Environmental and Labour Standards in Trade

Steve Charnovitz

1. INTRODUCTION

ALTHOUGH neither the environment nor labour is a new issue in international trade, the recently heightened awareness of trade's social dimension presents a new challenge to the GATT system. The stakes are high — for both commerce and the ecosystem. The debate is complex — encompassing not only economic concerns, but scientific and moral ones as well.

In the Uruguay Round, a few environmental issues are already on the table in the agriculture, standards, and subsidy negotiations.[1] Some environmentalists have raised objections to the proposed agreements, and are threatening to oppose the Uruguay Round unless it is broadened to consider GATT's role in the attainment of 'sustainable development'. While that approach is not even being considered by trade negotiators in Geneva, GATT Director-General Arthur Dunkel does agree that the nexus between trade and the environment should be a key concern for the 1990s.

In the North American Free Trade Agreement (NAFTA), the Bush Administration pledged to Congress that it would include the environmental issues 'related to trade' in the agreement with Mexico and would 'maintain the right in the FTA to exclude any products that do not meet [US] health and safety requirements'.[2] The Congress will likely assess any agreement against those commitments. Even more than in the Uruguay Round, the effects of freer trade on workers and the environment will be central issues in the NAFTA debate. Trade experts are beginning to examine them.[3]

The eco-politics of trade took a surprising turn in 1991 when a dispute panel ruled that the US Marine Mammal Protection Act was GATT-inconsistent

---

STEVE CHARNOVITZ is a consultant to the Competitiveness Policy Council, Washington, DC, USA. The views expressed here are those of the author only. He wishes to thank J. David Richardson for his helpful comments.

[1] See Charnovitz (1992) for an analysis of the environmental aspects of the Uruguay Round.

[2] US House of Representatives (1991), pp. 20, 80.

[3] For example, see Hufbauer and Schott (1992), especially chapters 6, 7, and 16.

because it forbade the importation of tuna from countries with higher dolphin kill-rates than the United States.[4] Although there are some technical aspects of the law which undoubtedly violate the GATT, the panel went far beyond that point by declaring that a nation could not use import bans to protect the environment outside of its jurisdiction.

This mind-your-own-business attitude of the GATT panel infuriated many in the environmental and 'public interest' communities. Ironically, it also played into the hands of anti-GATT activists who were quick to brand the Tuna-Dolphin decision as a 'GATTastrophe' for the environment.[5] The panel's decision is viewed by some observers as a threat to decades of progress in international environmental regulation.[6]

Since 1990, a growing band of environmentalists has portrayed the GATT as a mossback, parochial institution threatening the goals of sustainable development and public health.[7] Defenders of the GATT had dismissed, as misinformed paranoia, the notion that the CONTRACTING PARTIES would ever try to undermine national environmental standards But with the Tuna-Dolphin decision, the activists now had a 'smoking gun.'[8] If a 19-year old conservation law (not generally perceived to be protectionist in intent) could be viewed by a GATT panel as a fundamental violation of world trade rules, then it became easy to explain to the public why such rules were in need of reform.[9] The case for reform was buttressed by the fact that the same logic employed by the panel could be used to challenge bedrock environmental treaties like the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Montreal Protocol on Substances that Deplete the Ozone Layer.

This article examines the relationship between environmental protection, workplace conditions, and world trade. Section 2 provides an overview of the major issues, emphasising the congruence of the ecological and labour critiques.

---

[4] The panel found that the US law violated GATT Article XI, did not qualify as an internal regulation under Article III, and did not qualify for the exceptions in Article XX (b) and (g).

[5] Slogans abound: The GATT, it is said, stands for 'Guaranteeing A Toxic Tomorrow'. The environmentalists are accused of favouring TREEP — 'Trade Related Environmental Excuses for Protectionism'.

[6] Dianne Dumanoski, 'Free-trade Agreements Could Undo Pacts on Environment', *The Boston Globe* (7 October, 1991), p. 25.

[7] For example, see Morris (1990), 'Trading Our Future: Talking Back to GATT'; Schaeffer (1990), 'Trading Away the Planet'; Rauber (1992), 'Trading Away the Environment'; and Shrybman (1992), 'Trading Away the Environment'.

[8] An examination of the tuna-dolphin decision is beyond the scope of this article. It can be argued that the panel distorted GATT's preparatory history and erred in analysing Articles III and XX. In the author's opinion, the panel report does GATT an injustice by falsely implicating it in an anti-environmental stance that the institution need not and should not have done.

[9] Last fall, posters appeared along Washington DC streets depicting a monstrous 'GATTzilla' — with a dolphin in one arm and a canister dripping DDT in the other — stomping on the US Capitol. One GATT Secretariat official told a Washington group that the depiction was unfair, but that he welcomed seeing a GATTzilla with teeth.

Section 3 analyses the use of trade controls and Section 4 reflects upon the future of these issues in trade policy and offers some recommendations.

2. OVERVIEW OF ENVIRONMENTAL AND LABOUR ISSUES

The connection between international trade, public health and conservation has long been established.[10] By the early 20th century, the United States and several European nations had begun using treaties to safeguard Nature from Mankind and Labour from Management. These early efforts served as building blocks for the extensive protections erected over the following decades.

a. International Environmental Regulation

One of the first agreements to use import bans for conservation was the Fur Seal treaty of 1911 between Great Britain, Japan, Russia, and the United States.[11] This treaty regulated pelagic hunting and prohibited the importation of seals and sea otters caught in unlawful ways. The agreement was needed because the solitary action by one nation to ban sealing would have been unsuccessful. Multilateral cooperation was required. As the US House Foreign Affairs Committee noted at the time, the treaty illustrated 'the feasibility of securing a general international game law for the protection of other mammals of the sea, the preservation of which is of importance to all the nations of the world'.[12]

By 1927, when the League of Nations convened a conference to deal with the growing frictions in world trade, many nations had adopted laws or treaties that banned imports or exports for environmental reasons. While the conference sought to reduce national trade restrictions, the parties agreed to exempt measures taken to preserve animals or plants 'from degeneration or extinction'. The resulting Convention (and Protocol) for the Abolition of Import and Export Prohibitions and Restrictions went into force briefly before being abandoned during the worldwide explosion of protectionism in the early 1930s.

