

The Strategies of Transnational Labor Coalitions and Networks

Thus far, we have examined the genesis of the accords that laid the foundations for Mexico's outward turn toward engaging its emigrant workforce (chapter 2), the local dynamics of consulates and migrant civil society collaborating to implement labor co-enforcement goals in the United States (chapter 3), and the wide range of demands made by immigrant rights organizations and others to hold Mexico accountable in arenas extending far beyond US workplace regulation (chapter 4). In chapter 5, we examine how global civil society rooted in the United States *and* Mexico is leveraging international "soft law" to defend the rights of migrant workers prior to their departure and after they return. In particular, we consider the role of free trade agreements as a platform for advocates to double down on globally oriented demands.

As the last two chapters reveal, civil society in the host country confronts a number of locally determined challenges (de Graauw, Gleeson, and Bloemraad 2013). Civil society organizations operating in the sending state have also crafted strategies to advocate for their compatriots—including those who never leave, those who do, and those who leave and then return. These groups often mobilize transnational strategies in coalition with partners across the globe, encountering unique opportunities and challenges in each environment (Piper 2005; Greer, Ciupijus, and Lillie 2013; Gleeson and Bada 2019).

Often led by social movement lawyers with strategic transnational connections, many global civil society organizations have engaged both international instruments and regional agreements to shine a light on the conditions that drive migrants north, including the lack of pathways for democratic collective bargaining in Mexico and the rampant abuses facing temporary guest workers in the United States. Here, we document how strategic alliances came together to address key human rights issues shaping migrant experiences, such as femicide in

communities of origin and at the border, gender discrimination in the workplace, rampant violence against migrants in transit, and the need for sustainable agricultural development to give people an option to remain in their homeland.

We consider how transnational campaigns have emerged across these various arenas, the power dynamics that have determined their success or sowed division, and the ability of these campaigns to craft a broader migrant worker rights agenda that holds states accountable on all fronts. Specifically, this chapter examines how advocates have leveraged the 1993 North American Agreement on Labor Cooperation (NAALC), also known as the labor side accords under the North American Free Trade Agreement (NAFTA) (Compa 2001; Kay 2011; Vega 2000). We focus on the strategies that Mexico-based transnational civil society advocates pursued to exercise pressure at the local, bilateral, regional, and international levels to bring visibility to migrant labor rights violations. While efforts in Canada are certainly relevant and long-standing, our fieldwork and archival inquiries focus on the US-Mexico aspects of these broader campaigns.

Elsewhere, we have analyzed the dual strategies pursued by two of the most high-profile transnational migrant rights groups: the Centro de los Derechos del Migrante / Migrant Rights Center (CDM) and Justice in Motion (formerly the Global Workers Justice Alliance), both of which maintain advocacy initiatives and programs in the United States and Mexico (Bada and Gleeson 2019, 2020). Both the CDM and Justice in Motion/Global Workers Justice Alliance were key actors in establishing a transnational coalition of advocates seeking to leverage the public petitions offered by the NAALC, the consular partnership program, and the joint ministerial declarations between the US Department of Labor and Mexico's Secretaría del Trabajo y Previsión Social / Ministry of Labor to demand restitution for labor violations in both countries. Here we investigate the work of other, less visible organizations that have also forged transnational coalitions to confront labor violations and the detrimental effects of free trade agreements in the region.

We find that in the North American region, tripartite systems constructed to defend migrant labor rights have created what Keck and Sikkink (1998) have called the "boomerang effect"—whereby international allies urge their own governments to pressure the offending state. These migrant rights activists have also deployed Hertel's (2006) "dual-target" campaign model for cross-border advocacy that targets both offending states (i.e., the sending and receiving states) simultaneously. In each case, transnational coalitions help amplify civil society's power to effect change in a context where advocates alone have insufficient power to hold state and market actors accountable. In the case of Mexican migrant workers in the United States, local actors have implicated both receiving and sending governments when pursuing restitution for those subjected to labor violations, regardless of jurisdiction. In doing so, they have forged new transnational labor advocacy networks and strategic (if sometimes tenuous) alliances between unions and NGOs. This chapter maps those networks in the United States and Mexico, outlines their strategies and challenges, and describes their victories and ongoing battles.

THE BILATERAL RIGHTS FRAMEWORK FOR MEXICO-US MIGRANTS

Several international instruments guarantee the rights of all workers regardless of immigration status. The Migrant Workers (Supplementary Provisions) Convention 143 (1975) of the International Labour Organization (ILO) sets basic minimum protections. Building upon ILO Migration and Employment Conventions 47 (1949) and 143 (1975), the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families includes protections for both documented and undocumented migrants. As we explore in chapter 2, the NAALC also recognizes basic principles across member states within the framework of NAFTA (1994) and in terms of labor regulation standards. Trade agreements between Latin American and Caribbean countries have also aimed to increase labor inspections (Dewan and Ronconi 2018). Similarly, the new generation of Free Trade Agreements signed by the European Union include sustainable development clauses promoting minimum labor standards and adhering to the Conventions of the ILO. In the global arena, in 2013 the United Nations convened another High-Level Dialogue on Migration and Development in which member states, including the United States and Mexico, collectively vowed to protect the rights of migrants irrespective of their legal status (Berg 2016).

The rights laid out by these international bodies are largely symbolic and unenforceable in national courts. For example, trade barrier regulations diminish the capacity of bodies like the European Union to uphold labor standards with partner states (Bronckers and Gruni 2019). At the national level, receiving countries such as the United States have codified labor and employment laws that formally extend many rights even to undocumented workers. Yet workers are reluctant to access these rights in practice, given widespread immigration enforcement concerns that deteriorate community trust. Similarly, in Mexico, the tight alliance between many nondemocratically elected unions (also known as *charro* unions) and government leaders renders collective bargaining agreements—dubbed as “protection contracts”—largely meaningless.¹

In parallel to these formal mechanisms, migrant civil society actors have crafted local, regional, and bilateral strategies of their own to go beyond the (nonbinding, largely symbolic, and ineffective) international governance frameworks in place (Delgado Wise 2018).² They do so by leveraging this panoply of international governance frameworks (often labeled “soft law”) alongside social movement campaigns that garner resources and power from global allies and migrant workers on the ground. This can be a solid investment of resources. Indeed, while mobilizing claims via national and international bureaucracies may be costly, unfeasible, or simply impractical for individual low-wage workers without access to legal representation, litigating such cases can bring much-needed visibility to transnational advocacy organizations calling for improved conditions.

The NAALC is a good example of how civil society has leveraged international governance frameworks. Despite its many flaws, it set a precedent in the

hemisphere by incorporating labor standards into free trade negotiations, even if those standards were originally excluded from the binding elements of the agreement itself. Thus far, according to Robert Russo (2011, 38), the most promising result of the NAALC process has been the “greater cooperation and inclusiveness among various NGOs and civil society groups, including previously marginalized groups such as unofficial Mexican unions and Mexican migrant workers in the United States.” The NAALC provides a framework of participatory democracy in which to experiment with a tripartite model of labor rights enforcement, wherein sending and receiving governments, civil society organizations, and employers work together (Amengual and Fine 2017; Ayres and Braithwaite 1992; Dias-Abey 2016). This model empowers advocates to work alongside regulators—and to call them out if necessary—to address employer impunity. Savvy migrant worker advocates stake out a middle ground on the world stage between deterrence and compliance, with the goal of making it increasingly difficult for employers to abuse workers without facing any consequences. Thus any assessment of the potential of tripartite co-enforcement regimes to enforce migrant worker rights must pay attention not only to the local context of implementation (as described in chapter 3) but also to the work of advocates in the sending state and those working transnationally across borders.

ISSUES FACING WORKERS AND TARGETED OUTREACH CAMPAIGNS

Our interviews with Mexican civil society organizations reveal a network of advocates pushing for the effective co-enforcement of domestic labor laws as well as wider policy changes. For these advocates, a long list of issues are tied up with immigrant labor precarity: economic pressures in communities of origin, forced rural displacement, agricultural disinvestment, the militarization of Mexico’s northern and southern borders, overdue compensation to former *braceros*, a guest worker labor recruitment industry ripe for abuse, Mexico’s failure to support unionized guest workers toiling on Canadian farms, lack of internet access and digital fraud prevention tools in rural areas, unsatisfactory language interpretation services in courts, violence against women and femicide, union corruption, insufficient predeparture outreach to migrants, insufficient services for returned or deported migrants, and justice for the Central American, Haitian, and other migrant workers fleeing poverty and insecurity who require asylum and jobs in Mexico. These network coalitions typically leverage a human rights frame to support workers irrespective of legal status, ethnicity, or citizenship.

