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SYMPOSIUM ON THE NORTH AMERICAN FREE TRADE AGREEMENT:
INTRODUCTION: THE NORTH AMERICAN FREE TRADE AGREEMENT AND THE
NEED FOR CANDOR

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The debate within the United States about the North American Free Trade Agreement (NAFTA) n1 has been marked by an unfortunate lack of candor, perspective and vision. Proponents of the agreement have, for the most part, failed to confront fully the consequences for U.S. industries, workers, and communities of the likely relocation of considerable manufacturing employment southward. n2 Opponents generally refuse to acknowledge the ultimate futility of efforts to repeal the law of comparative advantage. n3 And those who would split the difference through devices such as "side agreements" on labor, environmental, and other conditions have yet fully to address their proposals' implications for sovereignty. n4 Underlying each of these positions, moreover, is an unwillingness or inability systematically to examine both the larger questions that NAFTA poses as to the United States' role in North America and in the international trading order, and what this debate reveals about U.S. ambivalence toward international engagement more generally.

This issue of the *Harvard International Law Journal* does not pretend to answer the many, complex, and perhaps unanswerable issues raised by NAFTA, which the Clinton Administration has promised to present to the Congress later this year for "fast track" approval. n5 It does, however, aspire through a probing consideration of the agreement's paramount dimensions to identify and explore concerns that warrant more prominence in our nation's analysis of ratification. As such, it hopes to foster a vibrant and candid public exploration of these issues.

At first blush, the suggestion that the debate over NAFTA has been bereft of anything other than an appreciation of how many trees must be sacrificed to produce a ream of paper may seem absurd. Special, not-so-special, and quite ordinary interests have poured tens of millions of dollars into the effort, yielding a torrent of material regarding NAFTA.

With the process far from complete, the Mexican government, at one end, has already spent appreciably more than any other foreign principal, public or private, in the history of the United States to influence the deliberations of the U.S. federal government. n6 Unwilling to be outpaced, organized labor, at the other end, has not been shy about making its voice heard. n7

The volume and understandably one-sided character of contributions from those most directly engaged in the debate has largely obscured the genuine difficulties that either

acceptance, rejection, or major modification of NAFTA poses for Canada, Mexico and the United States in the short and intermediate term, and the truly vexing questions so raised not only for the three nations, but for the entire world trading system over the longer haul. Advocates of NAFTA, particularly in the business community, aptly stress the efficiencies to be gained from an elimination of tariff and many other barriers between the United States and its immediate neighbors, who, even now, are two of our three largest trading partners. n8 They are quick to point out that businesses large and small, manufacturing and service, will be able to achieve economies of scale through new export and investment opportunities, that consumers will find more varied and cheaper goods, and that the agreement, in the words of the U.S. Chamber of Commerce, will increase the prospects for North America "to stay competitive with Europe and Asia." n9

This readiness to extol possible benefits that might flow from NAFTA has not been matched, however, by a concomitant recognition of the serious challenges it poses for the United States in the foreseeable future. To be sure, some advocates acknowledge that NAFTA will result in the loss of jobs, but the Chamber of Commerce and other supporters assert that "more U.S. jobs would be gained than lost under NAFTA, and that the jobs to be created would be higher-paying than those lost." n10 The assertion that large numbers of new "higher-paying" (i.e., higher-tech) jobs will be created is just that -- an assertion buttressed by precious little data. n11 To the contrary, recent studies suggest that as the Mexican economy grows in the way that proponents of the Agreement in this country believe it will, Mexican workers will provide stiff competition to U.S. counterparts for those very "higher-paying" jobs. n12

But even to the extent that the promised new positions materialize and are sustained north of the Rio Grande, they are likely to provide scant solace to those who previously held the lower paying jobs that are being lost either directly to Mexico or to the 600,000 Mexicans that at least one study predicts will be "displaced by land reforms" brought about by the Salinas government in conjunction with NAFTA as part of its effort to transform the Mexican economy. n13 Policy wonk fantasies notwithstanding, displaced middle-aged blue collar Rust Belt workers do not readily transform themselves into Silicon Valley techies (assuming that there are still jobs to be had in recession ravaged California). Moreover, adjustment assistance programs intended to assist workers and communities hard-hit by imports have historically been a failure, in no small measure due to the unwillingness of the U.S. public, including many entities now enthusiastically backing NAFTA, to fund it sufficiently to facilitate meaningful adjustment. n14