The United Nations Conference on Trade and Employment of 1947-48 endorsed even broader exemptions for health and environmental purposes. GATT Article XX (General Exceptions) permits measures 'necessary to protect human, animal, or plant life or health' or 'relating to the conservation of exhaustible natural resources'. To qualify for these exceptions, a law cannot arbitrarily discriminate between countries where the same conditions prevail or be a 'disguised restriction' on international trade.

---

[10] Faries (1915), pp. 51-52.

[11] For a more detailed historical account of the linkage between environmental protection and trade policy, see Charnovitz (1991), pp. 38-47.

[12] US House of Representatives Report No. 295, 62nd Congress, 2nd Session (1912), pp. 2-3.

Over the next four decades, many environmental treaties utilised border restrictions. The Montreal Protocol (as amended in 1990) broke new ground by *mandating trade discrimination* against countries not signing this treaty. Parties to the Protocol are forbidden from importing chlorofluorocarbons (CFCs) from non-signatories not complying with the requirement to phase out CFCs. In 1993, analogous bans will go into effect for imports of products containing CFCs and for exports of CFCs to non-signatory countries. These trade controls are designed to prevent the transfer of production to nations that might otherwise seek to specialise in environmentally-harmful trade.

In recent years, the United States has enacted several laws that aim trade restrictions at countries with inadequate conservation practices. In 1988, Congress amended the Marine Mammal Protection Act to tighten the embargo on fish caught using methods causing a high rate of dolphin mortality.[13] Under court order, the Bush Administration banned yellowfin tuna (caught by purse seine nets) from Mexico, Venezuela and Vanuatu. Mexico responded by filing a complaint at the GATT.[14] Although the GATT panel ruled in its favour, Mexico agreed to shelve the report, as least temporarily, in order to defuse environmental opposition to the NAFTA. When this case was discussed at the GATT Council earlier this year, the panel's decision was supported by delegates from 35 nations. No one supported the United States.

Last year, the US Department of State ordered an import ban on all shrimp from Suriname in order to safeguard endangered sea turtles. This ban was lifted several months later after Suriname agreed to require 'turtle excluder devices' in trawling vessels as the United States and most other nations do. The Bush Administration is currently reviewing the conservation commitments made by eleven nations to protect turtles. A decision is due by May 1992 as to whether additional shrimp-harvesting countries will face import bans.

Recognising the potential for conflicts regarding pollution control, the GATT — in 1971 — established a working party on 'Environmental Measures and International Trade'.[15] But this group was not convened. At the GATT Ministerial in December 1990, the members of the European Free Trade Association initiated an effort to revive the working group and broaden its mandate. This step was resisted for months by ASEAN and other developing

---

[13] The law permits foreign nations to exceed US kill-rates by up to 25 per cent.

[14] It should be noted that since the mid-1970s, the United States has sought international cooperative agreements to protect marine mammals threatened by commercial fishing. (For example, see Marine Mammal Commission, 1978, pp. 40-41.) Until very recently, Mexico has shown no interest in such agreements. For example, in January 1991, Mexico refused to endorse the intergovernmental La Jolla resolution committing parties to cut dolphin mortalities to one-half the 1989 rate.

[15] See Tumlir (1976), p. 114.

countries. Finally, at the end of 1991, the group (chaired by Japan) held its first meeting.

b. International Labour Standards

Even as the first 'factory acts' to protect workers were being enacted in Europe during the early 19th century, a few visionaries began to recognise that foreign competition made it difficult for nations to regulate alone.[16] Several international meetings were held to deal with this dilemma. But little was achieved until 1905 when Switzerland hosted a conference to propose binding international labour treaties. The most important of these Berne Conventions related to a horrible occupational disease caused by the white and yellow phosphorus used in manufacturing matches. The Convention called on each party to ban the production and *importation* of matches made with these toxic chemicals. It became the first international agreement to use import controls as a means of safeguarding foreign and domestic workplace safety.

For some problems, a unilateral response proved feasible. The United States acted alone to protect American industry against unfair competition from goods made by prison labour. After Congress banned the importation of convict-made goods in 1890, other nations followed.[17] Although the United States proposed an express limitation on 'involuntary' labour at the UN Conference on Trade and Employment, the GATT does not restrain trade in prison-made goods.[18] Instead, GATT Article XX(e) allows governments to impose *unilateral* prohibition, if they want to do so. Although the US Congress in 1988 urged President Ronald Reagan to improve enforcement of the US import ban, little action was taken until 1991 when press accounts made it clear that China was exporting products made in prison camps.[19]

The growing interest in raising labour standards was given extensive consideration during the Paris Peace Conference of 1919, at which time an entire section on labour was incorporated into the Treaty of Versailles. To appreciate the significance of labour standards in that era, one has to recall the industrial unrest in Europe and America that had preceded World War I and the desire of governments to forestall renewed class conflict. As President Woodrow Wilson explained during his national speaking tour advocating ratification of the Treaty:

---

[16] For a detailed account of the linkage between labour standards and trade policy, see Charnovitz (1987).

[17] Great Britain, 1897; Australia, 1901; Canada, 1907; New Zealand, 1908; South Africa, 1913.

[18] See Brown (1950), p. 138.

[19] For example, see 'China's Ugly Export Secret: Prison Labor', *Business Week*, 22 April, 1991, pp. 42-44. In March 1992, President Bush vetoed the United States-China Act which established new conditions for China to meet in order to get its most-favoured nation status renewed in 1992. Among those conditions were that China had to make overall significant progress toward certain human rights objectives, such as preventing the export of products made by prisoners.

'...all through the world the one central question of civilisation is: *What shall be the conditions of labour?*'

The Treaty of Versailles pledged nations to 'endeavour to secure and maintain fair and humane conditions of labour' not only in their own country but 'in all countries in which their commercial and industrial relations extend'.[20] To further this goal, the Treaty established an International Labour Organisation (ILO).[21] As Senator Daniel Patrick Moynihan (D-NY) had pointed out, the ILO was seemingly the least likely institution created by the Treaty to survive. Yet it is the only one that did.

Since 1919, the ILO has adopted 172 Conventions establishing labour standards for virtually every aspect of employment and labour relations.[22] The ILO is unique among UN agencies in being a tripartite institution consisting of government, worker, and employer representatives from its 152 member countries. Although it became overly politicised during the 1970s, the ILO has refocused its efforts and regained international respect. Last year, the United States ratified the ILO Convention on the Abolition of Forced Labour. This marks the first time since the Roosevelt Administration that the US Senate has approved a substantive ILO treaty.