One of the most prominent rallying points for advocates is the rampant abuse in Mexico’s temporary labor export programs. This has been widely documented in Canada (Basok 1999; Fuller and Vosko 2008; Goldring 2017) but often gets less attention in the United States given that guest workers there compose a far smaller

proportion of the migrant workforce—an estimated 450,000 low-wage guest workers (Costa 2017) compared to 8 million undocumented workers (Passel and Cohn 2016), most in both groups hailing from Mexico. In the United States, Mexican guest workers with temporary visas are recruited to fill low-wage positions in agriculture, fishing industries, or seasonal and other service jobs (ILRWG 2013). These workers have limited access to other forms of community support, given that their stay in the destination country is often short and seasonal. While the NAALC obligates each nation to provide migrant workers with equal labor law rights, in practice the United States excludes legal guest workers from some of its labor provisions under the Migrant and Seasonal Agricultural Worker Protection Act. For example, the act allows domestic and undocumented workers to sue their employers in federal court and provides for actual or statutory damages. However, it also explicitly excludes H-2A workers from its coverage (Linares 2006; Russo 2011).

In Mexico, Article 28 of the federal labor law protects the labor rights of all temporary migrant workers and includes private recruitment fraud prevention mechanisms. However, the relatively small size of bilateral guest worker programs prevents adequate enforcement and inspections, as private recruiters operate in rural areas where workers have limited means of submitting complaints to labor regulators when violations occur. Moreover, since those workers are covered by special bilateral agreements negotiated between sending and receiving states, they have few opportunities for claims making and must seek help from diaspora-serving organizations and labor unions with cross-border operations in Mexico, Canada, and the United States (Dias-Abey 2016; Vosko 2019). Since 2005, however, a small but highly visible group of pioneering cross-border civil society advocacy organizations have successfully leveraged transnational labor advocacy tools on behalf of temporary migrant workers (H-2 visa holders), utilizing the NAALC framework to pursue an increased portability of labor rights for migrants, regardless of country of residence (Bada and Gleeson 2020, 2019; Caron 2005; Caron and Lyon, forthcoming).

Increasingly, immigrant advocates in Mexico and the United States have pointed to a range of workplace abuses endured by guest workers in North America (most of them from Mexico). In 2013, a Southern Poverty Law Center report described the guest worker program in the United States as “close to slavery” (SPLC 2013). The binational CDM, moreover, has issued reports on the challenges facing fair and carnival workers (American University Washington College of Law, Immigrant Justice Clinic and CDM 2013), agricultural workers (CDM 2020), and crab pickers (American University Washington College of Law, Immigrant Justice Clinic, CDM, and Georgetown University Law Center, Federal Legislation Clinic 2020). They have also documented fraud in labor recruitment practices (CDM 2019b, 2019c), including in the TN (Trade NAFTA) visa program created by NAFTA for professionals (CDM 2019a), as well as in other specialized temporary

foreign worker programs such as the J-1 summer work travel exchange (ILRWG 2019) and the Au Pair program (ILRWG 2018). While each of these temporary foreign worker programs composes a relatively small part of the immigrant workforce, each represents a paradigm of state-sanctioned labor exploitation for a subset of workers whose authorization to live and reside in the United States is tied to a specific employer and work contract. This restriction, by design, limits their occupational mobility and keeps them from earning a wage premium relative to their unauthorized counterparts (Costa 2020).

TRANSNATIONAL STRATEGIES TO CONFRONT GUEST WORKER ABUSE

Transnational advocacy groups anchored in the United States, such as the CDM and Justice in Motion, have led the charge in filing petitions and complaints on behalf of guest workers during their stay and after their return to Mexico. However, Mexico-based immigrant worker rights advocates have also sought to raise awareness around temporary migrant workers whose rights are frequently abused *prior* to their journey. Mexican federal labor laws protect workers from fraudulent contracts and scams, but the lack of reporting among rural and illiterate workers encourages impunity. Some campaigns run by local advocates have brought national visibility to the large-scale, fraudulent recruitment practices of private contractors by targeting federal bureaucracies such as the National Commission of Human Rights, the Secretaría del Trabajo y Previsión Social, and the Secretaría de Relaciones Exteriores / Ministry of Foreign Affairs. Lacking resources and political will, these central offices (located in Mexico City) are not always well versed in the intricate details of temporary contracts (usually carried out in rural areas) or familiar with the alphabet soup of temporary work visas (the H-2A agricultural and H-2B nonagricultural visas most common among them), which in any case represent a very small part of Mexico's emigrant labor force. Consequently, advocates frequently use media campaigns to push for greater oversight and accountability on the part of government offices that facilitate these arrangements.³ In these cases, close and frequent communication with counterpart organizations based in the United States helps Mexican advocates understand the labor standards enforcement agencies operating across federal, state, and local jurisdictions throughout the United States and sets the stage for high-profile bilateral campaigns and litigation strategies.

While it does not coordinate its export labor efforts to the same extent as countries like the Philippines (Guevarra 2009; Rodriguez 2010), the current Mexican government does play a central role in arranging visa approvals, regulating recruitment practices, and facilitating repeat applications for seasonal workers, who in some cases have been returning to the same job site for decades in Canada

and the United States. However, there is a darker history to Mexico's export labor. Ample historical research has documented Mexico's coercive practices during the Bracero Programs (the United States' longest-lasting, wide-scale guest worker programs that operated from 1942 to 1964) (e.g., García y Griego 1988; Calavita 1992). More recently, scholars and advocates have documented evidence of consulates blacklisting workers labeled as prounion (Vosko 2016, 2018), even in the oft-hailed Seasonal Agricultural Worker Program / Programa de Trabajadores Agrícolas Temporales in Canada, where union representation is far higher than in the United States (UFCW Canadá and Alianza de Trabajadores Agrícolas 2020).

Apart from governmental processes, labor brokers and recruiters are key actors in facilitating immigrant labor networks on the whole, and especially guest worker programs the world over (Martin 2017). Individuals, subcontractors, and related agencies typically charge steep fees to desperate workers, who often accumulate debt that can take years to pay off—debt that then shapes what migrants are willing to endure on the job. Mexico has been called out for turning a blind eye to these exploitative practices abroad and at home, for example when indigenous migrant workers travel to other parts of the country to work on farms in conditions of forced labor (Moloney 2017). Additionally, fraud in international recruitment is notoriously rampant, bordering on trafficking by some accounts (Fernandez 2013). According to one estimate, between 2005 and 2018 at least ten thousand Mexican workers were victims of recruitment fraud. This translates into millions of US dollars lost to ghost recruiters who disappear after charging exorbitant fees for non-existent jobs in the United States (CDM 2019c).

Transnational advocacy groups have worked together to bring visibility to these abuses and other violations of migrant worker rights. They have not only called on the Mexican government to do more but also urged state governments to use the penal code to actually enforce the labor protections already on the books. As a direct result of this advocacy, several Mexican states have begun to classify recruitment fraud as a criminal activity. Advocates also have succeeded in increasing federal protections against fraudulent international recruitment. Amid these efforts, RADAR, a new transnational labor advocacy program, was established by the Mexico-based human rights organization Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC), with additional support from the AFL-CIO Solidarity International in Mexico City and the CDM. The RADAR program seeks to eradicate labor rights violations committed against migrant workers during the recruitment process for temporary employment (ProDESC n.d.). It focuses on joint responsibility among recruiters, employers, and other actors within supply chains and provides a bilateral framework for addressing broader workplace abuses that often go ignored. The RADAR program is the culmination of almost two decades of strategic communication around building shared strategies among Mexican advocates, US labor unions, and other human rights NGOs.

BUILDING TRANSNATIONAL NETWORKS

The Emergence of Transnational Networks

Inclusive and loosely structured transnational immigrant rights networks benefit from open boundaries that enable the rapid mobilization of participants and the free exchange of ideas (Massa and O'Mahony 2021). Transnational labor advocates with "big tent" agendas (rather than those focused on singular issues) provide a broader platform for participation and do the important coalitional work of connecting different migrant rights struggles. However, this work requires frequent communication and compromise that is unlikely to persist past specific campaigns. Indeed, collective practices designed to foster engaged democratic participation are difficult to sustain in the long term (Polletta 2012; Whyte and Whyte 1991).

Transnational migrant labor advocacy in Mexico emerged amid the long transition from Mexico's one-party rule (which lasted from 1929 to 2000), a transition that was hoped would increase opportunities for meaningful citizen engagement. Mexico-US binational coalition building arose as advocates in both countries deepened their interest in cross-border organizing strategies, especially in the wake of NAFTA. To be sure, the creation of the Red Mexicana de Acción Frente al Libre Comercio / Mexican Action Network Confronting Free Trade (RMALC) in 1991—a coalition that sought not only to oppose NAFTA but also to discuss alternatives to neoliberalism and strategies to strengthen democracy—paved the way for increased cross-border organizing. This coalition worked across multiple sectors beyond free trade, including sustainable agricultural development, human rights protections (particularly in light of rising femicide and gender inequality), Mexico's own framework for labor rights (for migrants and nonmigrants), and environmental justice. Previously, ties between cross-border social constituencies were concentrated primarily in the border region and were limited to labor issues in maquiladoras, undocumented migrant border crossings, and environmental concerns. During the 1980s, however, Mexico's economic dependency on the United States was growing steadily, and national policies were increasingly crafted on a broader scale to attract the attention of US political and economic elites. By the early 1990s, trade unionists in both countries realized that they were confronting similar issues: antiunion policies, privatization, and deteriorating living conditions and job security for workers. Years of local, regional, and national campaigns to challenge such conditions broke down long-standing divides between sectors (Brooks and Fox 2002b, 2002a).