For all their differences with supporters of NAFTA, opponents have been no more balanced in assessing it. Organized labor and others have driven home the implications of the enormous disparity in wages between the United States and Mexico, and have chronicled the many respects in which Mexico fails to enforce vigorously its laws designed to limit child labor, assure safe working conditions, and otherwise provide for workers' well-being. n15 With fingers pointed at the tragically low state of Mexican environmental protection, particularly in the maquiladora-dominated industrial zones that line parts of the U.S. border, some environmental groups have painted grim pictures of what they see as growing pressure to lower, or at least not increase, U.S. environmental standards in order to remain competitive with Mexican industry. n16

In opposing NAFTA, organized labor and others, however, have been either naive or disingenuous about what confronts U.S. workers and about the appropriateness of Mexico's taking advantage of its abundant labor to compete in the world marketplace. The types of jobs that are threatened by NAFTA are unlikely to stay within the United States even if the

Agreement is rejected, while those that do remain are likely to be filled by a rise in immigrant labor (documented or otherwise) from Mexico and other locales that seems almost certain to ensue should NAFTA not come into effect. In fact, some suggest that the defeat of NAFTA will only accelerate the loss of U.S. jobs, as positions headed off-shore may well end up in Asia and other distant spots less likely to require at least those in-puts that the United States now supplies in the Mexican trade. n17

Opponents have also failed to acknowledge that the environmental problems about which they are concerned are unlikely to diminish should the United States reject NAFTA. The specific problems of the maquiladoras seem certain to grow worse, as the artificial incentives that current tariff barriers provide to concentrate plants there will remain. n18 More generally, most economists predict that rejection of NAFTA will slow the evolution of the Mexican economy, n19 and with it the growth of the types of constituencies for environmental protection that have arisen in the United States and other economically secure nations. In addition, the capacity of the United States to influence matters such as environmental policy will surely shrink, particularly if the U.S. environmentalists are perceived to have been responsible for the pact's rejection and hence the defeat of the highest priority of the most pro-U.S. government in Mexican history. n20

The limitations of the aforementioned positions might at first seem to commend the type of intermediate posture adopted by the present Administration -- namely, acceptance of NAFTA, subject to the negotiation of "satisfactory" side agreements on labor, the environment, and import surges. n21 Supporters see such a compromise as enabling the United States to reap the efficiency and other gains of NAFTA while minimizing the damage that the agreement might otherwise inflict on this country. Not coincidentally, this quintessentially Clintonesque tactic appears to hold the promise of carrying out a policy having wide support in the business community while placating labor and environmental constituencies important to the Democratic Party.

As is the case with NAFTA's most strenuous proponents and opponents, those who seek a middle course have typically failed to acknowledge fully the problems that their position poses. To be sure, the basic contours of the proposed side agreements have yet to be worked out fully. That, however, ought hardly to be surprising when one considers that the questions of the standards to be applied and of the means for their enforcement raise vexing issues of sovereignty.

Simply stated, each major possibility has infirmities. If the substantive labor, environmental, and other standards to be applied are essentially those of the United States -- as most advocates of side agreements in this country (and there are precious few in the other two nations) seem to assume -- it is difficult to see how either a Mexico that has long been suspicious about undue United States influence in its domestic affairs n22 or a Canada that in certain key respects has adopted higher standards n23 can agree to them without engendering a considerable political reaction at home. This will be especially so if the United States were to insist that Mexico meet U.S. standards while continuing to refuse to make any substantial transfer payments to meet the costs such standards entail. Indeed, relative harmonization of labor and environmental standards among members of the European Community would not have taken place without massive transfer payments from its richer states. If, alternatively, the parties strive for the highest common denominator by providing that for any given matter the most protective standard from among the three NAFTA states shall apply, questions ensue as to how the literal language of standards from the three different legal systems is to be compared, whether the gap between

doctrine and practice is relevant, and how the United States will respond to the prospective extraterritorial application of ostensibly higher Mexican standards regarding workers' rights n24 and actually higher Canadian standards concerning acid rain. n25

If a third alternative -- having the exporting state's own standards apply -- obtains, that, in turn, raises the potentially untenable situation of one nation limiting entry of the goods of another because it believes that the exporting nation has not enforced its own law. And, to take a fourth possibility, if whatever trilateral commission is established between the nations seeks to resolve these difficulties by articulating standards of its own, there are potential concerns of a constitutional and political nature, not to mention the logistical and other problems that will arise if the Bush Administration's vision of extending NAFTA through South America all the way to Chile is realized. n26