At the London Monetary and Economic Conference of 1933, the Subcommission on Commercial Policy considered a proposal to exempt countries from most-favoured-nation obligations when they undertook treaty commitments to 'maintain a certain standard of living for their population'.[23] The Conference took no final action on this or any other proposal however.

In writing the (Havana) Charter for the International Trade Organisation (ITO), the UN Conference on Trade and Employment agreed to the need for an article on 'fair' labour standards. In a provision initially drafted by Mexico, South Africa, and the United States, the ITO Charter stated that 'Members recognise that unfair labour conditions, particularly in production for export, create difficulties in international trade', and committed nations to eliminate such conditions within their territory.[24] If complaints regarding low labour standards were taken to ITO dispute settlement, the Charter called for the International Trade Organisation to cooperate with the ILO.

The ITO never went into operation however. Despite the urging of President Harry S. Truman, the US Congress failed to approve American membership, thus dooming the new organisation. Since it had been assumed at the UN

---

[20] 225 Consolidated Treaty Series 188, 204.

[21] It is interesting to note that the ILO Constitution refers to the need to promote 'a high and steady volume of international trade', while the GATT's preamble states only the objective of a 'substantial reduction of tariffs and other barriers to trade'.

[22] ILO Conventions have always taken into account the special needs of the LDCs.

[23] Monetary and Economic Conference (1934), p. 27.

[24] UN Docs. E/CONF.2/C.1/A/W (1947) and E/CONF.2/78, Article 7 (1948).

Conference that the ITO would supersede the GATT, the ITO chapter on employment and labour (among many others), was not included in the GATT.

The United States has sought several times to remedy this omission — so far unsuccessfully. In 1953, the Eisenhower Administration suggested inserting the ITO's labour standards clause into the GATT, but no action was taken.[25] In 1979, the Carter Administration proposed a short code of minimum international labour standards, but received support from only a few countries.[26] At the GATT Ministerial at Punta del Este in 1986, the Reagan Administration failed to get worker rights added to the Uruguay Round agenda.[27]

In an effort to meet its statutory mandate, the Bush Administration has pressed for a GATT working party simply to *study* the link between labour rights and trade.[28] But even this initiative has been blocked by fierce opposition from LDCs — particularly Mexico and India — who criticise the concern about worker rights as 'protectionism' and point to the ILO, rather than the GATT, as the proper forum.[29]

In the US Omnibus Trade and Competitiveness Act of 1988, the Congress made clear that the failure to provide certain worker rights could be considered an 'unreasonable' trade practice against which the USTR might retaliate under Section 301 (of the Trade Act of 1974). So far, neither the Trade Representative nor private parties have initiated any complaints under this provision.

c. Fairness

Environmental and labour issues intersect trade policy in two main ways.[30] First, there is a concern about the terms of trade — that is, whether disparate environmental and labour standards allow fair competition. Second, there is a concern about the effects of trade — that is, whether trade degrades the environment or injures workers. (The effects of trade will be discussed in the next section.)

The most prominent concern about fairness is the reliance by certain nations upon low standards in order to boost exports — a practice known as 'social

---

[25] US Commission on Foreign Economic Policy (1954), pp. 437-438.

[26] The standards suggested were: (1) the establishment of maximum exposure levels for the most toxic substances in the workplace (such as mercury and asbestos) and (2) a prohibition on maintaining lower labour standards in production for export than in domestic production.

[27] US House of Representatives Doc. 102-51 (1991), pp. 111-112.

[28] GATT Doc. C/M/245, p. 23.

[29] The ILO has competence to act on the issue of fair labour standards in trade, but has been willing to yield to the GATT. See ILO (1988), pp. 56-62 and Economic Policy Council (1991), pp. 27-29, 49.

[30] A related issue not treated in this article is the impact of trade restrictions and subsidies on the environment.

dumping'.[31] For instance, if the United States enacts a stringent Clean Air law, then the ensuing higher costs may place some of its industries at a competitive disadvantage vis-a-vis foreign producers who enjoy lower or no standards. Such inter-country differences could, in theory, result in (1) domestic production being displaced by 'dirty' imports, (2) exports being underpriced by unregulated foreign competitors, or (3) new investment being diverted to polluter havens.

But the significance of such effects in practice is uncertain. Several studies, mostly from the 1970s, found little confirmation that differences in pollution control costs have changed international trade patterns.[32] On the question of capital flight, however, there is evidence that some 'dirty' industries have shifted their operations to lower-standard countries (e.g., Mexico).[33] But even if the competitive effects were small in the past, factors such as rising compliance costs in industrial countries, increasing globalisation of corporations, and improving investment climates in some LDCs could accelerate trade shifts in the years ahead.

Recognising the inadequacy of current data, the US Congress — as part of the recent Clean Air Act amendments — mandated a study of the impact of foreign air quality standards on American competitiveness.[34] The President's report, due in May 1992, must also recommend a strategy for addressing this issue through trade negotiations.

Assuming that the regulatory cost differences between high and low standard countries are significant enough to affect trade, one might then ask whether such differences should be characterised as *unfair*. The orthodox view is that high-standard countries set their standards voluntarily, and thus cannot be victimised by low-standard countries. The liberal rejoinder, enshrined in the Treaty of Versailles, declares that the 'failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries'.[35] Fortunately, the experience of the past seven decades shows that while such obstacles exist, they are not insurmountable. Many countries have raised their labour and environmental standards in spite of non-progress by their trading partners.

---

[31] It is unclear when this term originated, but it was common parlance during the World Economic Conference of 1927 (in reference to poor labour conditions).

[32] See Dean (1991). There is little literature on the impact of differing labour standards on trade.

[33] For example, see Judy Pasternak, 'Firms Find a Haven From US Environmental Rules' *Los Angeles Times* (19 November, 1991). See also Pearson and Repetto (1991), at Appendix A.

[34] Another US law (33 USC 1251 note) mandates an annual analysis by the US Department of Commerce on the effects of pollution abatement on trade. The analysis must also examine whether 'the imposition of a compensating tariff or other equalising measure' would encourage foreign nations to implement pollution control.

[35] 225 Consolidated Treaty Series 188, 373.