As the public debate around NAFTA and the structural economic changes occurring in the two countries intensified, the boundaries between international and domestic policy issues blurred. Domestic civil society actors across Mexico and the United States struggled to mitigate the impacts of free trade and soon realized that a cross-border strategy was necessary. This shift reinvigorated the

internationalist wings of the labor movement (Hathaway 2000) but also tested the typically protectionist tendencies of the AFL-CIO, which had previously failed to take the concerns of Mexican labor leaders seriously (Moody 1995). The irony is that NAFTA itself (and the global governance institutions it created) has helped increase North American labor solidarity by providing mechanisms with which to demand accountability. This newfound solidarity has changed the purely domestic identity of labor unions, whose members now fear job-outsourcing and the influx of new migrant workers who might undercut their wages, forcing unionists to reimagine alternative strategies that include advocating for improved labor conditions in sending states. It has also led to strategic alliances between labor organizations (who have been quickly losing membership [Nolan García 2011]) and NGOs, for whom labor rights have been but one of a long litany of demands against governments and employers (von Bülow 2010).

The first coordinated binational efforts between unions and NGOs occurred in the 1980s and dealt with the maquiladora and agricultural sectors. Founded in 1989, the multisectoral Coalition for Justice in the Maquiladoras brought together religious, environmental, labor, community, and women's rights organizers active around binational integration issues related to improving the working conditions and living standards of workers employed in Mexico's maquiladora industry (Williams 2002; Hennessy and Ojeda 2005). A similar long-running organizing campaign emerged around farmworkers in the Midwest who supplied vegetables for Campbell's Soup, headquartered in New Jersey (Corporate Campaign, Inc. n.d.). In this case, the midwestern AFL-CIO affiliate the Farm Labor Organizing Committee partnered with an agricultural worker union in Sinaloa, Mexico, affiliated with the Confederación de Trabajadores de México / Confederation of Mexican Workers to combat the Campbell Soup Company's efforts to divide unions in the United States and Mexico (Barger and Reza 1994).

These two pioneering efforts paved the way for subsequent cross-border labor organizing campaigns against violations of freedom-of-association laws, even if the resulting claims filed through the NAFTA labor side agreements yielded few tangible results affecting government policies or private employers. The continued relationship between organized labor and NGOs interested in worker rights would eventually open the door to sustained cross-border networks. Those coalitions became denser and inspired new strategies to strengthen labor regulation in Mexico and the United States. Mexico-based advocates impressively crowd-sourced coalitional resources to increase momentum, which they could then mobilize within different international, national, and domestic jurisdictions to make worker rights more portable.⁴ In 2005, the Global Workers Justice Alliance (now Justice in Motion) introduced the concept of portable rights to the United Nations in Geneva, and several migrant rights organizations subsequently adopted this advocacy platform (Caron 2005; Caron and Lyon, forthcoming). One important site for this advocacy exchange was the 2010 Peoples' Global Action for Development,

Migration, and Human Rights, an event that coincided with the Global Forum on Migration and Development taking place in Puerto Vallarta, Mexico. These simultaneous events offered an opportunity to develop a claims-making agenda with a strong transnational justice and human rights framework that could incorporate a diverse group of labor rights advocates throughout the North American corridor and Central America.

Sectoral Dynamics

The transnational networks that have emerged around migrant worker rights in North America span a number of “issue areas,” much like the varied domestic immigrant advocacy landscape described in chapter 4. While a complete accounting is beyond the scope of this chapter, it is instructive to examine how distinct sectors have approached migrant worker rights, often with different end goals and cross-border strategies in mind. Adopting distinct discursive frames (Benford and Snow 2000), they reveal a diverse set of transnational labor advocacy strategies.

Workers’ Rights across Borders. Communications between Mexican and US labor unions predate NAFTA (Kay 2011), though NAFTA did reinvigorate the AFL-CIO’s alliances with Mexico’s labor movement. In 1997, the AFL-CIO established a solidarity center in Mexico City to support the democratization of Mexico’s labor unions and the elimination of protection contracts awarded to *charro* unions. While their main objective was to support Mexico’s unions in attaining collective bargaining rights, the AFL-CIO and its international affiliates have also created alliances with local NGOs and other labor allies working to protect migrant rights, especially Mexican guest workers in Canada and the United States.

Perhaps one of the most well-known examples of cross-border alliances between the two countries is the Frente Auténtico del Trabajo / Authentic Labor Front (FAT), a Mexican labor organization founded in 1960 that encompasses cooperatives, unions, tenant organizations, *ejidatarios* (common-land shareholders), and training centers. This national umbrella organization cites plurality, democracy, and social struggle as its main principles. The FAT “distinguished [itself] from most Mexican unions by its early and continuing conviction that profound political change is needed for workers to be able to achieve their goals” (Hathaway 2000, 428). The organization was a leader in organizing maquiladora workers, frequently collaborating with the US-based United Electrical, Radio and Machine Workers of America (UE) in coordinating “worker to worker” tours and hosting worker trainings and exchanges (Hathaway 2000). In one of those FAT-UE exchanges, Mexican artist Daniel Manrique created, in 1999, *Manos Solidarias*, the mural that is on the cover of this book and is located outside of the UE headquarters in Chicago, while a US-based artist created a painting for Mexico City’s FAT offices (Duncan 2008; Stone 2019).

In addition to its organizing work, the FAT joined petitions filed with the NAALC in solidarity with temporary migrant workers. FAT coalitions would

eventually submit several petitions to the United States' National Administrative Office to denounce Mexico's failure to uphold the freedom of association. For more than two decades, FAT officials testified before the ILO on the violation of freedom of association in Mexico, and as a result of these efforts, the Mexican Congress eventually passed a constitutional amendment to guarantee secret ballots in union elections in 2017. These changes took effect just after the election of Andrés Manuel López Obrador, whose party—Movimiento Regeneración Nacional—controlled both parliamentary chambers and would go on to pass a list of long-desired labor reforms. This boon to union democracy affirmed the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), but it should be noted that prolabor policy changes also risked a backlash from *charro* unions. Further challenges remained. For example, many progressive labor leaders denounced key omissions that allowed subcontracting to proliferate and that failed to strengthen mechanisms to investigate violations and assess sanctions. In the border region, maquiladora leaders refused to comply with López Obrador's minimum-wage increases, and today the violent repression of progressive labor leaders persists (Bacon 2019).

Binational labor advocates have also focused their organizational efforts on former braceros. RMALC sought to help the thousands of Mexican braceros who had had about 10 percent of their wages withheld by the Mexican government in a forced saving scheme that lacked accountability (Durand 2007). The Mexican government was supposed to function as the guarantor of its citizens' rights (and money) in guest worker programs, but these savings often disappeared, and the Mexican government has claimed it has no record of these transactions. Several grassroots organizations created cross-border coalitions around this issue in the late 1990s. Activist researchers from RMALC sent students to Chicago to conduct archival research to support recuperative litigation, with some success. By 2006, the Mexican government had agreed to compensate—up to \$3,500 USD—all those who could demonstrate participation in the program (Martin 2003). After a long campaign to disseminate information among potential beneficiaries, 250,000 former braceros and relatives of late braceros had registered for compensation by 2006. The resulting demand (\$875 million) far exceeded the fund established by the Mexican government (a mere \$27 million), and as a result the garnished wages remain a central issue for Mexico-based organizers today. These "illicit" deductions were just one among many abuses braceros endured in the United States under the watch of the consular network (Gordon 2006).

Agriculture/Land. Beyond the worker coalitions that NAFTA's labor side accords have propelled, widening free trade has led to an exodus of Mexicans, the undisputed result of reduced agricultural employment demand in the rural countryside, where farmers have struggled to compete with big agribusiness and subsidized US farmers (Audley et al. 2004). This exodus not only was an unintended consequence of the marketized race to the bottom but also revealed one of NAFTA's

core premises to be faulty: that trade liberalization would stem, and even reverse, the flow of migrants. This highly politicized promise foreclosed any provisions for the free flow of labor, provisions that were incorporated into the European Union and later the Schengen Area. In fact, NAFTA was negotiated during the same era as the (still-ongoing) southern border buildup and militarization, which only succeeded in funneling migrants to more dangerous crossing points, leading to an increase in border deaths (Nevins 2002), many of them involving people from crop-producing indigenous regions (Nevins 2007).

