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KIMBERLY A. NOLAN GARCÍA

## Transnational Tensions: Network Dynamics and Local Labor Rights Movements

Importante

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• Álvaro Obregón, México DF, México.  
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## Abstract

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*This paper examines the impact of participation in transnational advocacy networks on local efforts to promote democratic unionization in the garment export sector in Puebla, Mexico. As such, the work explores the difficulties of recreating the successful cases of transnational advocacy once leadership and strategy development roles at the centre of the network are taken on by actors at the local level. The research compares transnational support for workers' efforts to register an independent union in three assembly plants to emphasize that access to network resources conditioned the ability of local actors to meet movement goals, once the network was led by local labor rights groups. The absence of key network participants meant that the relative lack of material leverage and organizing expertise disadvantaged the local labor rights groups, ultimately leading to the collapse of these two unionization campaigns. As such, the paper uses the lessons from the Puebla cases to emphasize how network dynamics, and specifically, how access to organizational resources once networks move to the local level, can condition whether transnational advocacy succeeds or not in changing state behavior.*

## Resumen

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*Este documento examina el impacto de la participación en redes transnacionales de defensa sobre los esfuerzos locales para promover la sindicalización democrática en el sector de la confección de prendas de vestir en Puebla, México. Como tal, el trabajo explora las dificultades de recrear los casos de defensa transnacional exitosos una vez que el liderazgo y la estrategia de desarrollo son asumidas por los actores locales. La investigación compara el apoyo transnacional a trabajadores que intentan registrar un sindicato independiente en tres fabricas, haciendo énfasis en cómo el acceso a los recursos de la red ha condicionado la capacidad de los actores locales para alcanzar los objetivos del movimiento una vez que la red estaba dirigida por los grupos locales. La ausencia de los participantes clave en la red significa que la relativa falta de recursos de influencia dio desventaja a los grupos locales, y en última instancia conduce a la inhabilidad de conseguir el reconocimiento legal de los sindicatos independientes en dos casos. El artículo utiliza las lecciones de los casos de Puebla para subrayar cómo la dinámica de la red, y en concreto, cómo el acceso a recursos de la organización una vez que el liderazgo de las redes pasan al nivel local, puede condicionar si la defensa transnacional tiene éxito o no en conseguir cambios de comportamiento de los Estados.*



## *Introduction*

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Neoliberal economic reform in the Latin American countries has presented a number of challenges that organized labor has not been prepared to meet. In turn, unions have lost membership steadily since the mid 1990s, even after a series of labor reforms that were union friendly (Anner, 2008). New forms of industrial production associated with globalization have in turn provided new challenges to labor organization through the fragmentation of the work relationship (Anner, 2002). The introduction of modular production in the automotive industry (Juárez, 2006) and global commodity chains in the apparel sector (Gereffi, 1994) are two such examples. Under pressure of increased competition, states face incentives to weaken unions further (Anner, 2002), leading to a possible race to the bottom in wages and working conditions across the region (Rodrik *et al.*, 1996).<sup>1</sup>

Labor's response to the pressures of globalization in corporatist systems has been to draw upon sources of political influence to generate protectionist policies or compromises with the state that maintain labor's political influence, even given declining unionization rates (Anner, 2003, 2002).<sup>2</sup> In countries where systems of labor incorporation were led by states or political parties (Collier and Collier, 1991), unions can draw on domestic political structures to navigate the pressures of economic globalization. A number of studies of union support for neoliberal economic reform have established that unions turned inward to become more entrenched in state structures to maintain political influence in parties and government as union membership waned in the 1990s, especially in the states most marked by corporatism, like Argentina (Murillo and Schrank, 2005; Murillo, 2000), Venezuela (Murillo, 2001; Burgess, 1999), and Mexico (Murillo, 2001; Zapata, 1993).

However, not every union central has access to domestic structures to resolve their conflicts. In states where domestic structures that labor could appeal to either do not exist or are hostile, unions are increasingly likely to adopt transnational strategies to meet the challenges posed by economic globalization (Murillo and Schrank, 2005; Anner, 2002, 2003). This means labor unions are increasingly drawing on support from non-governmental organizations, or unions in other countries, in order to improve labor protection at home (Anner *et al.*, 2006; Anner, 2003). Even when local labor struggles draw on allies in other countries, transnational pressure is not always effective at promoting political change within states. Sometimes,

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<sup>1</sup> There is a second set of literature that argues that the race to the bottom does not exist (Freeman, 1996; Elliott and Freeman, 2003), or can be mediated by domestic institutions (Rudra, 2008).

<sup>2</sup> In turn, unions receive a payoff for continued support of state policies, even when these run counter to labor's interests, first through union-friendly labor reform (Murillo and Schrank, 2005; Anner *et al.*, 2006) and second through the continued distribution of political favors to unions. See Murillo (2001, 2005) for Mexico and Argentina.

transnational advocacy networks fail to reach their goals of promoting worker rights, even when networks are visible, credible and determined.