To deal with these obstacles, it is sometimes suggested that the United States fight back against 'eco-dumping' by levying a countervailing duty on imported products made under lax environmental standards. During its considerations of Clean Air legislation in 1990, the US Senate considered (but did not adopt) an import fee equal to the difference between US and foreign pollution control costs.[36]

It is easy to find fault with using countervailing duties in this way. From a legal perspective, such levies would violate the GATT. From a welfare perspective, it may be American consumers, rather than foreign polluters, who end up bearing the tax. From a development perspective, the United States may undercut its case to low-standard countries that they should raise standards for their *own* good when too much emphasis is placed on the burdens of environmental regulation. Nevertheless, the potential danger from unilateral legislation of this type has probably been exaggerated. If the competitive effects of different levels of pollution control are as small as many analysts suggest, then the impact of a corresponding 'social tariff' would be similarly small.[37]

A second fairness-related concern is that a government may assist its exporters by acquiescing in substandard conditions that deviate from customary *national* law. For example, if a government helps to establish a 'union-free' enclave within a country that generally permits collective bargaining, that action could be characterised as an indirect export subsidy. A recent analysis by the US Department of Labor found that in five out of eleven nations studied, labour rights in export processing zones were restricted in comparison to rights prevailing outside the zones.[38] For example, the government of Malaysia prohibits national unions in the two industries, electronics and textiles, that account for most of its export zone employment.

A third concern is that governments may subsidise the pollution control costs of their manufacturers. Unlike the issues above, this problem has received considerable attention at the international level. In 1972, the OECD adopted the 'polluter-pays principle' to discourage such public support. The draft agreement of 1990 prepared for GATT's Brussels Ministerial permitted governments, under certain conditions, to subsidise up to one-fifth of the costs of meeting new environmental regulations. But this 'green light' for green subsidies was inexplicably omitted in the 'Dunkel Text' of 1991.

---

[36] The amendment of Senator Slade Gorton (R-WA) — requesting the House to initiate such a tariff — was tabled (dismissed) by a vote of 52-47. See *Congressional Record*, 101st Congress, 2nd Session (1990), S3000-3025.

[37] According to one study, if the United States imposed a 'pollution abatement cost equalization' tax on Mexico, that country at most would suffer around a two per cent loss in export earnings. See Low (1991).

[38] US Department of Labor (1990). This is a biennial report required under the Omnibus Trade and Competitiveness Act of 1988.

A fourth concern is that nations may resort to unreasonably high standards in order to restrain imports.[39] A century ago, some of the most serious trade disputes involved sanitary laws for preventing animals and plant diseases. Today, the big controversies relate to human health — particularly food safety.[40]

One of the cardinal principles of the GATT is 'national treatment' which provides that regulations on imports should be no less favourable than for 'like' domestic products. For example, a country may ban the importation of automobiles without catalytic converters if domestic producers are obliged to install such converters too. Food safety rules engender difficult trade disputes not because such rules violate national treatment, but because they *adhere* to it (at least superficially).

When the EC in 1989 banned beef produced using growth hormones, the US government could not complain that the new rules discriminated against American producers since the hormone ban applied to European producers as well.[41] Instead, the Reagan Administration contended that the ban was not justified scientifically and, thus, was an 'unnecessary obstacle' to trade. To underline its objections, the Administration retaliated against the EC by imposing tariff rates of 100 per cent *ad valorem* on foods such as dried tomatoes and fruit juice.[42] (Whether such tariffs punish domestic gastronomes more than foreign farmers is an open question.) Last year, the EC began admitting some US beef — certified hormone-free by the Community — and the Bush Administration reciprocated by dismantling some of the retaliatory tariffs.

To deal with such disputes, the US government has sought new disciplines in the Uruguay Round. The original proposal announced by President Ronald Reagan was to institute 'uniform food health regulations around the world to prevent non-tariff barriers to agricultural trade'.[43] After criticism from public interest groups which reasoned that such a procrustean goal could only imply *lower* food standards for the United States, the Bush Administration revised the US proposal. The Sanitary and Phytosanitary code now being considered (Dunkel Text) calls for a 'harmonization' of food regulations based on standards set by the Codex Alimentarius Commission, a UN subsidiary agency. Countries will be able to maintain health standards higher than Codex only if there is a 'scientific justification' and other procedural requirements are met.

---

[39] Standards that are too low can be an unfair trade incentive. Standards that are too high can be an unfair trade barrier.

[40] While this issue need not be classified as 'environmental', it is commonly included under that rubric.

[41] See 'Brie and Hormones', *The Economist* (7 January, 1989), p. 21.

[42] Although the US meat industry was concerned that (excessively) high EC food standards were costing US exports, there was an additional motivation for refusing to adapt to the EC requirements — namely, that American consumers might demand the same standard for domestic production.

[43] *Public Papers of the Presidents*, Ronald Wilson Reagan (1987), p. 797.

Although the food safety talks have received little attention in the press, the proposed code is one of the main reasons why many environmental and consumer organisations criticise the GATT. They believe that the new rules would make it more difficult for health-conscious countries to keep out imports produced using dangerous pesticides, antibiotics, or unsafe additives. Not only will experts disagree in quantifying risk but, more importantly, science cannot answer the question of what value the public *should* place on risk reduction.

d. Negative Effects

Another major concern is the physical impact of trade on workers and the environment.[44] In the language of economists, this issue involves the 'negative externalities' of production, sale, use, or disposal. From a philosophical approach, it reflects a clash between worker rights, species rights, property rights, and the rights of the future generations.

Regardless of the terminology, it is important to note that these concerns (in principle) are wholly independent of the fair-trade perspective. For example, the objection to child labour is not that using young workers provides competitive advantage. It is that using child labour is *wrong* because it endangers children and prevents them from attending school.[45] Similarly, when the Congress imposed the 'Sullivan Principles' on US companies operating in South Africa, it did not do so in order to equalise South African and American labour costs. It did so to assure that US companies operating there respected minimum labour rights that transcend nationality.

Paralleling the concern for worker rights is a concern for 'species rights'. Since the early 20th century, conservation treaties have recognised the responsibility of *consuming* nations in making wildlife protection effective. But in recent years, a few nations have become increasingly willing to act outside the umbrella of treaties by imposing unilateral restrictions. For example, the EC recently approved a regulation to ban fur imports after 1994 from countries (like the United States) that permit the use of painful 'leghold' traps. In spite of the unilateral American measures to protect porpoises and turtles, the Bush Administration has objected to the proposed EC fur ban as being 'arbitrary'.