Indeed, NAFTA's impact on agricultural regions was severe, especially for small-scale, peasant producers. Mexico's agricultural census found that the number of jobs in agriculture dropped 20 percent between 1991 and 2007. By 2019, the agricultural share was less than 15 percent of total Mexican employment, according to the National Survey of Occupation and Employment (Bada and Fox 2021). But this decline does not represent the full story, as many peasants have fought back. The sustained level of protest among the peasantry since NAFTA has shown the resiliency of *campesino* identity and their resistance to displacement (Fox 1994). For example, Mexicans were able to diversify their income sources by pushing for government subsidies to blunt the impact of opening trade, and at the same time rural communities began accessing urban employment opportunities as well (Hoogesteger and Rivara 2021; Torres-Mazuera 2013).

To be sure, the impact of trade liberalization has been significant. However, despite dire predictions, the rural economy has not been obliterated by NAFTA, and rural livelihoods are not sustained solely by family remittances sent by migrant workers in the United States. While many rural Mexicans have indeed chosen to exit and migrate north, others have stayed and made their voices heard. Famously, the Zapatistas have offered sustained resistance to globalization, and other rural social actors have engaged in protests such as the 2002–3 El Campo no Aguanta Más (The Countryside Won't Take It Any More) movement (Rubio 2004), or the more transnational mobilization of farmworkers who conducted an unprecedented strike across Baja California's strawberry farms (Bacon 2015; Garrapa 2019). The latter managed to build international solidarity and launch boycotts against Driscoll, a multinational distributor. The long-standing Driscoll campaign is an especially trenchant example of the post-NAFTA advocacy landscape. As photojournalist David Bacon explains, transnational labor solidarity is gradually emerging because employers in places like Washington and Baja California "aren't just connected by a common distributor, Driscoll's, but by the workforce that picks the berries. Agricultural labor in virtually all the berry fields on the Pacific Coast comes from the stream of indigenous migrants from southern Mexico."

Organizations interested in fostering bottom-up transnational worker solidarity have often leveraged the fact that Mexican agricultural workers are likely to work in the United States at some point in their lives. As an organizer from the Labor Council for Latin American Advancement (LCLAA) explained to us

in 2015: “The same workers end up working in Washington State. These are the same people, same family members. It’s interesting to see also the communication that’s happening with the *campesinos* in Washington with the *campesinos* in San Quintín and vice versa, going back and forth because they are all from the same community.”⁵ These campaigns have normalized migrant labor as central to agricultural production and land stewardship, while also supporting Mexicans’ “right to stay home” (Bacon 2014; Bada and Fox 2021) rather than be forced to migrate by economic concerns.

In sum, the transnational migrant labor demands emerging from Mexico are inextricably linked to peasant movements demanding land reform, as described below through a discussion of the challenges facing workers without access to the *ejido* system of community-based properties created through agrarian reform. These campaigns have highlighted the impact of free trade on commodity supply chains and stressed that labor solidarity across borders is necessary as bilateral policies continue to affect the lives and working conditions of workers in both Mexico and the United States.

Human Rights. Human rights campaigns typically make demands irrespective of workers’ legal status, ethnicity, or citizenship. Unions and their allies have come together to demand migrant worker rights within the framework of labor protections afforded by domestic statutes and international norms, and peasant movements have anchored their claims as part of their right to the land. Meanwhile, human rights advocates broadly view migrant worker struggles as untethered from national territory or specific legal frameworks. This universalistic approach to labor rights has alienated some advocates but has also created innovative strategies for connecting disparate struggles.

The human rights frame for transnational migrant labor advocacy has been adopted by a wide range of organizational types. As a member of a border network established in the 1990s in El Paso, Texas, explained:

There has been a qualitative change in Mexico in the last few years, where migration has been contextualized with a human rights framework. And I believe that this is the best opportunity that we have and it should not be seen as a challenge. We need to recognize that what connects the migratory phenomenon in the United States and Mexico is the phenomenon of the obligation to respect human rights. I believe this has been a great opportunity in international fora, to make an impact in the United Nations committees to push for a human rights agenda.⁶

In this vein, advocates have litigated on behalf of indigenous communities throughout Latin America at the Tribunal Internacional de Conciencia de los Pueblos en Movimiento. The tribunal was inspired by the 1966 Russell-Sartre Tribunal (International War Crimes Tribunal), in which Mexico and other Latin American states have frequently been placed on trial, most recently in the 2011

San Fernando massacre in the Mexican state of Tamaulipas, where 193 bodies were found in mass graves. While these victims were determined to be Mexican nationals, the horrific discovery came less than a year after seventy-two travelers (mostly migrants from Central America and South America) were similarly abducted from buses and killed also in the municipality of San Fernando in Tamaulipas, as part of a vicious cartel feud. These abuses are unfortunately “nothing new,” and, as Delgadillo, García, and Córdova Alcaraz (2019) argue, “have been an intrinsic element of the treacherous migratory route through Mexico.”

While the human rights abuses of the failed drug wars—in which Mexican authorities have repeatedly been implicated—may seem unrelated to the concerns of migrant workers, they are in fact deeply connected. Indeed, the same forces that displace migrants (by creating a context of violence and economic insecurity) also draw them north (WOLA 2020; Bada and Feldmann 2017). This is true both for migrants transiting through Mexico and for Mexican nationals, whose demands for better working conditions are often met with repression, inaction, or violence. The 2014 disappearance of forty-three students from Ayotzinapa Rural Teachers’ College exemplified this perilous situation, as the military most likely helped facilitate their capture, torture, and killing—or at best looked the other way (Raphael 2021). They had been en route to a protest in Mexico City calling for the repeal of neoliberal educational reforms and showing support for striking teachers (A.R.E. Editorial Collective 2015; Bracho 2020).

Immigrant Families, Children, and Women’s Rights. A fourth sector of civil society active in transnational migrant advocacy circles is focused on the rights of families and children, many of whom rely on the livelihoods of migrant workers. These are universal concerns that often garner bipartisan support and can soften the push toward increased border militarization and punitive enforcement measures. Shining a light on children and family rights also undercuts the bombastic, stereotyping rhetoric that typically brands migrants as criminals and threats to society (Pallares and Flores-González 2011; American Immigration Council 2017). For labor advocates, focusing on immigrant families can also shift the discussion away from migrants “stealing jobs” to their “providing for families,” a preferred frame (Lederer 2019; Glynn 2021).

Civil society groups on each side of the border have approached the issue of family well-being in distinct ways. For example, US advocates have long called for the end of “baby jails” and family detention practices that were seared into the public imaginary during the Trump administration, though the foundations of this practice were established under the Obama administration (Miroff 2020). Indeed, the closest the United States has come to mass legalization arguably is the 2012 Deferred Action for Childhood Arrivals (DACA) Program, which was struck down by various lower courts but continues to exist precariously on a temporary stay for existing beneficiaries as of or before July 16, 2021 (CLINIC 2022). A later Obama-era

executive action—the 2014 Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA)—was struck down altogether (Capps et al. 2016).

One of the most profound, visually striking protests over the way that borders fracture families is the annual Abrazos, No Muros gathering. This moving event allows separated families to come together for three minutes along the banks of the Rio Bravo thanks to a painstakingly negotiated local agreement with the US Border Patrol in the El Paso–Ciudad Juárez border region (Ramos Pacheco and Corchado 2021). Border activists have also joined forces with Mexican organizations to demand better public policies that respect the human rights of migrants.⁷ However, a legalization program for undocumented workers in the United States remains an elusive goal, as does a more humane management of border crossings. Moreover, the border buildup ebbs and flows according to presidential administrations and in response to periodic calls for “national security,” most profoundly after 9/11 (Andreas and Biersteker 2003; Rodriguez 2008). In fact, one could argue that this push toward national security (and the subsequent further militarization of the border), combined with the incessant criminalization of immigrants, has amplified advocates’ focus on family as they seek to construct a counternarrative in the United States.

Meanwhile, immigrant rights groups have increased the visibility of Mexico as a transit country, which has infused public policy debates with a gendered perspective on migrant rights. For example, the CDM, which has offices in Oaxaca, Maryland, and Mexico City, has worked with researchers and policy makers to emphasize that many of the most precarious migrant guest workers are women and that their precarity has ripple effects on their transnational families in and outside the United States (Costa and Martin 2018). Mexico is also home to transnational advocates specializing in women’s and family rights such as the Instituto para las Mujeres en la Migración, a large legal service and advocacy organization with diverse international and domestic funding sources.⁸ This organization was established during the peak of Mexico’s deportation of Central Americans to their countries of origin.⁹ While such groups share many of the same concerns as their US counterparts regarding the deleterious effect of immigration and labor policies on families and children, rather than focusing solely on US abuses and calls to halt deportations, much of their advocacy has also targeted the Mexican state’s responsibility to integrate children who are effectively deported from the United States alongside their parents. The Instituto para las Mujeres en la Migración and its broad range of advocates have similarly decried Mexico’s failure to address the needs of accompanied minors entering the country from the southern border (Asylum Access México et al. 2021; IMUMI n.d.).

