RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS

INTRODUCTION

The Changing Labor Markets of the Western Hemisphere: Labor Issues Relating to the FTAA

Ann C. Hodges

REMARKS

Emanuel Emroch Lecture, Symposium Keynote Address
The Changing Labor Markets of the Western Hemisphere

Richard W. Fisher

Mapping the Landscape: Perspectives on the Implementation of Free Trade Agreements

F. Amanda DeBusk

ARTICLES

The Geography of Injustice: Borders and the Continuing Immiseration of California Agricultural Labor in Era of "Free Trade"

Don M. Mitchell

Does Free Trade Cause Hunger? Hidden Implications of the FTAA

Jonathan B. Wight

The Economic Case for Labor Standards: A Layman's Guide

Thomas I. Palley

An Essential Element of Fair Trade and Sustainable Development in the FTAA is an Enforceable Social Clause

Terry Collingsworth

The Workers in the Globalized Economy: The European Way to the Foundation and Enforcement of the Social Rights

Maurizio Del Conte

COMMENT

Workers' Rights: A Winding Road in the Trucking Dispute Between the United States and Mexico

Michael S. Plotkin

Volume 2 Fall 2001 Number 2
INTRODUCTION

THE CHANGING LABOR MARKETS OF THE WESTERN HEMISPHERE: LABOR ISSUES RELATING TO THE FTAA .... Ann C. Hodges 125

REMARKS

EMANUEL EMROCH LECTURE, SYMPOSIUM KEYNOTE ADDRESS
THE CHANGING LABOR MARKETS OF THE WESTERN HEMISPHERE .................. Richard W. Fisher 131

MAPPING THE LANDSCAPE: PERSPECTIVES ON THE IMPLEMENTATION OF FREE TRADE AGREEMENTS ...... F. Amanda DeBusk 141

ARTICLES

THE GEOGRAPHY OF INJUSTICE: BORDERS AND THE CONTINUING IMMISERATION OF CALIFORNIA AGRICULTURAL LABOR IN ERA OF "FREE TRADE" ....... Don M. Mitchell 145

DOES FREE TRADE CAUSE HUNGER? HIDDEN IMPLICATIONS OF THE FTAA ............... Jonathan B. Wight 167

THE ECONOMIC CASE FOR LABOR STANDARDS: A LAYMAN'S GUIDE ......................... Thomas I. Palley 183

AN ESSENTIAL ELEMENT OF FAIR TRADE AND SUSTAINABLE DEVELOPMENT IN THE FTAA IS AN ENFORCEABLE SOCIAL CLAUSE ............... Terry Collingsworth 197

THE WORKERS IN THE GLOBALIZED ECONOMY: THE EUROPEAN WAY TO THE FOUNDATION AND ENFORCEMENT OF THE SOCIAL RIGHTS .......... Maurizio Del Conte 213

COMMENT

WORKERS' RIGHTS: A WINDING ROAD IN THE TRUCKING DISPUTE BETWEEN THE UNITED STATES AND MEXICO .... Michael S. Plotkin 221
Information About the Richmond Journal of Global Law and Business

The Richmond Journal of Global Law and Business is published biannually by the University of Richmond School of Law, 28 Westhampton Way, University of Richmond, Richmond, VA 23173. Comments and suggestions regarding the content of this publication are invited at the above address or at (804) 287-6639.

Subscriptions: The cost per issue for a subscription to the Journal is $10.00. Detailed subscription information is available on the Journal website at http://law.richmond.edu/global. Regular mail or phone calls should be directed to the attention of the Business Editor who can be reached at the Journal address or phone number listed above.

Copyright: All articles copyright © 2001 by the Richmond Journal of Global Law and Business, unless noted otherwise. Articles herein may be duplicated for classroom use, provided that (1) each copy is distributed at or below cost; (2) the Journal is notified of such use; (3) proper notice of copyright is affixed to each copy; and (4) the author and the Journal are identified on each copy.

Manuscripts: The Journal invites the submission of unsolicited articles, comments and essays. Manuscripts should include the author's biographical information under separate cover. Manuscripts will not be returned unless specifically requested and accompanied with proper return postage. Editorial operations of the Journal are conducted with Microsoft Word and WordPerfect software. Send manuscripts to Richmond Journal of Global Law and Business at University of Richmond School of Law, 28 Westhampton Way, University of Richmond, Richmond, VA 23173.