The transfer of toxic production and waste from rich to poor nations raises difficult moral as well as health quandaries.[46] While economists tend to cite different 'endowments of absorptive capacity' for pollution as justification for the shift of dirty industries to LDCs, environmentalists suggest that a more important factor is the willingness of political elites to expose their population

[44] The labour and environmental concerns overlap in the area of occupational health.
[45] The ILO approved its first treaty on child labour in 1919.
[46] See Michael Prowse, 'Save Planet Earth From Economists', *Financial Times* (10 February, 1992), p. 26.

(but usually not themselves personally) to high risks. Some of these issues are addressed in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.[47] But its new rules regarding international trade in waste are vulnerable to challenge in the GATT because the treaty requires discrimination aimed at protecting foreign health.

Another source of trade conflict involves recycling and packaging laws. For example, California bans beverage containers with a ceramic bottle stopper because that interferes with recycling. But in Denmark, beer bottles are equipped with a ceramic stopper so they can be sterilised and reused. How should international trade rules deal with disputes stemming from environmentally-friendly policies that are inconsistent across nations? Other emerging issues are product standards based on recycled content and standards that require reuse.[48] Such laws can accord national treatment but still be *de facto* barriers to importers who may lack a local network.

Finally, there are the global environmental considerations. The conventional approach has been to look to each nation to determine its appropriate level of pollution control. But this passive attitude is now changing. As scientists have learned more about global warming, deforestation, and ozone depletion, there is a growing willingness to enlist trade policies in the fight against irreversible damage to the planet. For example, an international association of legislators called 'GLOBE' has urged its members to seek a ban on log imports from Sarawak, until Malaysia adopts sustainable timber management practices. Environmental protection regimes are no longer viewed simply as matters of national sovereignty.

So far, no disputes regarding the trade controls of the Montreal Protocol have been taken to the GATT. But if the new CFC restrictions pass GATT muster (or perhaps even if they don't), one can anticipate similar trade measures being included in future environmental agreements in order to encourage universal participation. There have also been proposals to use economic sanctions against nations that fail to participate in joint environmental efforts.

e. Objections to Linkage

Several objections are raised against expanding international trade rules to include environmental protection and worker rights. It is often said that every nation has the sovereign right to determine its own social policies.[49] From this

---

[47] See US Senate Treaty Doc. 102-5, Articles 4-11.

[48] Nine (US) states have enacted recycled content requirements for newsprint, trash bags, glass containers or plastic containers. These provisions apply variously to manufacturers, to sellers, or to business users.

[49] Wrapping a flag around national social policies is not a convincing defence for countries that do not determine such policies democratically.

point of view, predicating trade on whether other countries follow certain policies is coercive, intrusive, and paternalistic.[50] But while import standards may be intrusive and paternalistic, they are not coercive.[51] They do not force trading partners to take action. What they do is to set conditions for voluntary exchange.[52] Furthermore, the sovereignty argument cuts both ways. Environmentalists critical of the Tuna-Dolphin decision contend that it undercuts the right of a society to refuse to *consume* dolphin-unsafe tuna.

A second objection is that many developing countries are too poor to improve their social standards. Increased trade will raise these standards automatically, it is suggested, while government attempts to link trade with standard-setting will be counterproductive. This proposition — a centerpiece of the media blitz last year in favour of the US-Mexico negotiation — is partly true. Trade does enlarge overall economic welfare. But it is a leap of faith to claim that the gains from free trade will *necessarily* be allocated to pollution control or manifested in better working conditions. Recent economic growth in LDCs has often not led to commensurate improvements in child labour practices.[53]

Although the data are not conclusive, there is evidence suggesting that 'the environment has a tendency to improve with rising levels of economic activity'.[54] Yet as Stewart Hudson of the National Wildlife Federation has pointed out, some industrial countries are able to maintain the quality of their own environment partly because they can shift pollution-intensive processes (and sometimes hazardous waste) to LDCs. Since every nation cannot shift its dirty production to a poorer one, there may be a limit to how much environmental improvement will be engendered by increased growth in developing countries.

A third objection is that environmental solicitude will open up new avenues for 'ecoprotection'. Certainly, this is a potential danger. Indeed, when one examines the various trade measures used or suggested over the past century to attain sanitary, labour, or conservation goals, it is sometimes difficult to untangle the progressive from the protectionist motivations. The bans on exporting raw logs from several countries (such as Indonesia and the Philippines) are a case in point. While these laws ostensibly promote the preservation of forests, the trade restrictions enable countries to become more competitive in value-added production like plywood.

---

[50] See 'Environmental imperialism', *The Economist* (15 February, 1992), p. 78; 'Environmentally Correct?', *The Journal of Commerce* (21 February, 1992), p. 4A; and 'Eco-imperialism', *Financial Times* (26 February, 1992), p. 12.

[51] Of course, as with any law, it may coerce domestically.

[52] It is sometimes argued that since only some countries have the market power to set such conditions, that all countries should be prohibited from doing so.

[53] For example, see Weiner (1991), pp. 4, 113, 156-58.

[54] Radetzki (1991).

3. APPLYING TRADE CONTROLS

Having discussed *why* nations might want to use trade controls to achieve social goals, we will turn now to the question of *how* such linkage is accomplished. This section will examine four tracks — multilateral, unilateral, bilateral, and regional. The discussion of the regional track will focus on the NAFTA.

a. Multilateral Rules

It has long been recognised that the multilateral trading system (or any market) needs rules to operative effectively. Yet at present, the GATT has no environmental or labour rules for products involved in international commerce. Anything goes.

One need not disagree with the theory of comparative advantage to ask whether certain practices ought to be considered out of bounds. For example, is it legitimate for a society to gain trade from its willingness to turn endangered species into handbags? Should governments be able to specialise in the hardball tactics needed to maintain a union-free workforce? Would the rest of the world have to respect an assertion by one country that it has a high 'absorptive capacity' for ozone-depleting chemicals?

That the GATT is the appropriate instrument to separate 'good' trade from 'bad' is doubtful. Although some environmentalists have offered wide-ranging schemes for 'greening' the GATT by adding rules on the content of trade, these proposals tend to gloss over the fact that (contrary to popular perception) *the GATT does not govern trade* — it governs trade restrictions. For instance, GATT Article XX(b) does not forbid trade in products dangerous to human health. It *permits* each nation to restrict such trade.