The Creation of Cross-sector Networks

The organizational landscape of civil society groups working transnationally comprises Mexico-based groups seeking international linkages and US-based

groups joining their partners in Mexico. These networks have been buttressed by forums designed to bring interested groups together across sectors (though grassroots organizations can often be excluded). For example, the *Comité Fronterizo de Obrer@s* (CFO) emerged in the late 1970s to address labor exploitation in the maquiladora border region along three states: Coahuila, Tamaulipas, and Chihuahua. Its work intensified during the free trade agreements era, during which time it transformed into a registered worker center.¹⁰ With funding from the Philadelphia-based American Friends Service Committee, the CFO participated in the 1995 UN Conference on Women in Beijing and the World Summit on Social Development in Copenhagen. These opportunities expanded their networks with US-based organizations, and the CFO went on to collaborate with a Washington, DC-based law school to file claims first via the ILO and later under the NAFTA labor side accords.

The FAT, described earlier in this chapter, has also embraced international networking in its struggle to democratize Mexican labor unions since the 1960s. This network of independent labor unions has a Catholic background and would later be inspired by liberation theology to support the Chilean workers denouncing the military overthrow of Salvador Allende in the 1970s. The FAT developed alliances with the United Farm Workers union during the Cesar Chavez era and had strong contacts with Quebec's National Union Confederation. These transnational contacts led to a 1991 meeting in Zacatecas with like-minded Canadian and Mexican NGOs and unions, as well as with US-based NGOs and the UE. The collaboration between FAT and the UE would lead to a strategic alliance formed to take on General Electric and Honeywell factories in Chihuahua and demand collective bargaining rights. Together, they would file a petition under NAFTA's labor side accords in 1994, with the support of the US Teamsters union (Hathaway 2000).

After this initial trinational 1991 meeting, the FAT would also become a key player in the founding of RMALC, a leading transnational network that included "several FAT unions, unions from various universities, environmentalists, women's groups, academics, the National Association of Democratic Lawyers, and labor representatives from two political parties, the PRD and the PRT, as well as peasant organizations and other NGOs" (Hathaway 2000, 173). The FAT's participation in RMALC led to its increased presence in the international arena, as they participated in the 2001 World Social Forum of Porto Alegre and met with the Argentine Confederación General del Trabajo and with unions from Uruguay.¹¹

RMALC was instrumental in the negotiation of NAFTA's parallel environmental and labor agreements, but the network has since transformed its mission, privileging action research for social change to support various social movements. Because of the loose coalitional structure it has maintained for more than three decades, RMALC benefits from open boundaries that enable the rapid mobilization of participants and exchange of ideas (Massa and O'Mahony 2021). This strategic network activates when its members launch specific projects. For example,

RMALC offered support when the Brazilian *Movimiento de los Afectados por Represas* sought to consolidate in 1991 and when the Mexican *Red de Afectados por la Minería* attempted the same in 2008. When Mexican president Vicente Fox announced the Plan Puebla Panama, a trans-Isthmus megaproject including new superhighways along the Pacific and Gulf Coasts that would connect southern Mexico to the north and also to Central America, RMALC denounced the potential displacement it would cause. They convened a meeting in Tapachula, Chiapas, with many NGOs from Central America discussing how to resist the Plan and the maquila-based development model that has consistently failed to respect labor rights. RMALC members were the natural allies of Central American NGOs because they had already gained policy expertise from the NAFTA negotiations. As a founding RMALC member explained: "It was our turn, as RMALC, to be an important part of this organizing process because we already had networks with lots of organizations in Central America. We knew that free trade agreements had been discussed for the Northern Triangle. When CAFTA [Central American Free Trade Agreement] came, we invited NGOs to Mexico to discuss resistance plans, and this process led to the Mesoamerican Social Forum in 2000 and later to the Mesoamerican Project in 2008 that now includes Colombia as well."¹² In other words, just as the FAT was organizing binationally with an eye north to its North American neighbors, it was also cementing its role (through RMALC) as a leading labor leader in Latin America as a whole.

The ability to unite across sectors can grant transnational campaigns enormous power. Forging these alliances, however, comes with a number of challenges, which we describe next.

DIVERSE ORGANIZATIONAL MISSIONS AND COALITIONAL TOOL KITS

Organizational missions that span multiple transnational labor advocacy divides—that is, across sectors and geographical borders—vary substantially and give rise to unique coalitional tool kits. While the sectoral frames described above reveal the central foci of each respective social movement, we have also identified distinct organizational missions within each sector. The power and benefits of coalitions notwithstanding, these missions can often clash, exposing major power and resource inequities.

Highlighting the Crisis of Migrants in Transit

Labor organizations working across borders generally agree on the centrality of respecting workers' rights regardless of nationality. Yet each group has also developed particular priorities, often determined by uneven resource distribution. A veteran advocate who began working in transborder coalitions during NAFTA and who had been a labor organizer for the CFO explained that her organization

aspired but was not able to open a shelter in Piedras Negras for deported Guatemalans who had been attacked by the Mexican police and/or the US Border Patrol. Despite resource constraints, the CFO managed to expand into a labor organization in the border region with offices in the Mexican states of Coahuila, Tamaulipas, and Chihuahua while maintaining connections with like-minded organizations in Canada such as the Toronto-based Red de Solidaridad de la Maquila, a NAFTA-era organization. The CFO's evolution reflects the tension that border advocates constantly face in addressing the needs of transit migrants in crisis as well as broader coalitional goals across the region.

On the international front, border advocacy groups such as the CFO have strategically deployed their coalition networks with unions in Canada, the United States, and Europe to advocate against protection contracts with the ILO. While they recognize that the ILO takes many years to issue (usually nonbinding) recommendations against Mexico, the organization values the opportunity to tap into the ILO's resources and create connections within the international arena. They must take care, however, to remain autonomous and maintain egalitarian decision-making with unions in the United States, even as they work to support their domestic agenda (which also includes offering leadership opportunities and services to women workers and laborers in maquiladoras across the border region):

We are doing lots of follow-up to the implementation of the amendments to the [Mexican] federal labor law. And with other unions such as the Steel Workers in the US, they have been supporting a campaign that we have in Ciudad Acuña, and we value these relationships because they are based on mutual respect and autonomy. We do not depend on any organization of any type. We work on a level playing field, as equals. A labor union can be very powerful, but they don't have the authority to tell us what to do. If we want to invite a union to request their support to go against an employer, we don't accept relations of subordination.¹³

Despite decades of divisive tactics, organized labor today largely views supporting Mexican workers as beneficial to US labor as well. For example, the AFL-CIO Solidarity Center in Mexico City believes that protection contracts are responsible for the substantial minimum-wage disparities between Mexico and the United States and has thus invested resources in challenging them. In Mexico, the minimum wage is established by a national governmental commission with union representation that has historically sided with government officials and employers to attract foreign investment by offering cheap labor. In seeking to address these disparities, the AFL-CIO has mainly targeted *charro* labor unions affiliated with the government-backed Confederación de Trabajadores de México for outreach. These are the unions often preferred by US and European automakers, who pay lower wages in Mexico for the same job performed at their plants elsewhere in the world.

More broadly, organizing opportunities in Mexico have expanded. When the Solidarity Center was established in Mexico City in 1997, advocates worried

about the feasibility of supporting a temporary workforce liable to migrate north. But the arrival of workers from Central America has turned Mexico into an important labor education target and organizing hub as those workers move into formal sectors. In contrast, according to the AFL-CIO Solidarity Center, the large unions in Mexico that represent sectors such as pilots, teachers, or telecommunication workers are simply not too invested in organizing campaigns involving migrant workers.¹⁴

Within this context, the AFL-CIO has increased its Mexican networks by working with community-based groups that offer training and capacity-building workshops. For example, they have collaborations with ProDESC, the CDM, Justice in Motion, the CFO, the Centro de Apoyo al Trabajador in Puebla, the Red de Solidaridad de la Maquila, and several other union federations. As we saw in chapter 2, the AFL-CIO has also promoted training opportunities for US-based union leaders to learn more about the status of labor rights in Mexico. Meanwhile, the FAT has evolved over the last sixty years into a social movement network that includes worker cooperatives, tenant rights organizations, and a group of autonomous labor unions created by workers that support labor and human rights—with a growing focus on women's rights perspectives. The FAT is officially independent from the government, political parties, churches, and employers. While the AFL-CIO has reached south to expand its outreach efforts, the FAT has looked north, collaborating in campaigns to train undocumented workers in union organizing in Chicago and Milwaukee.