Cite as 2 RICH. J. GLOBAL L. & BUS.
T.C. WILLIAMS SCHOOL OF LAW

Administration

William E. Cooper, A.M., A.B., Ph.D. .............. President of the University
John R. Pagan, A.B., M. Litt., J.D., D. Phil. ... Dean and Professor of Law
Kristine Marzolf, B.A., J.D. ......................... Associate Dean
W. Clark Williams, Jr., B.A., J.D. ............... Associate Dean, Professor of Law
and Director, Clinical Placement Program

Faculty

Margaret L. Bacigal, B.A., J.D. .................... Clinical Professor of Law and Administrative Director, Clinical Placement Program
Ronald J. Bacigal, B.S., LL.B ....................... Professor of Law
Kelley H. Bartges, B.A., M.Ed., J.D. .......... Director, Youth Advocacy Clinic and Associate Clinical Professor of Law
W. Wade Berryhill, B.S., J.D., LL.M ............ Professor of Law
Paul J. Boudreaux, B.A., J.D., LL.M ........... Visiting Assistant Professor of Law
Kathleen A. Brady, B.A., M.A.R., J.D .......... Assistant Professor of Law
W. Hamilton Bryson, B.A., LL.B., LL.M., Ph.D. Professor of Law
Martha E. Chamallas, B.A., J.D ................. Visiting Williams Professor of Law
Timothy L. Coggins, B.A., M.S., J.D. ........... Director, Law Library and Associate Professor of Law

Maurizio Del Conte, J.D., Ph.D. ............... Visiting International Professor of Law
John G. Douglass, B.A., J.D. ..................... Associate Professor of Law
Joel B. Eisen, B.S., J.D. ......................... Professor of Law
David Frisch, B.S., J.D., LL.M ...................... Professor of Law
Bernhard T. Grossfeld, J.D., LL.M ................ Visiting International Professor of Law
Mary L. Heen, B.A., M.A.T., J.D., LL.M ....... Professor of Law
Azizah Y. al-Hibri, B.A., M.A., Ph.D., J.D ... Professor of Law
Ann C. Hodges, B.S., M.A., J.D. .................. Professor of Law
J. Rodney Johnson, B.A., J.D., LL.M., C.L.U ........ Professor of Law, Emeritus
John Paul Jones, B.A., J.D., LL.M ............... Professor of Law
Leslie M. Kelleher, LL.B., LL.M .................. Professor of Law
Corinna Barrett Lain, B.A., J.D. ............... Visiting Assistant Professor of Law
Gary C. Leedes, B.S., LL.B., LL.M., S.J.D. .... Professor of Law, Emeritus
Daniel T. Murphy, B.A., J.D., LL.M ............. Professor of Law
Emmeline Paulette Reeves, B.A., J.D. ........... Assistant Professor of Law

for Academic Success Program

Robert E. Shepherd, Jr., B.A., LL.B ............. Professor of Law, Emeritus
Rodney A. Smolla, B.A., J.D ................. George E. Allen Professor of Law
Mark Strasser, B.A., M.A., J.D. ............... Visiting Tyler Haynes Professor of Law
Jonathan K. Stubbns, B.A., M.T.S., J.D., LL.M. Professor of Law
Peter N. Swisher, B.A., M.A., J.D ................ Professor of Law
Adrienne E. Volenik, B.A., J.D ............... Associate Clinical Professor of Law and Director, Mental Disabilities Clinic
Michael Allan Wolf, B.A., J.D., A.M., Ph.D .... Professor of Law and History
Adjunct Faculty