The Uruguay Round muddles this traditional distinction however. One of the agreements being negotiated, on Trade-Related Intellectual Property, mandates minimum rules for patents, trademarks, and copyrights. The Agreement also requires parties to forbid imports, at the behest of property holders, when certain 'rights' are violated. Once the GATT establishes a code for intellectual property, it will be harder to resist a similar code for the worker rights established in ILO treaties. Yet shouldn't the GATT be as concerned about products of forced labour as it is about counterfeit goods?

Numerous proposals have been made over the years to incorporate a 'social clause' into the GATT.[55] The most recent plan, put forward by Senator Max

[55] For example in 1978, US Congressman Henry Reuss (D-WI), then chairman of the House Banking Committee, introduced a bill calling upon the President to negotiate labour and environmental standards as part of the Tokyo Round. See *Congressional Record*, 95th Congress, 2nd Session, pp. 12003-4.

Baucus (D-MT), calls for the negotiation of a GATT Environmental Code. The proposed code would allow an importing country to use tariffs to offset the advantage gained by a foreign country from using less stringent environmental standards.

Although a multilateral approach would be ideal, a new code seems unlikely so long as numerous GATT Contracting Parties continue to maintain that social standards should have no connection to trade policy. Yet unfair labour (and environmental) conditions can 'create difficulties' in international trade. If this point was compelling to the authors of the ITO (who were also the authors of the GATT) in 1947, it can scarcely be less true today in a highly-interconnected global economy. The problem is that it is hard to reach agreement on what constitutes an *unfair* practice in a world of widely differing polities and economies. Even the most minimal standards — say, on forced labour or toxic substances — would go too far for many countries.

There are some ecological (and a few labour) trade rules outside of the GATT framework in treaties *that do govern trade*, such as CITES and the Montreal Protocol.[56] But the recent Tuna-Dolphin decision calls into question whether actions to implement these treaties are GATT-consistent.[57] By taking such an extreme position, the panel may force the GATT into judging whether each new (and existing) environmental treaty merits an Article XXV waiver. The GATT is ill-equipped for such a responsibility.

b. Unilateral Action

In the absence of multilateral rules, unilateral action is called upon to fill the vacuum. In some instances, this may produce constructive results. For example, the Marine Mammal Protection Act has helped to save hundreds of thousands of dolphins. The US Pelly amendment — which threatens trade sanctions against countries that diminish the effectiveness of an environmental treaty — has led to a higher degree of protection for whales and sea turtles and has contributed to the growing international consensus on outlawing large-scale driftnets.[58] If skillfully managed, unilateral action can spur multilateral agreements — just as a multilateral commitment can facilitate politically difficult national reforms.

---

[56] The most recent international environmental agreement setting trade rules is the Protocol on Environmental Protection to the Antarctica Treaty signed by 31 nations in October 1991. See US Senate Treaty Doc. 102-22, Annex II (Article 4 and Appendix C) and Annex III (Articles 1 and 7).

[57] Under international law, conflicts between treaties may be resolved in favour of the more recent treaty. Although most environmental agreements are more recent than the GATT, the Uruguay Round (Draft Final Act) would reset GATT's effective date to 1993.

[58] Under current law (22 USC 1978), the President has the authority to impose trade embargoes on either fish or wildlife products. The US House of Representatives recently enacted a bill (HR 2152) to strengthen the President's embargo authority by extending it to *any* product imported from an offending nation.

Of course, the unilateral approach does have dangers. When a unilateral action is based on a domestic goal (e.g., the Marine Mammal Protection Act) rather than an international goal (e.g., the Pelly amendment), there can be suspicion of protectionist motivation. Unilateral action can also undermine respect for GATT disciplines and lead to (GATT-illegal) retaliation.

Since the GATT Council appears unwilling even to talk about labour standards for trade, the next steps are likely to be unilateral. Last fall, Congressman Don Pease (D-OH) proposed legislation (HR 3786) to ban the importation of goods made using child labour (i.e., under the age of 15). While this bill seems unlikely to become law in the near future, action along these lines would not be unprecedented. For example in 1913, the US Senate voted to prohibit manufactured imports from countries lacking child labour laws (but the House refused to go along).[59]

c. Bilateral Conditionality

Another approach to achieving labour and environmental standards is through trade conditionality.[60] Under the Caribbean Basin Initiative of 1983, the United States sought specific commitments on labour from several countries as a condition for duty-free eligibility. For instance, Haiti (under Duvalier) agreed to make several changes in its labour code to permit the free operation of unions and to guarantee their right to affiliate with international trade union federations.[61]

When it extended the Generalized System of Preferences (GSP) in 1984, the US Congress made progress on worker rights a new condition for duty-free treatment. To maintain eligibility, countries had to be taking steps to accord 'internationally recognized worker rights'. These rights were defined to include freedom of association, the right to organise and bargain collectively, a prohibition of forced labour, a minimum age for child labour, and 'acceptable' conditions of work. As a result of this new conditionality, eight countries lost their GSP benefits. Three of them were reinstated in 1991 after taking steps to improve worker rights.[62]

The American GSP program expires next year. If GSP is renewed, the Congress will likely tighten the eligibility criteria both by adding new conditions

---

[59] *Congressional Record*, 63rd Congress, 1st Session (1913), pp. 3955-56.

[60] Bilateral negotiations can also be used. For example, in the US-Japan Structural Impediments Initiative of 1990, the Japanese government pledged to 'encourage curtailing work hours in the private sector'.

[61] US House of Representatives Doc. 98-159 (1984), pp. 58-60.