Widely recognized as one of main organizers of the peasant social movement El Campo No Aguanta Más (The Countryside Can't Take It Anymore), the Asociación Nacional de Empresas Comercializadoras de Productores del Campo / National Association of Marketing Companies of Rural Producers (ANEC) was founded in the 1990s and now includes more than sixty thousand small and medium agricultural producers. In ANEC's view, Mexico's neoliberal model has devalued the peasant economy, with the government repeatedly attempting to reduce the size of the rural population without offering any real alternatives to rural employment.¹⁵ ANEC's main focus is supporting economic projects that diversify and expand the regional markets of small producers and that empower *ejidatarios* and their families to stay home. For ANEC, the right to stay home is a core advocacy goal. While they recognize that US agricultural subsidies have pushed thousands of peasants to migrate to the United States, the lack of parallel agriculture subsidies to small *ejido* landholders in Mexico has caused others to leave the countryside and become salaried factory workers. These workers are often incorporated into government-backed *charro* unions—an important link to US-Mexico solidarity, as it is in the interest of both Mexican and US workers to have access to greater workplace democracy free from intervention by political and economic elites.

In a country where 25 percent of the national population is still classified as living in rural areas, Mexico's agricultural workers without access to *ejido* properties

have been another target of coalition building. These workers are forced to labor for minimum wage as *jornaleros* (day laborers), facing abuses and labor violations due to the lack of effective labor regulation in the agricultural industries. Since the mid-1990s, ANEC has fostered connections with hometown associations and US-based nonprofits working with small family farms in the Midwest to raise awareness around corn-dumping practices and production disparities exacerbated by differences in governmental corn production subsidies. In the last twenty years, they have also strengthened their relations with organizations in Canada, the United States, and Central and South America and have supported labor rights campaigns to respect the labor rights of all migrants, regardless of immigration status. They have also maintained a constant presence in international coalitions as a way of highlighting regional food sovereignty issues.

Contextualizing the Migrant Worker

While organized labor advocates on both sides of the border have focused on the labor extraction process that individuals confront before, after, and following migration, other groups have contextualized these struggles more broadly within the structural and direct violence that has long affected migrant workers across an array of social institutions. As a result, there is a range of diverse migrant worker advocacy strategies that often differ across sectors and borders. Especially in this capacious framework, Mexico must be understood as a sending state, a transit country, *and* an ultimate destination for precarious migrants.

The ecosystem of immigrant rights NGOs in Mexico is comparatively smaller than in the United States. While most immigrant rights organizations we interviewed emerged in the 1990s, several pioneering organizations also sprang up in the aftermath of the Central American wars in the 1980s, when Mexico became an important country of reception for Guatemalans and other refugees fleeing violence. These organizations, like the Mexico City-based Sin Fronteras, advocate for migrant rights along the southern border and bring visibility to the abuses committed by Mexican authorities upon Central American migrants in transit. As one of the older NGOs with extensive expertise in immigrant human rights, Sin Fronteras is the leader of multiple networks and coalitions in the region that seek to provide direct service to migrants while also pushing for policy change across the Americas. For example, Sin Fronteras is the leader of an action plan for the Brazil Declaration, a 2014 cooperation agreement supported by the United Nations High Commissioner for Refugees to strengthen the international protection of refugees displaced and stateless persons in Latin America and the Caribbean.¹⁶ Though not legally binding, this instrument offers a blueprint for member states to respect basic international asylum protocols (UNHCR 2014).

Adopting a similar human rights frame, ProDESC is a transnational feminist human rights organization that has successfully utilized the environmental and labor side accords of NAFTA to secure restitution for peasant communities

exploited by Canadian mining corporations, *ejidatarios* in Coahuila, and temporary migrant workers enduring labor violations. They have a distinctively intersectional approach to human rights defense and offer legal and capacity-building services to individuals and grassroots organizations. In the last two decades, ProDESC has nurtured a network of transnational labor advocacy organizations focused on migrant rights, including the AFL-CIO Solidarity Center, the National Workers Alliance of New Orleans, the National Domestic Worker Alliance, the National Day Laborer Organizing Network, and several legal service organizations and law schools across the United States.

Also focused on migrant justice litigation, the organization *Prevención, Capacitación y Defensa del Migrante (PRECADEM)* deploys a restorative justice framework and participates in both formal litigation strategies and international citizen tribunals on behalf of migrants in transit and other individuals who have been forcibly displaced (Fundación para la Justicia y el Estado Democrático de Derecho 2018). Reflecting on their decision to participate in the Tribunal Internacional de Conciencia de los Pueblos en Movimiento, PRECADEM staff explained that this was a strategic way to collect testimonial data that could eventually be used in a formal international tribunal, as such citizen tribunals were “an open microphone in a global effort to offer voice to those who are never heard, to victims, to marginalized, to the vulnerable, to the invisible.”¹⁷ While the road to justice is long and uncertain, advocates see these exercises as an important tool for demanding accountability for the many instances of state violence (Delgadillo, García, and Córdova Alcaraz 2019).

Beyond the dense network of Mexico-based civil society groups, US-based NGOs play a central role in defending migrant workers and erecting a legal scaffolding supporting migrant rights. In September 2005, after offering a series of training workshops on US labor law to Mexico’s consular corps, a US-trained attorney established the CDM in Zacatecas, Mexico. Its focus is to improve the working conditions of low-wage migrant workers in the United States. By setting its headquarters in Mexico, CDM pursued an innovative transnational approach: in providing migrant workers with training, legal services, and advocacy opportunities in their communities of origin, it could help workers safely and effectively claim their rights under US law. Ultimately, when security conditions became untenable from drug cartel violence in Zacatecas, it moved its base to Mexico City and opened up outreach and policy offices in Juchitán, Oaxaca, and Baltimore, Maryland.

In 2008, the Global Workers Justice Alliance, now Justice in Motion, an established immigrant worker advocacy organization based in New York City and founded in 2005, would also set up a satellite office in southern Mexico to document abuses experienced by H-2A and H-2B low-wage guest workers and to redouble efforts to recover their back wages. Unlike CDM, Justice in Motion does not maintain a physical office in Mexico, opting instead to support (with its

limited budget) local organizers, whom they rely on to train and equip a small group of grassroots advocacy organizations. By late 2016, Justice in Motion had developed an active Defenders Network to promote a portable rights model, with forty immigrant advocacy NGOs operating in Mexico, Guatemala, Honduras, El Salvador, and Nicaragua. Justice in Motion also supports cross-border humanitarian immigration work and family law, asylum, and unaccompanied minor cases, among other issues (Dias-Abey 2016).

In sum, groups operating in Mexico have utilized dense cross-border networks to achieve their aims throughout Mexico, Canada, the United States, and Central America, despite their often differing points of entry to migrant worker advocacy. These efforts culminated in the Regional Initiative on Labor Mobility (INILAB) (CDM 2018). INILAB forged a network of twelve organizations from Canada to Central America with ties to United Food and Commercial Workers of America (UFCW), an international union with operations in the United States, Canada, and Mexico City. UFCW, in turn, has worked to support immigrant workers in the United States, as well as seasonal agricultural workers in Canada, and has explored opportunities for launching a campaign aimed at Walmart workers in Mexico (Galvez, Godoy, and Meneima 2019).

Like INILAB, El Colectivo Migraciones para las Américas / Migration Collective for the Americas (COMPA), formerly known as Colectivo PND-Migración, is a group of 128 organizations and networks scattered across eleven countries in North and Central America. The impetus for this collective began in 2013, when the recently inaugurated government of Enrique Peña Nieto convened a series of citizen forums with civil society organizations in Mexico, the United States, and Europe to discuss how immigration would factor into Mexico's national development plan. After eight public consultation meetings held in Tijuana, Mexico City, Guadalajara, Tijuana, Tapachula, Chicago, Los Angeles, and Zurich, many participants took advantage of the repeated gatherings to form a monitoring network that would hold the government accountable.¹⁸ Ultimately, COMPA has focused on the security of migrant workers, decrying the abuses of immigration authorities and urging the federal Mexican government to effectively implement and enforce the Programa Especial de Migración 2014–2018 / Special Migration Plan 2014–2018, a dedicated section in the country's National Development Plan created in April 2014 that was heralded as ushering in a new era in Mexico's migration management. Among the many lofty objectives of this plan, the federal government committed to respecting migrant rights by harmonizing all internal laws and international treaties to establish a nondiscriminatory framework for human rights, legal protection, and the prevention of rights violations (Secretaría de Gobernación 2014).