The circumscribed quality of the debate over NAFTA has obscured clear consideration not only of the type of short- and mid-term considerations discussed above, but, as well, of its longer term implications. Neither proponents nor opponents of NAFTA nor those seeking a middle path have confronted squarely what their views mean for the U.S. position in North America or in the world trading order. Acceptance of NAFTA, even without proposed side agreements, seems likely to bring the three nations closer together not simply in terms of the type of trade and investment explicitly envisioned in the treaty's text, but as well in more subtle but quite powerful social, cultural, and even political respects. The experience of the Canada-U.S. Free Trade Agreement bears this out, as the shifting patterns within which people work, shop, and even avail themselves of social services has already begun to cut across political boundaries in unprecedented ways. n27 Adoption of side agreements on labor and the environment or other matters will only accelerate this process by, in effect, requiring the three governments to address the matter of conflicting standards on key issues more readily and directly than they might otherwise. Defeat of NAFTA no less portends fateful, if largely unarticulated, consequences for the United States' position in North America, as rejection of the boldest Mexican initiative in history toward its northern neighbor will hardly bring us back to the status quo that obtained prior to the commencement of negotiations. To the contrary, it is almost certain to evoke bitter memories of an earlier and far more antagonistic interaction that, after all, included annexation by the United States of more than a third of what was once Mexico and, as such, threatens bilateral cooperation at the very time that economic, demographic, and environmental pressures have the potential to place ever greater strains on relations. n28

NAFTA is not without ramifications for the international trading order and the United States' position therein. Proponents note that article 24 of the General Agreement on Tariffs and Trade (GATT) permits the formation of free trade agreements n29 and contend that NAFTA is both "complementary to [GATT] multilateralism in the best-case scenario" by providing a stepping stone toward the world-wide elimination of trade barriers and good insurance against European protectionism should the GATT's Uruguay Round n30 not be successfully concluded. n31 Indeed, a key senior official in the Office of United States Trade Representative during the Bush presidency went so far as to suggest that that Administration placed a higher priority on completing NAFTA than the Uruguay Round n32 -- and at times it seems that at least some in the Clinton Administration concur. Many of NAFTA's opponents are also of the view (perhaps even more than some of its proponents) n33 that its ratification is, indeed, complementary to GATT, and for that very reason, they are all the more opposed to it, fearing that a strengthened GATT may well weaken U.S. environment and social welfare standards.

Whatever their differences, exponents of the various positions articulated in the American debate over NAFTA are essentially one in their virtual inattention to its implications for the multilateral trading order that has, for all its problems, been coincident with and clearly a factor in the United States' rise to super-power status and in the unprecedented prosperity now being enjoyed in many other parts of the world. Article 24 of the GATT does, indeed, permit formation of regional trade agreements, but to conclude one's inquiry into the soundness of such arrangements for the notion of a truly universal trading order by so noting is to skirt the real issues. The fact is that the GATT has never disapproved any of the dozens of permanent or interim customs unions or free trade agreements presented to it pursuant to article 24, even though the eminent GATT scholar John Jackson has argued that "none of the numerous agreements which have received Article 24 treatment actually fulfills all of that provision's criteria." n34 Such agreements -- and particularly those of consequence such as the European Community and NAFTA -- represent clear departures from the principles of nondiscrimination and multilateralism (and, some might say, transparency) that lie at the heart of the GATT and of the economic rationale upon which it is premised. Together with such other condoned departures as the various codes entered into during the Tokyo Round and negotiated during the Uruguay Round that apply only among signatories n35 and such unsanctioned departures as "voluntary export restraint" agreements, n36 the Multifibre Arrangement, n37 and the Generalized System of Preferences, n38 they pose a very serious challenge to the whole idea of a multilateral trading order. Nor do arguments that everyone else is doing the same provide a satisfactory answer when one recalls that even though there have been dozens of customs unions and free trade agreements proposed, many nations -- including virtually all of the world's poorest countries -- are not now nor are soon likely to be full members of any such economically significant trading block. Indeed, for all the talk about helping Mexico lift itself to prosperity, NAFTA seems to have been negotiated with complete obliviousness on the part of the United States to its impact on the poorer nations of the world, and particularly those of the Caribbean whose extreme poverty we had earlier pledged ourselves to address through such measures as the Caribbean Basin Initiative. n39

The tenor of the debate over NAFTA in some respects mirrors long-standing U.S. ambivalence regarding its role in the world. All nations are, at some level, of two minds about participation in the world beyond their borders, wishing to take part when it benefits them, but less eager when the gains are less certain. But for the United States, blessed with a continental-sized land mass, abundant resources, and a massive domestic market, the possibilities of at least a limited withdrawal from the world have been somewhat more imaginable than for nations which are cheek to jowl with many others or dependent on exports for survival. When further international integration seems likely to yield benefits, as in the Free Trade Agreement with Canada, the United States seems to support it and, indeed, has trouble taking seriously the concerns that others, such as a substantial portion of the Canadian electorate, n40 might have. When, however, as in NAFTA, the United States finds itself facing challenges of economic adjustment and social intertwining akin to those that so stirred Canada but a few years ago, such concerns become a far more serious matter.