[62] The eight countries were the Central African Republic, Chile, Liberia, Myanmar, Nicaragua, Paraguay, Romania, and the Sudan. The three reinstated in 1991 were the Central African Republic, Chile, and Paraguay.

and by reducing Executive branch discretion.[63] Ideally, all 27 nations that offer GSP programs would coordinate their conditions in order to strengthen their influence on developing countries. But since GSP is supposed to be non-reciprocal, such collaboration would probably be opposed by the LDCs.

d. Regional Agreements: The Case of NAFTA

While labour and environmental conditions can be a significant factor in any trade relationship, they take on greater salience as nations move toward economic integration. In other words, even if one doubts that international trade requires social harmonization, one might still propose harmonisation as part of a free trade agreement, particularly when two contiguous countries are as different as the United States and Mexico.[64]

The potential spillovers from a NAFTA are not merely speculative. As Lane Kirkland, the President of the American Federation of Labor-Congress of Industrial Organizations, has pointed out, the current *maquiladora* program can be viewed as a 'miniature version of US-Mexico free trade'. For those concerned about environmental degradation and sweatshop working conditions in Mexico, the 25-year experience with maquiladora is not reassuring.[65] Furthermore, the harmful effects from the Mexican plants do not stop at the border. Indeed, the recent US Clean Air Act had to provide a special exemption for cities like El Paso overwhelmed by 'emissions emanating from outside of the United States'.[66]

Although a broad coalition of environmental groups in Mexico, the United States, and Canada has urged that environmental issues be incorporated into the NAFTA, all three Governments want to keep them unconnected. This is not just a procedural quibble. While the Bush Administration promised to 'design and implement a 10-year border environment plan', no rationale was offered as to why this new plan would be more successful than the last major environmental agreement with Mexico — the nine-year old 'La Paz' accord. One explanation for why the La Paz and earlier agreements achieved so little is that they were not linked to any enforcement mechanism.

Making social issues part of the trade accord can furnish the accountability that has been lacking. Although it is unrealistic to expect the NAFTA to become

[63] The AFL-CIO complains that the US Trade Representative has been stalling a worker rights investigation of Syria since 1988. Moreover, despite well-documented allegations, the Reagan and Bush Administrations refused even to consider a petition against Guatemala.

[64] For a thoughtful analysis, see Jagdish Bhagwati, 'One Track at a Time' (May 1991).

[65] The main problems include: high levels of air and water pollution, illegal dumping of toxic waste, job heath and safety hazards, a heavy reliance on child labour, and government interference with trade unions. See 'Poisoning the border', *US News and World Report* (6 May 1991), p. 33; 'The Free-Trade Dilemma', *Los Angeles Times* (17 November, 1991); and Edward Cody, 'Mexican Ruler Tightens Rein on Labor', *The Washington Post* (28 February, 1992), A28.

[66] 42 USC 7509a(a).

a palladium of individual rights, dealing with the most important environmental and labour issues within the trilateral agreement would enable disputes to be handled in an effective and predictable manner.[67] A trade pact needs to be anchored in mutual commitment, not based on romantic illusions about a natural progression to higher living standards.

Another reason for including the social issues is the need to maintain the necessary political coalition. If the trade agreement is not designed to protect the environment and enhance worker rights, then it could fail to achieve these goals, thereby undercutting public support. Fortunately, the potential economic gains from a NAFTA appear to be large. What remains to be seen is whether Mexico (or for that matter the United States) has the political will to channel some of these gains toward social objectives.

4. THE SOCIAL DIMENSION IN THE 1990s

In assessing the future of environmental and labour issues in trade, we must be cognizant of two contradictory trends. On the one hand, several factors — such as a growing national interdependence, lower trade barriers, and a greater economic reliance upon exports — militate against actions that disrupt the free flow of commerce. Moreover, to the extent that multinational corporations move toward common standards in facilities throughout the world, pressure for new international rules may be reduced.

On the other hand, there is a growing recognition that for certain policies, intergovernmental cooperation will be more beneficial than unbridled national competition. Thus, harmonisation is being pursued in many areas including export credits, arms sales, bank secrecy, and monetary policy. Yet for labour harmonisation, far less consensus exists. The European Community's recent difficulty in securing approval for its Protocol on Social Policy shows how contentious these issues can become, even in a longstanding union.[68] Although a concern for fair competition is one factor spurring the coordination of environmental policies, greater coordination would be desirable even without international trade.

The increasing political strength of environmental movements (especially in richer countries) and a higher degree of ecological sensitivity among consumers seem likely to stimulate more government action to protect the environment. By contrast, the labour movement shows no sign of gaining greater influence. Still, it is too early to conclude that unions are passé. The resurgence of capitalism and

---

[67] The agreement could also take into account the fact that the United States has, for many years, enforced a ban on certain prison labour imports from Mexico. See 19 CFR 12.42.

[68] At the 1991 Maastricht Summit, the European Council had to exempt the United Kingdom in order to gain approval for the new Protocol.

democracy will provide fertile ground for union organisers. Indeed, solidarity can emerge at any time and anywhere when working conditions are perceived to be unfair — even in seemingly inhospitable surroundings.[69] A key factor is the quality of labour leadership.

Just as capital and technology flow easily across borders, so too does information. The world may not yet live in a 'global village', but international television is already transforming the way the public thinks about trade. When television zeros in on factories exploiting prison labour, on the occupational illnesses (induced by pesticides) of workers on flower export farms, or on toxic waste dumped outside Mexican maquiladora, the public will no longer remain ignorant (blissfully or not) about the ways in which production methods can differ. Advising consumers not to think about how sausage is made is going to be harder when they see it on cable before sitting down to dinner.

The prevailing attitude in the GATT Council seems to be that if the issue of labour standards is ignored, it will go away. The Council did agree to convene a working group on the environment, but it remains to be seen what will be discussed beyond *forestalling* the use of trade measures for ecological purposes. At present, the GATT is a long way from even acknowledging a fundamental question: Are international rules needed so that countries will not suffer a comparative disadvantage from protecting the environment and providing basic safeguards for workers?

It is ironic that the disinclination in GATT to address these concerns is matched by the skepticism of outside groups who question how fruitful such consideration would be under GATT's present structure. From an environmental perspective, the lens of the GATT looks distorted. Rather than examining government policies for their contribution to 'sustainable development', the GATT Council seems more interested in the objective of sustainable trade. Environmental standards are viewed as 'non-tariff' barriers to be eliminated if they restrict commerce. Government subsidies to clean up pollution (or plant trees) may be declared GATT-illegal. And as an organisation, the GATT operates with little transparency and no opportunity for 'public' participation.[70]

Despite these quirks, the GATT is not inherently hostile to social concerns. Its authors saw liberal trade as part of the *solution* to low labour conditions. The preamble to the GATT states that trade relations 'should be conducted with a view to raising standards of living . . .' The ITO Conference was about trade *and employment*. But in recent years, a compartmentalised, purist GATT stance has evolved which views greater trade as the goal, rather than a means to an end.

---

[69] See Clyde H. Farnsworth, 'World Bank and IMF Hit by Walkout on Pay', *The New York Times* (24 May, 1986), p. 31.

[70] See the testimony of Ralph Nader in GATT: *Implications on Environmental Laws*, US House Committee on Energy and Commerce, Hearing Serial No. 102-53 (1991), pp. 63-74.