Some of these networks activate and deactivate depending on their level of funding, the cost-effective calculations of their social accountability goals, or whether member organizations choose to pivot once campaign goals have been

achieved. One such campaign, Jornaleros SAFE, was an ambitious research network project financed by the Centro Independiente de Trabajadores Agrícolas, the Dimensión Pastoral de la Movilidad Humana, the Global Workers Justice Alliance, United Farm Workers, and Catholic Relief Services. This project focused on the challenges facing temporary migrant workers and internal agricultural migrants, targeting both the Mexican and US governments. It produced important research reports, though the collaboration formally ended when funding ceased, leaving unfinished the important work of on-the-ground outreach.¹⁹

Varying Tool Kits for Transnational Advocacy

The tool kits utilized by advocates vary depending on the resources at their disposal, their organizational capacities, and campaign goals. Coordinating legal petitions in bilateral jurisdictions takes time and many witnesses willing to share their experiences and expertise around submitting claims—which may or may not bring restitution and will certainly prove costly. Consequently, some organizations may opt to focus their efforts instead on high-level changes to trade agreements or to domestic policies that shape labor recruitment practices. For the vast majority of advocates, the choice to devise and pursue a legal strategy to target a Mexican or US court or an international body is taken with care, and the deliberations usually involve how to maximize an issue's visibility.

For groups such as the FAT involved in direct organizing, capacity building and inclusive worker training are key. In 1992, the FAT inaugurated the Strategic Organizational Alliance, aimed at organizing Mexican workers whose employers also had factories in the United States. The goal was to highlight wage differentials and make workers aware that US factories interested in moving to Mexico were trying to cut labor costs.²⁰ This focus has also shaped labor organizing on the ground in the United States, with advocates seeking to challenge the often xenophobic and protectionist tendencies of rank-and-file workers nervous about seeing their jobs shipped abroad (AFL-CIO 2020).

For organizations with robust access to lawyers, supranational mechanisms such as the NAALC are important tools that allow them to submit multiple and frequent petitions on behalf of workers. Yet these efforts also require on-the-ground coordination, especially in rural communities like San Luis Potosí and Oaxaca, which send a large number of guest workers and are hotbeds of recruitment fraud. The CDM has incubated a group focusing on these efforts called the Centro de Defensa del Migrante, as has Justice in Motion through its defender network. These strategies employ local grassroots organizing tactics along with high-level policy advocacy; the goal is both to strengthen their legal case and to build legitimacy in communities of origin that may be wary of outside influence.²¹

For ProDESC, an important strategy has been to create equitable and respectful binational collaborations with short-, medium-, and long-term goals. To this end, it has convened bilateral meetings with Mexican and US organizations to outline

commonalities and differences, share resources, and create mutually beneficial common work plans. In 2007 in Mexico City, ProDESC convened its first meeting to discuss binational labor justice in collaboration with the CDM and a group of thirty organizations, fifteen from Mexico and fifteen representing the United States. With funding from the Ford Foundation, this collaborative project would produce an essential bilingual manual of binational labor justice that explains the main legal mechanisms for enforcing labor rights in Mexico and the United States (ProDESC and CDM 2010).

Along the border, maquiladora organizers have gathered *testimonios* of wage violations perpetrated by corrupt union leaders. These narratives have been critical to litigation brought before Mexico's labor courts and the ILO, the NAALC, and the Interamerican Commission on Human Rights. By contrast, other border activists focused on family reunification have championed a watchdog mechanism that would allow for a more collaborative relationship with enforcement authorities when voicing community complaints. Such collaboration, these activists argue, is necessary, even if fraught. In El Paso, for example, the US Border Patrol is seen as both a reviled arm of the immigration enforcement apparatus and an inevitable presence in a community. Indeed, many officers are from immigrant families themselves. However, an event like *Abrazos, No Muros* can occur only by the establishment of a (fragile) foundation of trust. This cooperative focus places activist organizations in a delicate position vis-à-vis government surveillance, as well as opening them up to endless critiques from leftist advocates who decry these strategies as a form of theater, stunts merely serving to soften the image of the federal government.

While our focus here has largely been on US- and Mexico-based organizations, Canadian organizations are members of these collaborations as well and have been involved in training and educating workers navigating the Seasonal Agricultural Worker Program (and the many associated abuses and fraudulent schemes). UFCW (an international union with a strong presence among the Canadian agricultural workforce) initiated a bilateral strategy in 2007 by inviting Mexican legislators from the three main political parties (PRI, PAN, and PRD [Partido Revolucionario Democrático / Party of the Democratic Revolution]) to witness the conditions of Mexican workers in Canada. Once back in Congress, these legislators held discussions about modifying the Seasonal Agricultural Worker Program.²² UFCW also established an office in Mexico and began collecting testimonies from workers who had been forced to bribe Mexican authorities in order to get their names on recruitment lists. For UFCW, generating local publicity around such cases was vital in the "mobilization of shame" that could pressure decision makers. This campaign was run in parallel with the co-enforcement efforts taking place in the United States (as described in chapter 3). UFCW had supported the Consular Partnership program since its inception, and their US organizers also coordinated with their Canadian counterparts. Eventually, UFCW

was successful in holding accountable fraudulent recruiters preying upon desperate workers seeking entry into the Seasonal Agricultural Worker Program. It also established cooperation agreements with Estado de México, Michoacán, Guanajuato, Guerrero, and Oaxaca to promote predeparture training for workers. The union would also later denounce corruption in the state of Guanajuato, singling out officials in Mexico's Ministry of Labor who were illegally demanding kickbacks from migrant workers. The campaign won restitution for Mexican guest workers who had experienced retaliation after they exposed these rampant violations (Galvez, Godoy, and Meneima 2019).

In sum, grassroots organizations are the linchpins of a transnational advocacy strategy that actually results in domestic policy change. These cross-border networks must mobilize workers on the ground to maintain legitimacy and execute educational campaigns aimed at abuse prevention. Meanwhile, they are also raising awareness about the portability of worker rights while generating solidarity among Mexican and US workers. Educating workers about the role of free trade agreements in driving labor precarity and highlighting multinational corporations' labor practices that create a "race to the bottom" in each country's labor arena is crucial. Yet this process is long and slow, and achieving justice and restitution requires constant organizing and deliberation.

COALITIONAL FRICTIONS

The work of any social movement is riddled with coalitional challenges, and immigrant worker rights advocacy is no exception. While there are myriad opportunities for disagreements that can threaten the sustainability of these networks, two are worth highlighting here: capacity and funding disparities; and organizing challenges and unevenly distributed power.

Capacity and Funding Disparities

Expanding networks in Mexico and the United States face funding imbalances, which affect their negotiating power vis-à-vis regional governments. In 1980, Mexico had only six human rights organizations; by 2010, there were more than 1,100, some of them advocating on behalf of transit migrants from El Salvador, Guatemala, and Honduras fleeing poverty, unemployment, and unfettered violence perpetrated by state and nonstate actors (Paris-Pombo 2017). Many of these organizations are relatively new and are hard-pressed to find enough funding for programs to prevent abuses, provide legal protection, organize migrants, effect policy changes in migration management, and improve migrants' access to labor rights (Rojas Wiesner 2022).

Furthermore, Mexico's civil society infrastructure is spread thin, with 3.6 civil society organizations per 10,000 inhabitants compared to 65.1 per 10,000 inhabitants in the United States (Layton 2011). Many organizations in Mexico struggle to

obtain funding in a country where social inequality has depressed levels of social capital and trust. Case studies of social capital in Mexico help explain the lack of a robust and formal civil society capable of demanding better services from the government or of creating efficient alternative models to solve community problems beyond the local level (Cleary and Stokes 2006; Layton and Moreno 2010). For example, one Mexico City–based organization offering legal services mostly to Haitian and Central Americans estimates that their budget represents just 10 percent of the local Human Rights Commission’s annual funding. Their meager resources allow them to have only one lawyer per country of origin, despite the enormous need for representation.²³

Furthermore, regional differences in organizational density have emerged, as Mexican NGOs are frequently dependent on private domestic and foreign donors to operate, exacerbating existing hierarchies of power and influence between Mexican and US labor advocates. The funding that Mexican civil society organizations receive from foreign sources is minuscule, as only 6.4 percent of their resources come from foreign donors, 75 percent from private domestic donors, and the rest from the government (Chávez Becker, González Ulloa, and Venegas Maldonado 2016). Difficulties in finding sustainable sources of funding, coupled with low density and a disproportionate concentration of organizations in a few states, limit their ability to effectively fulfill their mission. For example, Mexico City, the Estado de México, and the state of Oaxaca are home to 36 percent of the nonprofit organizations in Mexico (CEMEFI 2019). The unequal distribution of resources among existing networks of transnational advocates in the North American region—which Anner and Evans (2004) dub “the double divide” across borders *and* sectors—also makes it difficult to coordinate successful campaigns that can challenge the power and influence of agribusiness and international labor recruiters and enact meaningful migrant worker rights reforms.

Key issues facing migrant workers currently include wage theft, occupational safety and health protections, criminal international recruiters, and growing security concerns that often target migrants in transit and return migrants. Advocacy funding disparity is thus consequential given that immigrants commonly face labor and employment law violations and struggle to access social protections in host countries, especially in communities where watchdog civil society groups do not have a presence. Groups may also fear establishing a presence in such areas because of insecurity. On the whole, a thin and scarcely funded civil society infrastructure in the sending state forces migrants (and return migrants) to rely on complex government bureaucracies to claim rights as the only avenue for redress, and the weak enforcement system has allowed abuse to flourish (Gunningham, Thornton, and Kagan 2005).

