies to debate concrete trade policies from a national perspective. As one of the participants in the HSA argued, “… [after 2005] there was evidence that the fight could not be taken to the generic field of [the proposals of] ‘Alternatives for the Americas’, and that it was necessary to go further in terms of concreteness … To make these proposals more concrete also meant starting to discuss the real processes of integration that are being negotiated... To this end, the social organizations united around the HSA realized that that alternative proposal (‘Alternatives for the Americas’) was not a tool in the dialogue established with the real processes of
integration, and that in fact they did not have a clear position on the issue” (Berrón 2007: 16-18, my translation).

These pressures were felt by all members of the HSA, but in the next section I focus on the case of labor unions for two main reasons: because of the relevance of the debate about the link between trade and the enforcement of labor rights, both among civil society challengers of trade agreements, and between those and government negotiators, and because labor unions symbolize transnationalized civil society organizations that remain rooted at the national scale. As the next section will show, the process of reaching an agreement on what the language on labor rights should be was a lengthy one within the HSA.

2.1 The Debate about Labor Provisions

Reaching out to other civil society actors, within and beyond national borders, meant signing onto a broader set of issues. In the case of labor, before the creation of the HSA the demands presented through ORIT to negotiators of the FTAA had been specifically labor-related: the creation of a Labor Forum (as counterweight to the already existing Business Forum), and the creation of a working group on social and labor issues. However, when ORIT formally declared its opposition to the FTAA, in April of 2001, its arguments were based on a wider set of issues, including those that were considered relevant by NGOs and social movement organizations affiliated to the HSA (Anner and Evans 2004: 41).

Building transnational coalitions also meant negotiating with other allies the contents of the linkage between trade and labor rights. The section of “Alternatives for the Americas” on labor rights presents two key demands: the incorporation of a social clause in trade agreements, and the progressive upwards harmonization of working laws and conditions among signatories of trade agreements. However, the 2005 version of the labor section is different from the first (1998) one in several aspects, and reflects the effort to find common ground among HSA affiliates. First, it puts greater emphasis on incentives, instead of coercion. Second, the perpetrators (and not the
countries) should be the ones to be made accountable for violations. Finally, the enforcement process has to be transparent and public, with the participation of CSOs and experts (see Table 1).

Table 1


<table>
<thead>
<tr>
<th>1998 (1st VERSION)</th>
<th>2005 (5th VERSION)</th>
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</thead>
<tbody>
<tr>
<td>- Incorporation of a labor clause (the commitment to respect basic workers’ rights with an enforcement mechanism delegated to the International Labor Organization – ILO with the possibility of trade sanctions targeted at governments or businesses), and a safety net for workers that lost their jobs; - Progressive upwards harmonization of working rights and conditions.</td>
<td>- Incorporation of a labor clause (with the possibility of trade sanctions targeted primarily at businesses, and only initiated when expressly requested by organizations representing the workers whose rights have been violated), and a safety net for workers that lost their jobs; - Progressive upwards harmonization of working rights and conditions; access of migrants, women, and informal workers to labor rights.</td>
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To understand these changes, it is important to note that the introduction of labor clauses in trade agreements has been a perennial source of contention among civil society actors and among those and business representatives and government officials, not only in the Americas, but at the global level. Many in the South – including some labor unions – have viewed the inclusion of language on labor rights as safeguarding and protectionist tools rather than labor solidarity initiatives. Hence the emphasis on firms as the targets of trade sanctions, instead of whole countries, and the need for the involvement of workers whose rights have been violated.

By accepting the 2005 version, actors such as the AFL-CIO were able to downplay charges that their defense of the enforcement of labor rights was motivated by “labor protectionism”. However, this consensus proved to be fragile. As the next section will argue, this fragility is directly related to the problem of coherence across scales.