From this perspective, the GATT should have nothing to do with 'non-economic' objectives like worker rights or environmental protection.

By giving little attention (until very recently) to the social dimension of international commerce, GATT's allies do a disservice not only to the cause of environmental quality and worker welfare, but to the cause of free trade. The benefits of commerce may be a timeless truth, but the sirens of protectionism never sleep. Each generation must be convinced of the advantages of open trade in the context of contemporary concerns. When supporters of the trading system defend sweatshops or driftnets as a *legitimate* form of competitive advantage, they diminish the potential political coalition in support of trade liberalisation. As William E. Brock, former US Trade Representative, has explained:

. . . those countries which are flooding world markets with goods made by children, or by workers who can't form free trade unions or bargain collectively, or who are denied even the most minimum standards of safety and health — those countries are doing more harm to the principle of free and fair trade than any protectionist groups I can think of.[71]

As a beginning, the following steps might be taken: First, the top priority of the GATT's new environmental working group should be to reconsider the conclusions reached by the Tuna-Dolphin panel.[72] The GATT should then work with relevant institutions to develop an environmental code, the violation of which would be actionable by individual nations under Article XX.[73] Second, the GATT Council should invite the ILO to develop a voluntary code of fair labour practices for goods in international trade.[74] Violations of this code would not be actionable, but could be noted by the GATT in its Trade Policy Reviews. Third, the GATT Council should develop procedures for soliciting the input of non-governmental organisations (e.g., business, labour, environmental, etc.) on an ongoing basis. It is interesting to note that the ITO Charter authorised the Organisation to 'make suitable arrangements for consultation and co-operation with non-governmental organisations concerned with matters within the scope of this Charter'.[75]

Although unilateral trade controls for environmental and labour purposes are roundly criticised, not many of the critics support *multilateral* trade controls as

---

[71] International Labour Conference (1986), at 25/10. Mr. Brock spoke as US Secretary of Labor.

[72] The United States could help gain a reconsideration of that decision by amending the Marine Mammal Protection Act to reform the dolphin kill-rate calculation procedures that violate due process. This could be done without lowering protection for dolphins.

[73] To start with, the code might include the trade rules from environmental treaties (such as the Montreal Protocol) that have been ratified by over one-half of the GATT's Contracting Parties.

[74] For further discussion, see United Nations Association (1988), pp. 37-40. Countries adhering to the code could be given additional financial aid and technical assistance.

[75] UN Doc. E/CONF.2/78, Article 87(2). Moreover, groups like the World Federation of Trade Unions were asked to (and did) send representatives to the United Nations Conference on Trade and Employment of 1947-48.

the alternative. Indeed, many of the countries who complain about unilateral US measures are precisely the ones who tried to delay the working group on the environment and who continue to block a GATT group on worker rights. These naysayers are not going to be able to have it both ways. Unilateral action, particularly by the United States, is likely to continue until the GATT (or some other institution) agrees to start considering what international trade rules may be needed to secure social objectives like sustainable development and fair labour standards.

Once the GATT embarks upon this road, its members might draw inspiration from the foundation stone of the old ILO headquarters building in Geneva, which now serves as the home of the GATT. For on it are engraved these words: *Si vas pacem cole justitiam.* If you seek peace, cultivate justice.

REFERENCES

Brown, W.A. Jr. (1950), *The United States and the Restoration of World Trade* (Washington: Brookings Institution).

Charnovitz, S. (1987), 'The Influence of International Labour Standards on the World Trading Regime. A Historical Review', 126, *International Labour Review*, 565.

Charnovitz, S. (1991), 'Exploring the Environmental Exceptions in GATT Article XX', *Journal of World* Trade, 25, 5, 38.

Charnovitz, S. (1992), 'Trade Negotiations and the Environment', 15, *International Environment Reporter*, 144.

Dean, J. (1991), 'Trade and the Environment: A Survey of the Literature' (World Bank).

Economic Policy Council of the United Nations Association (1991), *The International Labor Organization and the Global Economy: New Opportunities for the United States in the 1990s* (New York: United Nations Association).

Faries, J.C. (1915), *The Rise of Internationalism* (New York: W.D. Gray).

French, H. (1992), 'Strengthening Global Environmental Governance', in Lester Brown et. al., *State of the World* 1992 (New York: W.W. Norton & Company).

Hufbauer, G.C. and J.J. Schott (1992), *North American Free Trade. Issues and Recommendations* (Washington: Institute for International Economics).

International Labour Office (1988), Report of the Director-General, *Human Rights — A Common Responsibility* (Geneva: International Labour Office).

Low, P. (1991), 'Trade Measures and Environmental Quality: Implications for Mexico's Exports' (World Bank).

Marine Mammal Commission (1978), *A Report to Congress* (Washington, DC).

Monetary and Economic Conference (1934), *Reports Approved by the Conference on July 27, 1933* (Ottawa).

Morris, D. (1990), 'Trading Our Future: Talking Back to GATT' (Institute for Self Reliance).

Moynihan, D.P. (1990), *On the Law of Nations* (Cambridge: Harvard University Press).

Pearson, C. and R. Repetto (1991), 'Reconciling Trade and Environment: The Next Steps' (US Environmental Protection Agency).

Radetzki, M. (1991), 'Economic Growth and Environment', Symposium on International Trade and the Environment (The World Bank).

Rauber, P. (1992), 'Trading Away the Environment', *Sierra*, 77, 1, 24.

Schaeffer, R. (1990), 'Trading Away the Planet', *Greenpeace*, 15, 5, 13.

Shrybman, S. (1992), 'Trading Away the Environment', *World Policy Journal*, 9, 1, 93.

Tumlir, J. (1976), 'Pollution Control and the Theory of Trade', in I. Walter, *Studies in International Environmental Economics* (New York: John Wiley & Sons).

United Nations Association (1988), *Pulling Together. A Program for America in the United Nations* (New York).
US Commission on Foreign Economic Policy (1954), *Staff Papers* (Washington, DC).
US Department of Labor (1990), *Worker Rights in Export Processing Zones* (Washington, DC).
US House of Representatives, Committee on Ways and Means (1991), 'Exchange of Letters on Issues Concerning the Negotiation of a North American Free Trade Agreement' (WMCP 102-10).
Weiner, M. (1991), *The Child and the State in India* (Princeton: Princeton University Press).