Hugh E. Aaron, B.S., M.H.A., J.D. .................. Adjunct Assistant Professor of Law
Rodney K. Adams, B.A., LL.M., J.D. ............ Adjunct Assistant Professor of Law
Kenneth J. Alcott, B.S., B.A., J.D. .............. Adjunct Assistant Professor of Law
Charles M. Allen, B.S., J.D. ......................... Adjunct Assistant Professor of Law
Mary Catherine Bauer, B.A., J.D. ................ Adjunct Assistant Professor of Law
Pamela B. Beckner, B.A., M.S.W., J.D. ....... Adjunct Assistant Professor of Law
Steven D. Benjamin, B.A., J.D. .................. Adjunct Assistant Professor of Law
William J. Benos, LL.B., J.D. ..................... Adjunct Associate Professor of Law
Orran L. Brown, B.A., J.D. ......................... Adjunct Assistant Professor of Law
Jack W. Burch, Jr., B.A., J.D. ..................... Adjunct Assistant Professor of Law
Sean P. Byrne, B.A., J.D. ......................... Adjunct Assistant Professor of Law
Claire G. Cardwell, B.A., J.D. .................. Adjunct Assistant Professor of Law
Christopher J. Collins, B.A., J.D. ............ Adjunct Assistant Professor of Law
James B. Comey, B.S., J.D. ......................... Adjunct Assistant Professor of Law
Craig S. Cooley, B.A., M.A., J.D. .............. Adjunct Assistant Professor of Law
Nancy D. Cook, B.S., J.D. ......................... Adjunct Assistant Professor of Law
James C. Cosby, B.A., J.D. ......................... Adjunct Assistant Professor of Law
Anne Marie Cushmac, B.A., J.D. ........... Adjunct Assistant Professor of Law
H. Slayton Dabney, Jr., B.A., J.D. ........ Adjunct Assistant Professor of Law
John Staige Davis, V., B.A., J.D. ........ Adjunct Assistant Professor of Law
Maria Graff Decker, B.A., J.D. ........ Adjunct Assistant Professor of Law
Betty Layne DesPortes, B.A., M.S., J.D. .... Adjunct Assistant Professor of Law
William J. Dinkin, B.A., J.D. ................ Adjunct Assistant Professor of Law
Hon. Walter S. Felton, B.A., J.D. ............... A.L. Philpott Distinguished
Adjunct Professor of Law
Edward L. Flippen, B.S., M.B.A., J.D. ........ Adjunct Professor of Law
Kathryn Freeman-Jones, B.S., J.D. ........ Adjunct Assistant Professor of Law
Kodwo Gharney-Tagoe, B.A., J.D. ........ Adjunct Assistant Professor of Law
Paul G. Gill, B.A., J.D. .................. Adjunct Assistant Professor of Law
Michael L. Goodman, B.A., J.D. ........ Adjunct Assistant Professor of Law
Lisa S. Spickler Goodwin, B.A., J.D. ........ Adjunct Assistant Professor of Law
Lori Guzman, B.A., J.D. ................ Adjunct Assistant Professor of Law
Carolyn V. Grady, B.A., J.D. ................ Adjunct Assistant Professor of Law
Timothy H. Gugler, B.A., J.D. ........ Adjunct Assistant Professor of Law
Bradley A. Haneberg, B.A., J.D. ........ Adjunct Assistant Professor of Law
Hon. Leroy R. Hassell, B.A., J.D. ........ Adjunct Professor of Law
George F. Helfrich, B.S., J.D. ................ Adjunct Assistant Professor of Law
George L. Hiller, B.A., M.M., J.D. ........ Adjunct Associate Professor of Law
Robert L. Hodges, B.A., J.D. ................ Adjunct Assistant Professor of Law
Barbara L. Hulburt, B.A., J.D. ........ Adjunct Assistant Professor of Law
Dolores G. Hunkler, B.A., J.D. ........ Adjunct Assistant Professor of Law
John G. Ierzzi, B.S., C.P.A. ............ Adjunct Assistant Professor of Law