While funding from international donors to Mexico-based organizations is rather small, many of the organizations interviewed frequently rely on international and US-based donors such as the AFL-CIO Solidarity Center, Catholic

Relief Services, the Ford Foundation, the MacArthur Foundation, and OXFAM, to name a few with transnational labor advocacy agendas and active programming in Mexico. These sources of support are critical, though often fickle and fleeting. Member-based organizations such as unions, worker defense networks, and worker centers rely on voluntary member contributions, ad hoc organizing funds, or union fees to support transnational organizing efforts. Many of these Mexico-based organizations also depend on Mexican government subsidies and domestic private donors to offer direct services, including access to labor litigation in US courts.²⁴ Some networks have diversified their donor base and increased direct services, but this can siphon resources away from their organizing efforts around demanding state accountability.

The organizations that value their independence from the Mexican government have decided to base their fundraising exclusively on international donations or private donations. Yet relying on international donations can also be fraught, as many international organizations seek out successful Mexican organizations to offer financing in exchange for their participation in preexisting projects that are not necessarily jointly envisioned. An organization with a history of successful collaborations with US NGOs complained that these organizations use Mexican groups to implement and execute broader projects with little interest in garnering local feedback. In general, Mexican organizations mentioned that it is difficult to obtain international funding because the same groups are competing for the same donors.²⁵

Organizing Challenges and Uneven Power

Organizations must constantly adjust their agendas to align with their funders' priorities. The Mexican organizations we observed noted that certain US-based organizations have a utilitarian view of partnerships and are not interested in establishing equitable collaborations through sustained dialogue and common agendas. Similarly, many organizations complained of being prevented from lodging direct complaints in international organizations such as the ILO. For example, border groups were entirely dependent on a labor union to lodge complaints at the ILO, and this was a major obstacle for using this international mechanism to bring visibility to worker abuses.

Organizations struggle both to hold states accountable and to effectively rally workers. They must constantly battle the state's refusals to accept responsibility for being the main perpetrators of violations. In the view of one labor organizer, it is very difficult to launch organizing worker campaigns in Central America and defend the rights of migrants in transit when *all* governments in the region deny their involvement in abusing human and labor rights.²⁶ Finding avenues to let migrants in transit secure access to unionized jobs in Mexico is also a difficult project for a union. Despite the challenging environment, independent labor unions in Mexico strive to defend the labor rights of Central Americans trying to

find temporary work in Mexican factories, even when they know that their ultimate goal is to cross into the United States.²⁷ Uneven attention is also a factor; in comparison to the disproportionate attention paid to migrant workers in the United States, migrant workers in Canada still receive relatively little attention from Mexican organizations. This imbalance creates additional competition for resources among advocates.²⁸

Transnational organizations must also balance their legal work with their collective organizing and outreach among workers. These efforts are all the more vital because of the government's outreach failures. According to the NAALC framework, the Mexican Ministry of Labor is in charge of educating workers about fraud prevention in international recruitment, though the government does not have the political will or adequate funding to implement a national campaign aimed at eradicating such fraud.²⁹ As a result, it lacks the internal capacity to design its own educational programming, having to piggyback instead on the training workshops that international coalitions have produced. Even when transnational coalitions manage to mount preventive campaigns to educate workers through interactive phone apps and websites, the vast majority of rural workers do not have access to this information because they lack internet or smartphones.³⁰

Worker outreach is further impeded by the unsafe conditions organizers face in areas where organized crime operates with impunity. Moreover, opportunities for legal redress are uneven. Thanks to tireless advocacy, the states with the highest levels of insecurity have modified their penal codes to classify recruitment fraud as a criminal activity. But while trainings offered in the states of Michoacán and Zacatecas may eventually allow access to claims making in the municipal prosecutor's office, the same training will prove less valuable in states where fraud recruitment is not a punishable crime.³¹

Finally, transnational advocates focusing on organizing and educating local workers in guest worker programs are increasingly coming to terms with the reality that any such program will primarily fulfill the needs of sovereign countries and the employers who request them. This realization, one organizer explained, ultimately presents a conflict: whether to continue monitoring employers within a guest worker framework that does not ultimately address the race to the bottom in the labor practices of these industries.³²

LOOKING TO THE FUTURE

The sustained effort of transnational advocates to bring awareness to labor violations since the enactment of NAFTA in 1994 paved the way for a new era marked by an increased recognition of labor rights for all workers in international trade agreements. This change has offered new possibilities for the bilateral enforcement of labor rights. The 2020 United States Mexico Canada Agreement inaugurated the direct use of trade agreements to respect labor rights in the region. The parallel

agreements on labor established by NAFTA became integrated into chapter 23 and its annex 23A on worker representation in collective bargaining in Mexico and are now part of the agreement. The forty-five public communications (petitions) lodged by the National Administrative Offices between 1994 and June of 2020 to bring attention to labor rights abuses—including violations of collective bargaining rights and failures to guarantee basic labor protections for guest workers—had a limited but symbolic effect in a few arenas such as collective bargaining rights and the prevention and deterrence of recruitment fraud around Mexican temporary guest worker visas.

While the public submissions system remains in place, the new chapter on labor makes the labor provisions of the United States Mexico Canada Agreement fully enforceable and subject to dispute resolution. It also requires parties to adopt and maintain core ILO labor standards, including freedom of association and the right to strike. These reforms, however, will still rely on the capacity of labor advocates to lead the charge in making sure they are enforced. Nonetheless, the new language is heartening for advocates. In Article 23.8, the agreement includes migrant rights and recognizes their portability: “The parties recognize the vulnerability of migrant workers with respect to labor protections. Accordingly, in implementing Article 23.3 (Labor Rights), each Party shall ensure that migrant workers are protected under its labor laws, whether they are nationals or non-nationals of the Party” (USTR 2020). In 2020, UFCW Canada signed a new agreement with the Confederación Autónoma de Trabajadores y Empleados de México that aims to strengthen the protections of Mexican migrant workers while in Canada. It also seeks to coordinate communication and training approaches focused on labor, health, and safety rights to better protect migrant workers in that country.

Low-wage Mexican workers in the formal economy continue to face multiple hurdles in claiming their labor rights. Currently, the tripartite conciliation and arbitration boards take anywhere between two to ten years to resolve worker claims, and few even reach labor courts. In 2018, Mexico introduced an important amendment to its labor laws that may provide faster access to claims-making procedures and may democratize collective bargaining, among other major changes. The new legislation establishes that by 2022, salaried workers will have access to local and federal labor courts to resolve labor disputes that cannot reach an amicable resolution after negotiations in conciliation and arbitration boards. Most importantly, the labor courts will now depend on the judicial instead of the executive branch. The new law also guarantees collective bargaining rights by allowing workers to choose union leaders in a secret ballot procedure, and all collective bargaining agreements will be filed and deposited in a national registry (Straulino-Rodriguez and Delsol Espada 2019). In Mexico, the gradual democratization of labor practices, combined with the election of a president at the head of a center-left coalition, led to substantial increases in the national minimum wage: a 16 percent rise in 2019 and 20 percent in 2020.

While the ambitious framework of the Programa Especial de Migración 2014–2018 has yet to be implemented across Mexico’s federal government, the high concentration of advocates in Mexico City has led to increased demands for better services and protections for all migrants. Mexico City’s 2011 Law of Interculturality, Migrant Attention, and Human Mobility and Mexico City’s 2017 Constitution ratified the decriminalization of migrants and offered equal access to basic social services. Both instruments recognized migrants, refugees, and their families as persons with portable rights, regardless of immigration status. While the necessary bylaws that will regulate the delivery of basic services to migrants and refugees have yet to be discussed in Mexico City and elsewhere in the country, transnational advocates do have a few benchmarks by which to measure how well these commitments are being met.

Finally, though many of the international jurisdictions put in place to enforce labor rights are nonbinding and minimally effective in remedying conditions on the ground, the trilateral adjudication process inaugurated by NAFTA did pave the way for increased strategic cooperation among transnational advocates. These actors are ready to take advantage of political opportunities to embed multilayered coalitions—comprising worker centers, labor unions, academia, legal service organizations, transnational migrant organizations, and human rights organizations—in the regional governance regulatory framework of labor enforcement initiated by NAFTA. Over the last two decades, transnational labor coalitions have multiplied and have built on the early gains of anti-NAFTA activists. The outcomes of these post-NAFTA coalitions may seem rather modest and the changes minimal at best; however, assessing change always depends on one’s frame of reference and geographic location. While preventing fraud in international recruitment may seem meaningless for empowered migrant workers in Chicago, this issue looms very large for displaced peasants in rural Oaxaca.