Following questions posed by Silva (2009), this paper recounts the formation of a transnational advocacy network that formed to support workers as they attempted to organize unions in *maquiladora* plants in the garment export sector in Puebla, Mexico. It provides a qualitative analysis of three union drives to understand how participation in transnational labor rights campaigns may inform domestic efforts to reproduce networks once the campaigns are “brought home” by local participants. Working conditions within the factories worsened when the contraction of export markets in the US after 2001 led to job losses in the *maquila* sector (Yanz *et al.*, 2003). Workers in these plants organized to address their concerns, only to find that they were already represented by a corporatist union willing to sacrifice worker’s interests for managerial prerogatives. Efforts to replace these unions clashed with the historical political alliances between the Mexican State and the unions of the corporatist system, active at the local level. In each of the factories studied here, a transnational labor rights network formed to support local workers in the unionization efforts. Using strategies and tactics developed with the involvement of transnational labor rights groups in the US and Canada, and tested through the successful union drive at one plant, Kukdong, Mexican labor groups then used these strategies in the local union drive that followed. While the struggle at Kukdong had once resulted in the registration and recognition of the independent union in the plant, a similar strategy employed at failed to provoke changes at Matamoros Garment or Tarrant Ajalpan, and the union drive collapsed.

Building on the comparative case study, the paper posits that the negative case outcomes for the campaigns led by local Mexican groups can be traced to the structure of the labor rights network as it evolved to include and exclude various labor rights groups. I argue that the shift in venue to the local level represented by the Matamoros Garment and Tarrant Ajalpan cases conditioned the types of networking resources that local groups could draw from. I focus on two types of resources that varied as networks moved from the transnational to local level: informational resources and material leverage. Given that local Mexican groups now played a larger role in determining the actions the network would take, organizational capacity shifted as the northern groups important to the Kukdong struggle took on different roles at the local level, or remained outside of the network. Because the network featured players with different access to organizational resources, the ability of the local groups to implement strategies and tactics once successful at Kukdong was compromised. In particular, the ability for Mexican groups to apply credible material leverage on the brands and the company through a consumer boycott was present in the Kukdong case, but largely absent in the Matamoros Garment and Tarrant Ajalpan cases. In turn,

the inability to leverage economic coercion conditioned in part why the Mexican advocates were unable to successfully recreate the Kukdong struggle within Puebla.

Puebla provides an ideal setting for the exploration of these issues for a number of reasons. Most importantly, locating the study within a single Mexican state controls for a number of historical, cultural, socio-economic and political variables (Snyder, 2001). In the three factories chosen for this study, the “officialist” unions of the *Confederación de Trabajadores Mexicanos* (CTM) hold the collective contracts, and each factory is under the jurisdiction of the same local labor board, the Puebla Council for Labor Conciliation and Arbitration (JLCA). Further, politics in Puebla are dominated by the PRI at the state level where these labor struggles take place. These variables are assumed to hold little explanatory power for the divergent outcomes in the Puebla cases because they are similar, if not the same, for each case.

The cases examined here differ across the explanatory variables, including the structure of transnational participation in the union drive, the ability to marshal economic leverage, and in the strategy and tactics that were employed to publicize the union effort. Though in each case the initial strategy to engage the consumer brands producing garments at the factory that was successful at Kukdong was employed again at Matamoros Garment and Tarrant Ajalpan (and later in other nascent labor struggles in Puebla, including Vaqueros Navarra and Calidad en Confecciones), the tactics that were used to apply pressure to the brands differed depending on which organizations remained in the network once it moved to the local level, and what organizational resources were then available to draw upon.

The paper begins by offering the theoretical proposition that when building a transnational network to promote labor rights norms, moral persuasion is less important than economic coercion in that without the ability to leverage economic coercion on targets, labor rights networks will fail at preventing norms violations. I then provide a description of maquila production in the garment sector in Puebla to introduce the emergence of a new transnational labor rights network in Mexico. I discuss the Kukdong struggle for union recognition, and map participation in the transnational network that was formed, including a description of the roles each organization played in supporting the nascent union drive, the organizational resources they offered, and the strategies and tactics that were employed in that case. I then discuss how the network structure changed once local groups took the central role in directing the network at Matamoros Garment and then Tarrant Ajalpan, and discuss how without the participation of crucial network participants, local advocates failed to marshal the material leverage that was key to explaining the Kukdong registration. The research is informed by primary and secondary resources drawn from the campaign materials in all

three factories, as well as interviews with network participants in Mexico, and workers from the Kukdong and Tarrant Ajalpan factories. I supplement my interviews with workers' testimonies that appear in a manuscript prepared in 2001 by the Centro de Apoyo al Trabajador, *La Lucha Sigue: Stories from the People of the Kukdong Factory*.