3. Domestic Political Opportunities and Transnational Collective Action

The problem of coherence across scales is felt differently by civil society organizations in each country, in part because of the various domestic political systems. In the case of trade policy-
making, there are important differences in the Americas regarding decision-making processes. While in Latin American countries typically the negotiation of international trade agreements is under the exclusive jurisdiction of the Executive branch, which then submits agreements to the national Congresses for a “yes” or “no” vote, in the United States the Constitution grants Congress the primary power over trade policy-making\(^\text{10}\). Since 1974, it is part of the legislators’ attributions to periodically approve a Trade Promotion Authority Act (the TPA, best known as “fast track” legislation). It grants temporary authority to the President to negotiate trade agreements with other countries, at the same time that it limits the role of Congress to approving or rejecting the treaties within ninety days, without the possibility of amending them.

Although the restrictions on the role of U.S. Congress have sparked criticism by those opposing negotiations, legislators in that country still hold more power than their counterparts in places like Brazil or Mexico. Through the TPA they can specify objectives that they expect U.S. negotiators to pursue, and introduce criteria on labor standards that negotiations must meet in order for agreements to be subsequently approved. The President has to notify Congress before entering into an agreement, and is required to consult with Committees during the negotiations.

This difference had a direct impact on the strategies pursued by the national chapters of the HSA. In contrast with Latin America, efforts at influencing trade policy-making in the U.S. have been divided between lobbying Congress – especially during “fast track” and trade agreement votes – and Executive agencies – especially during trade agreement negotiations. Differently from Latin American countries, trade can be an important topic in legislators’ elections, which takes the issue – and the contentious debate – to the local level. Furthermore, when Congress is debating new initiatives, U.S. labor representatives are invited to participate in meetings and public hearings, where they are expected to present specific criteria that these initiatives would have to meet to become acceptable. Thus, when the Democratic Party won the majority of seats in the U.S. Congress

\(^{10}\) For a more detailed discussion of trade policy-making rules in Brazil, Chile, Mexico and the United States, see von Bülow 2010: chapter 10.
in 2006, this represented an important political change for trade agreement challengers, one that led them to rethink their strategies.

The 2006 legislative elections were the first sign of the change in the political mood of the U.S. electorate, which would, in 2009, elect a Democratic president. Prospects for trade agreements passing Congress did not look good then. Many of the new legislators had gained votes by vowing to stop the negotiation of NAFTA-like agreements, and, more specifically, by criticizing the lax provisions on labor rights and environmental protection these agreements sponsored. Moreover, in the previous decade, votes had broken increasingly along party lines, with few Democrats voting for the approval of new agreements (Destler 2007: 1). In such a context, some challengers of the U.S. free trade policy thought they could stop the vote of pending agreements. Others thought that they could influence the drafting of a new trade policy. However, in May 2007, only five months after taking oath and less than two months before the expiration of the Trade Promotion Authority (“fast track”), a group of Democrats and Republicans announced a new bipartisan compromise on trade policy, the “New Trade Policy for America”.

The bipartisan compromise was based on a set of reforms in the language of trade agreements, centered on the issue of labor rights (Idem: 13) and, to a less extent, of environmental protection. The understanding also struck a new balance between intellectual property rights and trading partners’ health needs, provided a “port security” exception to US obligations under the services chapter, added a provision that foreign investors would not be granted greater rights, within the United States, than US investors, and set forth a worker assistance and training initiative.

In March of 2007, the AFL-CIO Executive Council had issued a statement in which it had laid out its main demands: that workers’ fundamental rights (as laid out in the International Labor Organization’s Declaration on Fundamental Principles and Rights at Work) be protected and subject to the same binding dispute settlement and enforcement mechanisms as trade provisions; that “environmental commitments should be reaffirmed and protected in trade rules”, without the possibility of private investors challenge domestic environmental and public interest laws before
international tribunals; that trade rules do not affect a government’s ability to implement public policies to regulate labor markets, the environment, public health and consumer safety; and, finally, that trade negotiations be more transparent and open to broader public participation, both at the national and international levels (AFL-CIO 2007).