The deep questions that NAFTA raises warrant more attention than they have received if they are to be resolved in a fair, informed, and democratic fashion. The *Harvard International Law Journal's* symposium strives to make a contribution to that debate through five articles highlighting key concerns evoked by NAFTA. Although the authors do not hold a common view of whether NAFTA is advantageous, each aspires to present a broad panoply of arguments. The

first article, by George Y. Gonzalez, uses the increasingly important field of intellectual property to draw attention to a significant part of the Agreement touching on issues other than the dropping of tariff barriers. n41 In this article, Gonzalez compares proposed practice under NAFTA with that of the European Community and traces NAFTA's likely impact on Mexico's own evolving standards.

The symposium's second and third articles address the two issues in NAFTA that have to date aroused the most attention in the United States. "Side Agreements, Sidesteps, and Sideshows: Protecting Free Labor from Free Trade in North America," by Andrew R. Walker and Benjamin Rozwood is direct in its analysis of NAFTA's labor provisions and the likely impact of the promised side agreement. n42 Xavier Carlos Vasquez's article entitled "NAFTA and Environmental Racism" not only explores environmental concerns expressed with respect to NAFTA but also suggests the ways in which they mirror crucial questions of race to which far too little attention has been given in the discussion over NAFTA. n43 Joseph A. LaNasa's contribution on rules of origin, exemplifies the ways in which the devil lurks in the details and should, therefore, be brought to the fore. n44 Rules of origin may strike some readers as arcane, but the fact is that they are central to determining what is produced within the NAFTA nations. Ultimately, they define NAFTA's scope and affect decisions by countries not party to the agreement as to whether to invest in a NAFTA member state. The fifth and final article, David S. Huntington's on NAFTA's dispute resolution processes, examines the ways in which NAFTA would have its member states settle their disagreements in view of comparable processes in the United-States Canada Free Trade Agreement and the GATT. n45

Those of us associated with this special issue of the *Journal* trust that you will find these pieces informative and provocative as you think about what NAFTA means for you, the nation, and international trade.

FOOTNOTES:

n1 North American Free Trade Agreement, Dec. 17, 1992, Can.-Mex.-U.S., 32 *I.L.M.* 296 and 32 *I.L.M.* 605 [hereinafter NAFTA].

n2 See, e.g., Louis Richman, *How NAFTA Will Help America*, FORTUNE, Apr. 19, 1993, at 95; U.S. CHAMBER OF COMMERCE, A GUIDE TO THE NORTH AMERICAN FREE TRADE AGREEMENT (1992) [hereinafter U.S. CHAMBER OF COMMERCE].

n3 See, e.g., Noam Chomsky, *The Masters of Mankind: Notes on NAFTA; North American Free Trade Agreement*, NATION, Mar. 29, 1993, at 412; Walter Russell Mead, *Ignore Economists: They Don't Really Know How Anything Works*, THE PLAIN DEALER, May 30, 1993, at 1C.

n4 See, e.g., Bill Clinton, *Afterword: Expanding Trade and Creating American Jobs*, 23 ENVTL. L. 683 (1992).

n5 The "fast-track" procedure is designed to facilitate the negotiation of international trade agreements by providing that Congress essentially accept without modification or reject legislation that would implement any such agreement within sixty days of its formal introduction. In return for relinquishing a more active role in reviewing such legislation, the President is, in theory, to keep Congress informed of the course of such negotiations. In the case of NAFTA, which was concluded during a Presidential election year, the United States Trade Representative did little to keep Congress or the public apprised of the substance of the negotiations, contending that to do so would jeopardize possible agreement. Members of Congress with doubts about NAFTA have, nonetheless, managed to express their views, by, for example, indicating that they will not vote for it absent satisfactory side agreements. The fast track procedure is discussed in Alan Holmer and Judith Bello, *U.S. Trade and Policy Series No. 20: The Fast Track Debate: A Prescription for Pragmatism*, 26 INT'L L. 183 (1992).