Vernon E. Inge, B.A., J.D. ................ Adjunct Assistant Professor of Law
John C. Ivis, Jr., B.A., J.D. ................ Adjunct Assistant Professor of Law
Herndon P. Jeffreys, III, B.A., J.D. .... Adjunct Assistant Professor of Law
Jessica Sanders Jones, M.L.S., J.D. ........ Adjunct Assistant Professor of Law
John F. Kelly, B.A., LL.B., LL.M. ........ Adjunct Professor of Law
Hon. Donald H. Kent, B.A., J.D. Adjunct Associate Professor of Law
Mark J. Krudy, B.A., J.D., LL.M. Adjunct Assistant Professor of Law
Michael P. Kuhn, J.D., LL.M. Adjunct Assistant Professor of Law
Hon. Elizabeth B. Lacy, B.A., J.D., LL.M. Adjunct Professor of Law
Thomas N. Langhorne, III, B.A., M.P.A., J.D. Adjunct Assistant Professor of Law
M. Hannah Lauck, B.A., J.D. Adjunct Assistant Professor of Law
Hon. Donald W. Lemons, B.A., J.D. A.L. Philpott Distinguished
Adjunct Professor of Law
John Martin, B.A., J.D. Adjunct Assistant Professor of Law
Bruce Matson, B.A., J.D. Adjunct Assistant Professor of Law
John McCammon, B.A., M.P.A., J.D. Adjunct Assistant Professor of Law
Charles W. McIntyre, B.A., J.D. Adjunct Assistant Professor of Law
James V. Meath, B.A., M.U.A., J.D. Adjunct Assistant Professor of Law
Louis A. Mezzullo, B.A., M.A., J.D. Adjunct Professor of Law
Janet Moyer, B.A., J.D. Adjunct Assistant Professor of Law
Christopher J. Mugel, B.A., M.A., J.D. Adjunct Assistant Professor of Law
Kelvin I. Newsome, B.S., J.D. Adjunct Assistant Professor of Law
Edward E. Nicholas, III, B.A., J.D. Adjunct Assistant Professor of Law
Hon. Kimberly B. O' Donnell, B.A., M.P.S., J.D. Adjunct Assistant Professor of Law
James Phillips, B.A., J.D., Ph.D. Adjunct Assistant Professor of Law
Jayne B. Randall, B.A., J.D. Adjunct Assistant Professor of Law
Michael Riggsby, B.S., J.D. Adjunct Professor of Law
John V. Robinson, B.A., M.A., J.D., LL.B. Adjunct Assistant Professor of Law
Hon. Frederick G. Rockwell, III, B.A., J.D. Adjunct Associate Professor of Law
Lisa Roday, B.S., J.D. Adjunct Assistant Professor of Law
Linwood I. Rogers, B.A., J.D. Adjunct Assistant Professor of Law
Thomas P. Rohman, B.A., J.D., LL.M. Adjunct Associate Professor of Law
Mark Rubin, B.A., J.D. Adjunct Assistant Professor of Law
Patricia M. Sherron, B.A., J.D. Adjunct Assistant Professor of Law
M. Katherine Spong, B.A., J.D. Adjunct Assistant Professor of Law
Alexander L. Taylor, Jr., B.A., J.D. Adjunct Assistant Professor of Law
David J. Taube, B.A., J.D. Adjunct Assistant Professor of Law
Anthony Troy, B.A., J.D., LL.B. Conrad B. Mattson Distinguished
Adjunct Professor of Law
John T. Tucker, III, B.S., J.D. Adjunct Associate Professor of Law
Robert M. Tyler, B.A., J.D. Adjunct Assistant Professor of Law
Melvin I. Urofsky, A.B., M.A., Ph.D., J.D. Adjunct Professor of Law
James W. Walker, B.A., J.D. Adjunct Assistant Professor of Law
Margaret Ann B. Walker, B.A., J.D. Adjunct Assistant Professor of Law
Michelle K. Walsh, B.A., J.D. Adjunct Assistant Professor of Law
Gail W. Weymouth, B.A., M.S.L.S., J.D. Adjunct Assistant Professor of Law
Travis R. Williams, B.A., J.D. Adjunct Assistant Professor of Law
Edwin N. Wilmot, B.A., J.D. Adjunct Assistant Professor of Law
Esther Windmueller, B.A., J.D. Adjunct Assistant Professor of Law
Thomas M. Wolf, B.A., J.D. Adjunct Associate Professor of Law
Librarians