Perhaps the greatest innovation of the bipartisan agreement was to concede on the AFL-CIO’s key demand: that labor provisions be subject to the same dispute settlement provisions as the trade obligations. From NAFTA on, the U.S. Congress had included language on these issues, first as side agreements to the treaty, and later as chapters of the treaties themselves (see table 2)\textsuperscript{11}. These agreements were based primarily on the need for signatories to enforce their own domestic laws, and also created a set of regional institutions that would follow-up on this commitment and also promote cooperation. Up to the U.S.-Peru FTA, provisions for the enforcement of labor rights were significantly laxer than the dispute settlement provisions for the other obligations of the signatories. Based on the bipartisan agreement, the U.S. and Peru renegotiated the agreement that was waiting for a vote in the U.S. Congress, and released the new text in June of 2007.

By promoting some of the changes that the AFL-CIO had demanded for over a decade, the Democratic leadership was able to apply pressure on that labor organization not to oppose this agreement. During testimony before the Senate, AFL-CIO Policy Director Thea Lee argued that “The new provisions on workers’ rights and the environment … represent significant progress in crucial areas that we have fought to achieve for many years”, but that “it is important to remember that the May 10\textsuperscript{th} [bipartisan] agreement represents the tip of the iceberg in addressing what is wrong in our trade policy” (Lee 2007). The Federation criticized the insufficient changes in provisions about investment, procurement, and services, issues that had entered the agenda of that organization through the networks in which it participated at the domestic and transnational scales. In the end,

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\textsuperscript{11} The link between trade and labor dates from before NAFTA, however. Through the 1984 amendment to the Generalized System of Preferences (GSP), Congress prohibited preferential tariff treatment to developing countries that did not take steps to offer workers internationally recognized rights (including the rights of association and collective bargaining, prohibition of forced labor, prohibition of child labor, and minimum standards for wages, hours, and occupational safety and health).
however, in spite of these critiques, the AFL-CIO sponsored a “neutral position” on the U.S.-Peru Trade Agreement Promotion, while maintaining the opposition with respect to the pending agreement between the U.S. and Colombia and the renewal of “fast track” authority. It was the first time, since NAFTA, that the AFL-CIO decided not to oppose a new trade deal negotiated in the Americas. In December of 2007, the Peru-U.S. Trade Promotion Agreement passed by a large bipartisan vote.

However, this position was not consensual among U.S. labor unions, nor was it accepted by the national chapter of the Hemispheric Social Alliance (HSA). Even among the AFL-CIO’s own affiliates, there were those that argued that changes in labor provisions still fell short of their demands, as well as changes in other chapters of the deal. The then newly created Change to Win Coalition (CWC) also took the opportunity to distance itself further from the AFL-CIO by maintaining their opposition to the deal.

Within the Alliance for Responsible Trade (ART), the national chapter of the HSA, the AFL-CIO’s position took the coalition to the brink of a rupture. The federation’s neutrality was, for many members of ART, tantamount to support of the agreement, and this represented an important disagreement with the coalition’s position. On November of 2007, ART’s coordinator sent an email entitled “mea culpa” to the coalition’s electronic list, apologizing for having ART sign on to a Call to Action against the U.S.-Peru TPA without first consulting all members. This reflected the high tensions running within the coalition. For many, signing on to a campaign against this agreement merely reflected the coalition’s traditional stance, as well as the Hemispheric Social Alliance’s position. As other pending trade deals (such as the ones negotiated with Colombia and Panama) have not been submitted to a vote in Congress since the U.S.-Peru TPA was approved, U.S. CSOs have not had to face potential disagreements again.

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12 It is important to note, however, that U.S. labor unions have not always been critical of free trade. Up until the 1960s, most affiliates of the AFL-CIO were part of pro-free trade domestic coalitions (Destler, 1998).