n6 James Gerstenzang, *Mexico's NAFTA Lobbying Called a Record*, L.A. TIMES, May 28, 1993, at D3 (citing a report of The Center for Public Integrity based in part on records filed with the U.S. Department of Justice).

n7 Stephen Franklin, *Unions Urge Clinton to Renegotiate Trade Pact*, CHI. TRIB., Feb. 18, 1993, at 3.

n8 See, e.g., U.S. CHAMBER OF COMMERCE, *supra* note 2.

n9 *Id.* at vi-vii.

n10 *Id.*

n11 See, e.g., Richman, *supra* note 2.

n12 Stephen Baker, et al., *The Mexican Worker*, BUS. WK., Apr. 19, 1993, at 84.

n13 *A Giant Sucking Sound*, ECONOMIST, June 5, 1993, at 28.

n14 ROBERT LAWRENCE & ROBERT LITAN, SAVING FREE TRADE: A PRAGMATIC APPROACH (1986).

n15 *Statement by the AFL-CIO Executive Council on the North American Free Trade Agreement*, 31 DAILY LAB. REP. F-1 (BNA), Feb. 18, 1993.

n16 PUBLIC CITIZEN, INC., BRIEFING BOOK FOR THE 103RD CONGRESS, WHY VOTERS ARE CONCERNED: ENVIRONMENTAL AND CONSUMER PROBLEMS IN GATT AND NAFTA (1993). *See also* Bob Davis, *Free-Trade Pact Spurs a Diverse Coalition of Grass-Root Foes*, WALL ST. J., Dec. 23, 1992, at 1.

n17 *See generally* NORTH AMERICA FREE TRADE: ASSESSING THE IMPACT (Nora Lustig et al. eds., 1992)

n18 *Mexico: Free Trade's Virtues*, ECONOMIST, Feb. 13, 1993, at Survey 7-8.

n19 *Id.*

n20 For a history of this often rocky relationship, see SIDNEY WEINTRAUB, A MARRIAGE OF CONVENIENCE: RELATIONS BETWEEN MEXICO AND THE UNITED STATES (1990).

n21 The broader implications of the side agreements on non-trade issues are thoughtfully probed in Stephen Zamora, *The Americanization of Mexican Law: Non-Trade Issues in the North American Free Trade Agreement*, 24 LAW & POL'Y INT'L BUS. 391 (1993).

n22 *See generally* WEINTRAUB, *supra* note 20; Zamora, *supra* note 21. To be sure, the United States and Mexico have worked together before to address transborder environmental concerns. *See, e.g.*, Agreement Between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area, Aug. 14, 1983, U.S.-Mex., 10 T.I.A.S. 827.

n23 *See, e.g.*, John Carroll, *Environment, Free Trade, and Canada-U.S. Relations*, in THE CANADA-UNITED STATES RELATIONSHIP: THE POLITICS OF ENERGY AND ENVIRONMENTAL COORDINATION 81, 84-85 (Jonathan Lemco ed., 1992).

n24 Mexican labor standards are discussed in Benjamin Rozwood & Andrew R. Walker, *Side Agreements, Sidesteps, and Sidesbows: Protecting Labor from Free Trade in North America*, 34 HARV. INT'L L.J. 333 (1993).

n25 *See*, Carroll, *supra* note 23, at 84-85.

n26 There have already been a number of legal challenges to NAFTA. The most notable of these is that adjudicated in *Public Citizen v. Office of the United States Trade Representative*, No. 92-2102, U.S. Dist. LEXIS 8682 (D.D.C. June 30, 1993). In this case, Judge Charles Richey granted the plaintiff's motion for summary judgment and ordered that before the defendant submit NAFTA to Congress, it prepare an Environmental Impact Statement on the Agreement pursuant to the National Environmental Policy Act. The Clinton Administration has appealed this decision, contending, inter alia, that (1) the plaintiffs lacked standing, given the speculative nature of the harm alleged, (2) the District Court lacked jurisdiction in the absence of a final agency action (as defined by the Administrative Procedure Act) and (3) the decision intrudes on the President's authority to conduct foreign affairs and to control what he submits to the Congress and when he chooses to do so. Both supporters and critics of NAFTA believe that the likely delay occasioned by Judge Richey's decision may complicate efforts to secure Congressional approval of NAFTA this year.