John R. Barden, B.A., M.A., Ph.D., M.S.L.S., J.D. .......... Reference/Research Services Librarian

Paul M. Birch, B.A., M.A.L.S., J.D........ Computer Services/Reference Librarian
Joyce Manna Janto, B.S., M.L.S., J.D......... Deputy Director of the Law Library
Sally Hill Wambold, B.A., M.S.L.S. ..................... Technical Services Librarian
James R. Wirrell, B.A., M.C.S., LL.B., M.S.L.I.S., J.D. ................. Circulation/Reference Librarian

Gail F. Zwirner, B.A., M.S.L.S............... Reference/Research Services Librarian
EDITORIAL BOARD

J. MATTHEW VINES
Editor-in-Chief

JAMES R. JEBO
Executive Editor

COURTNEY COKE
Managing Editor

MOLLY AUGUST
MINNA SANKARAN
Articles Editors

TUCKER C. SHUMACK
Solicitations Editor

DAVID M. BROWN
ALAN GERNHARDT
Technical Editors

J. SCOTT EFIRD
W. CHRISTOPHER
Manuscripts Editor
BRACKEN, IV
Business Editor

ASSOCIATE EDITORS

THOR A. HOYTE
JOHN J. MEADOWS
Associate
Symposium Editors

REBECCA K. BRITTON
Associate Public
Relations Editor

NATHANIEL J. BERRY
J. CHRISTOPHER CHAMBLIN
Associate
Solicitations Editors

SENIOR ASSOCIATES

GAZALA ASHRAF
KAREN M. COON
DAWN CONRAD
ERIN CORBETT
VIOLET A. COX
CAROLINE V. DAVIS
D. NELSON DANIEL

ASHLEY K. GEYER
TODD R. HENNINGSSEN
CHARLES HOMILLER
SHANE L. JIMISON
BRYAN C. LAYTON
LISA M. MEDINA

RONYA MISLEH
MICHAEL S. PLOTKIN
D. MATHIAS ROUSSEY, JR.
DAVID WESLEY RYDEN
RYAN TRIPPLETTE
WILLIAM WONG

ASSOCIATES

KATHRYN M. ANTHONY
LEIGH CARR
HUBERT G. CHEUNG
JENNIFER DUNNING

EMILY R. GARY
LISA M. HORNBERGER
MARK KRONENTHAL
STEVEN M. MIYARES

RENEE M. MOORE
JANE C. REEDY
JOSEPH K. VENGAUS

FACULTY ADVISOR

DANIEL T. MURPHY
FOREWORD

The Richmond Journal of Global Law and Business is proud to present its Fall 2001 issue. Founded in the Fall of 1998, the Journal functions as the student complement to the Center for Global Law and Business at the University of Richmond School of Law. The Journal features articles on international law and business topics by leading scholars and practitioners as well as notes and case comments written by Journal members.

On October 5, 2001, the Richmond Journal of Global Law and Business sponsored and hosted a symposium entitled “The Changing Labor Markets of the Western Hemisphere: Labor Issues Relating to the Free Trade Areas of the Americas (FTAA).” In the following issue of the Journal, we are pleased to present the papers resulting from that symposium. The Journal believes this topic to be of current significance in today’s global economy and that the articles provide insight on this issue not found elsewhere.

The Journal would like to thank Professor Ann C. Hodges, Richard W. Fisher, Professor Maurizio Del Conte, Professor Don M. Mitchell, Professor Jonathan B. Wight, Terry Collingsworth, F. Amanda DeBusk, Dr. Thomas I. Palley, and Michael S. Plotkin for contributing to this issue. We appreciate the considerable time and energy these authors took to write such excellent articles as well as their patience with our editorial process. We also would like to thank Dean John R. Pagan and our faculty advisor, Professor Daniel T. Murphy. Their support has enabled the Journal to continue to grow and develop into the publication you see today. Finally, the Journal would like to extend its gratitude to its Staff and Editorial Board Members for their commitment to the success of this issue.

The Editorial Board
RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS

INTRODUCTION

THE CHANGING LABOR MARKETS OF THE WESTERN HEMISPHERE: LABOR ISSUES RELATING TO THE FTAA .... Ann C. Hodges

REMARKS

EMANUEL EMROCH LECTURE, SYMPOSIUM KEYNOTE ADDRESS
THE CHANGING LABOR MARKETS OF THE WESTERN HEMISPHERE ....................... Richard W. Fisher

MAPPING THE LANDSCAPE: PERSPECTIVES ON THE IMPLEMENTATION OF FREE TRADE AGREEMENTS ...... F. Amanda DeBusk

ARTICLES

THE GEOGRAPHY OF INJUSTICE: BORDERS AND THE CONTINUING IMMISSERATION OF CALIFORNIA AGRICULTURAL LABOR IN ERA OF "FREE TRADE" ........ Don M. Mitchell

DOES FREE TRADE CAUSE HUNGER? HIDDEN IMPLICATIONS OF THE FTAA ....................... Jonathan B. Wight

THE ECONOMIC CASE FOR LABOR STANDARDS:
A LAYMAN'S GUIDE ......................... Thomas I. Palley

AN ESSENTIAL ELEMENT OF FAIR TRADE AND SUSTAINABLE DEVELOPMENT IN THE FTAA IS AN ENFORCEABLE SOCIAL CLAUSE ....................... Terry Collingsworth

THE WORKERS IN THE GLOBALIZED ECONOMY:
THE EUROPEAN WAY TO THE FOUNDATION AND ENFORCEMENT OF THE SOCIAL RIGHTS ............ Maurizio Del Conte

COMMENT

WORKERS' RIGHTS: A WINDING ROAD IN THE TRUCKING DISPUTE BETWEEN THE UNITED STATES AND MEXICO ... Michael S. Plotkin

Volume 2 Fall 2001 Number 2