13 See, for example, the letter to Congress by the International Association of Machinists and Aerospace Workers – IAM (Buffenbarger, 2007).
### Table 2
Main Labor Rights Provisions in Selected Trade Agreements
Negotiated between 1987 and 2007

<table>
<thead>
<tr>
<th>Trade Agreements and Years of Entry into Force</th>
<th>Main Labor Rights Provisions</th>
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</thead>
<tbody>
<tr>
<td>Canada-United States Free Trade Agreement (1989)</td>
<td>None</td>
</tr>
<tr>
<td>North American Free Trade Agreement (1994)</td>
<td>Side Agreement: North American Agreement on Labor Cooperation. Created a Commission for Labor Cooperation, comprised of a Secretariat and a Council of Ministers. Complaint mechanism: individuals and organizations can present submissions to National Administrative Offices (NAOs) denouncing the failure of governments to enforce national labor law regarding eleven labor principles. NAOs may accept submissions and call for ministerial consultations; in the case of eight principles an Evaluation Committee of Experts may be called for; submissions concerning three principles can advance to an Arbitral Panel, which can decide for trade sanctions.</td>
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<tr>
<td>Chile-United States Free Trade Agreement (2004)</td>
<td>Labor chapter (chapter 18). Countries reaffirm obligations under the International Labor Organization and strive to ensure labor rights in domestic law, including: (a) right of association; (b) right to organize and bargain collectively; (c) a prohibition on the use of any form of forced or compulsory labor; (d) a minimum age for the employment of children and the prohibition and elimination of the worst forms of child labor; and (e) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. Of these, only sustained failure to enforce one’s own labor laws in a manner affecting trade between the Parties is subject to binding dispute settlement and to fines or sanctions, after consultation with the Labor Affairs Council. Dispute settlement provisions (Chapter 22): the complaining Party may request an arbitral panel to examine and make findings on the matter. The annual damage award is capped at fifteen million dollars per year for each dispute, paid into a fund that may be used to improve labor law enforcement. If the Party complained against fails to pay the monetary assessment, the complainant may take other steps to collect the assessment or secure compliance, including suspending tariff benefits.</td>
</tr>
<tr>
<td>Dominican Republic-Central America-United States Free Trade Agreement (2006-2009)</td>
<td>Labor chapter (chapter 16). Countries reaffirm obligations under the International Labor Organization and strive to ensure labor rights in domestic law, including: (a) right of association; (b) right to organize and bargain collectively; (c) a prohibition on the use of any form of forced or compulsory labor; (d) a minimum age for the employment of children and the prohibition and elimination of the worst forms of child labor; and (e) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. Of these, only sustained failure to enforce one’s own labor laws in a manner affecting trade between the Parties is subject to binding dispute settlement and to fines or sanctions, after consultation with the Labor Affairs Council. Establishes a Labor Cooperation Mechanism. Dispute settlement provisions (Chapter 20): the maximum fine in a particular dispute is set at fifteen million dollars per year, which may be directed toward remedying the labor violation.</td>
</tr>
<tr>
<td>Peru-United States Trade Promotion Agreement (2009)</td>
<td>Labor chapter (chapter 17). Countries agree to uphold the rights stated in the International Labor Organization’s (ILO) Declaration on Fundamental Principles and Rights at Work. A Party shall not fail to effectively enforce its labor laws, including those it adopts or maintains in accordance with the ILO Declaration, through a sustained or recurring course of action or inaction, in a manner affecting trade or investment between the Parties. A decision a Party makes on the distribution of enforcement resources shall not be a reason for not complying with the provisions. A Party may request cooperative labor consultations with another Party. If consultations fail, the Labor Council may be convened. If the Council fails to mediate, parties may have access to the dispute resolution procedures of Chapter 21. A complaining government may request an arbitral panel to examine and make findings on the matter. All obligations in the Chapter are subject to the same dispute settlement procedures and enforcement mechanisms as commercial obligations, including the possibility of payment of monetary assessments, and the suspension of benefits.</td>
</tr>
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Sources: Official texts of the agreements; IDB/OAS/ECLAC. 2005.
At the transnational scale, the AFL-CIO’s position on the U.S.-Peru FTA was also met with criticism and mistrust. The new language of the Agreement did not incorporate the demands of the 2005 version of “Alternative for the Americas”, which, as argued above, represented the consensus reached by the HSA members after years of debate. More specifically, it did not reflect the proposals put forward by Latin American activists that would supposedly avoid that labor provisions be used to promote more harm to developing countries than good.