n27 *See, e.g.*, Mark Clayton, *Canadians Watch and Worry as Social System Loses Ground*, CHRISTIAN SCI. MONITOR, July 7, 1992, at 3.

n28 See generally, *Mexico: Free Trade's Virtues*, *supra* note 18, at Survey 1-22. Their good intentions notwithstanding, U.S. environmental groups might do well keeping in mind that environmental problems have not been wholly unidirectional in U.S.-Mexican relations. As Stephen Zamora points out, Mexico for years asserted that in contravention of treaty obligations, the United States persisted in diverting the waters of the Colorado River as a consequence of which the water that reached Mexico had too high a saline content to be used agriculturally. Although the United States began taking steps in 1973 to address this problem, difficulties -- and a good deal of ill-will -- persist. Zamora, *supra* note 21, at 426.

n29 General Agreement on Tariffs and Trade, *opened for signature*, Oct. 30, 1947, 61 Stat. A3, 55 U.N.T.S 187 [hereinafter GATT].

n30 Launched in 1986, the Uruguay Round is endeavoring not only to improve existing GATT rules regarding trade in goods, but as well to develop guidelines for trade in services, trade-related intellectual property, and trade-related investment measures. At present, it is unclear whether the more than 100 nations involved in the Round will be able to bring it to successful completion.

n31 See U.S. CHAMBER OF COMMERCE, *supra* note 2, at vii.

n32 Conversation with former ambassadorial rank official in the Office of the United States Trade Representative, in Cambridge, Mass. (Apr. 1991).

n33 See PUBLIC CITIZEN, INC., *supra* note 16.

n34 JOHN JACKSON, *WORLD TRADE AND THE LAW OF THE GATT* 587 (1969).

n35 Neither the benefits nor the discipline of these codes apply to non-signatories, notwithstanding the principle of nondiscrimination articulated in article 1 of the GATT. As such, it could be argued that their cumulative effect is to create a two-tier trading system, with one set of rules applying to signatory nations (most of which are among the most advanced economically) and a second to other nations.

n36 Most voluntary export restraint agreements have been undertaken at the initiative of the United States or other of the industrialized nations. The initial U.S.-Japan semiconductor pact illustrates the old style "voluntary" export restraint agreements pursuant to which an exporting nation "voluntarily" undertook to limit its exports (in contravention of at least the spirit of GATT), while its renewal in 1991 is an example of the newer mandated market share alternative. See Arrangement Between the Government of Japan and the Government of the United States of America Concerning Trade in Semiconductor Products, July 31, 1986, *reprinted in* 26 *I.L.M.* 1409 (1986); Arrangement Between the Government of Japan and the Government of the United States of America Concerning Trade in Semiconductor Products, *reprinted in* June 11, 1991, 31 *I.L.M.* 1074 (1992).

n37 WILLIAM CLINE, *THE FUTURE OF WORLD TRADE IN TEXTILES AND APPAREL* (1987).

n38 The limitations of the Generalized System of Preferences, which permits industrialized nations to accord particular tariff relief for the goods of developing nations are well depicted in ROBERT HUDEC, *DEVELOPING COUNTRIES IN THE GATT LEGAL SYSTEM* (1987).

n39 For an insightful discussion of the ineffectuality of the Caribbean Basin Initiative see Kim McCullough, *The Glass May Be Half Full But It's Dirty: The Role of EPZs in Caribbean Development* (1993) (unpublished J.D. thesis, Harvard Law School).

n40 Few in the United States seem aware that the Canada-U.S. Free Trade Agreement occupied center stage in the Canadian election of 1989 and that many of the concerns then expressed about the loss of jobs and other aspects of economic consolidation by the Canadians sound hauntingly similar to concerns now being expressed about NAFTA.

n41 George Y. Gonzalez, *An Analysis of the Legal Implications of the Intellectual Property Provisions of the North American Free Trade Agreement*, 34 *HARV. INT'L L.J.* 305 (1993).

n42 Rozwood & Walker, *supra* note 24.

n43 Xavier Carlos Vasquez, *The North American Free Trade Agreement and Environmental Racism*, 34 *HARV. INT'L L.J.* 357 (1993).

n44 Joseph A. LaNasa III, *Rules of Origin under the North American Free Trade Agreement: A Substantial Transformation into Objectively Transparent Protectionism*, 34 *HARV. INT'L L.J.* 381 (1993).

n45 David S. Huntington, *Settling Disputes Under the North America Free Trade Agreement*, 34 *HARV. INT'L L.J.* 407 (1993)