This does not mean, however, that other actors in the hemisphere could not understand the AFL-CIO’s predicament. As a Brazilian labor leader admitted,

*Let us imagine for a moment that the U.S. government accepts the main Brazilian demands [in the FTAA negotiations], on agricultural subsidies and tariffs, and presents a proposal that is considered good by the labor unions, but conditions it to the introduction of a social clause. The Lula [Luis Ignacio Lula da Silva] government will say no to the social clause, because that has been its traditional position. In that case, CUT [Central Única dos Trabalhadores – Unified Workers´ Central] would be in a very tough situation.*

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CUT would be “in a very tough situation” because of the long-standing ties between this labor federation and the then president’s political party, the Workers´ Party. In the scenario imagined by the labor leader, CUT would be pressured by its members to have a critical position regarding the government’s stance. At the same time, if the negotiation did not include changes in topics such as investors’ rights, the environment and intellectual property, CUT would be under a lot of pressure from domestic and international allies to continue its opposition to the FTAA. The difference, of course, is that the U.S.-Peru FTA has much less political, social and economic impact than a hemispheric agreement would have, and, thus, the process of domestication of demands would have strong repercussions on transnational networks in general, and on the HSA in particular.

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14 Interview with Kjeld Jakobsen, former International Relations Secretary, CUT-Brazil, Brasilia, January 2008.
Conclusion

The literature on transnational collective action has tended to emphasize the positive impacts of the process of internationalization that civil society organizations in general have undergone since the 1970s. To the extent that the literature has taken into consideration the travelling across scales, it has studied mostly the ways in which global action can contribute to mobilization and influence at the local and national scales. However, this process has not been only one of empowerment of actors. As I argued elsewhere, more often than not, transnational collective action entails an ambiguous combination of domestic, foreign and international targets, networks, discourses, and goals (von Bülow 2010: 191). As the AFL-CIO case has shown, this combination is not necessarily harmonious or continuous, and can lead to dilemmas that are hard for actors to overcome.

By focusing on the problem of coherence across scales, this article makes two contributions to the broader literature on social movements. First, it underscores the need for more research on the dynamic interactions and influences across scales. By studying the choices made by actors and how these change through time across scales we will be able to better understand the impacts of globalization on collective action as well as the opposite: the impacts of collective action on globalization.

Second, this paper argues that how actors deal with the problem of coherence across scales is not predetermined. When actors turn to the domestic scale, their choices of strategies have to do with their specific embeddedness in the political system. This embeddedness is the result of the historical patterns of relationship between civil society organizations and political institutions. However, neither the embeddedness of actors nor their answers to the problem of coherence are static: through changes in the political context, such as the election of new leaders, CSOs may perceive that new political opportunities have opened or closed.
The problem of coherence is not in itself good or bad. Accepting it as an inevitable part of the building of transnational networks, however, does not erase the potential of tensions. Thus, this paper begs the questions: should TCSOs abandon attempts to build long-term coalitions based on a common program? Is that a futile quest, in light of the continuing relevance of domestic politics and the resilience of national loyalties? Should TCSOs divert their efforts to more general frames, adaptable to different domestic realities, or, on the contrary, should actors focus on specific, short-term demands, with clear targets?

This paper cannot answer these questions, but it argues that, as more and more civil society organizations turn to the international scale while maintaining domestic roots, they will become more relevant, for activists as well as scholars.
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