A number of studies of NGO activity in Puebla have focused on Kukdong, asking similar questions of network formation to understand how transnational pressure helped establish the union at Kukdong (Tarrow, 2005; Yanz *et al.*, 2003; Carty, 2004; Bandy, 2004; Wells and Knight, 2007). While the Kukdong union, SITEMEX, certainly won its place in labor history through sound strategy, tenacity and transnational support, among other factors, focusing on the story of the successful case obfuscates what can be learned about transnational advocacy, and more specifically, how resource mobilization and organizational capacity conditions case success, by studying the cases of failure.

### ***Material Leverage and the Role of Economic Coercion***

Transnational advocacy networks are networks of political activists operating across national borders, differentiated from other transnational groups by their motivation by "principled ideas" and values. They are best known for the roles they play in disseminating international norms, and reporting the violation of norms by states to wider audiences (Keck and Sikkink, 1998).<sup>3</sup> When norms violations occur, advocates disseminate information about the violation to their allies, attempting to inflict reputational costs to states through "naming and shaming" (Hafner, 2008), that is, the process of revealing and condemning norms violators. In turn, this negative pressure can prompt states to pursue policy changes in line with norms prescriptions.

The credibility of the information about evolving norms violations is key to assembling international allies. With access to local sources, transnational advocates can provide first-hand accounts from affected populations that lend legitimacy to their claims. This can build international support for local opposition groups, allowing them to mobilize and pressure governments from inside for political change (Keck and Sikkink, 1998; Risse *et al.*, 1999). In turn, network support can provide a number of important organizational resources to local groups that can be crucial to their functioning, and can condition whether or not networks are successful at stopping norms violations. As such, network structure, meaning which groups participate in network activities (here, *campaigns*), and the roles that they play in decisionmaking is important. Network structure conditions how widely information will be

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<sup>3</sup> I refer to norms here as "collective expectations about proper behavior for a given identity," following Jepperson *et al.*, 1996.

distributed, whether or not group membership can be mobilized for network strategies, and whether the information passed by the network about norms violations is credible, which I refer to here as *informational resources*. As networks collect information from trusted sources within states, they provide interpretations of that information that promote a version of events that will resonate with the intended audience. Thus, advocacy networks act as both the messenger and interpreter of information about norms violations, able to “quickly and credibly generate politically useful information and move it to where it will have the most impact” (Keck and Sikkink, 1998).

Transnational advocacy networks have a long history of pressuring multinational corporations to promote labor rights norms. In the 1990s, a number of campaigns against well-known companies, including the Gap, Nike, and the Walt Disney Company, among others, exposed the substandard conditions imposed on workers that produced clothing within these companies’ production chains (Ross, 1997). The most successful labor rights campaigns of the 1990s –those that were crucial to establishing normative labor rights standards for sourcing and output for nearly every major brand, *Corporate Codes of Conduct*– were those that included consumer boycotts of products made by companies that were shown to tolerate or even promote substandard working conditions (Ross, 1997). The empirical record on labor rights campaigns thus suggests that in contrast to the human rights literature, moral persuasion may not be sufficient to promote changes in labor rights practices, but rather, that networks are successful when campaigns can marshal economic coercion on targets.

I argue here that building a campaign to publicize information about norms violations to attract international support for workers is a *necessary* step for changing labor rights violations, as the construction of a network attracts organizational resources that local groups can use to stop norms violations. However, building a network alone is not *sufficient* to stop labor rights violations. Rather, only when networks can leverage economic coercion on norms violators that we may see changes in labor rights practices. Thus, I argue that material leverage –meaning the ability of networks to threaten economic losses– is a key part of the set of organizational resources that can be amassed by networks, and further, that without material leverage, networks cannot force targets to capitulate to network pressures to protect labor rights norms. Leverage can take varied forms, and by describing these forms in the cases that follow, we can estimate further the explanatory power of the argument advanced above, that economic coercion can potentially push targets to end labor rights violations while moral persuasion is insufficient to promote changes in labor rights practices. Specifically, while the networks in these three cases approached the brands at the factories to intervene in the labor disputes at various points, the material leverage that the network had over brands varied considerably in the three cases. However, where the

network was able to credibly threaten a consumer boycott of the brands—that is apply economic coercion—is where we see these networks reach their goals of registering the independent union.

### *Maquila Investment in Puebla, Mexico*

Like in other developing countries, since the 1980s Mexico has pursued economic development through export led industrialization, foreign investment, and technology transfer via foreign partnerships (Sklair, 1989). The passage of NAFTA in 1994 changed the incentives for *maquila* production considerably, especially in the garment export sector. While Mexico already successfully competed for textile investment against the Asian producers, and especially China, because of its proximity to the US, the new rules for duty-free importation of apparel provided the last component to win the competition for the North American market.<sup>4</sup> What resulted was a massive influx of new investment in apparel production in Mexico. In 1994, the total value of FDI in the textile sector in Mexico was valued at 254 million dollars, rising to 343 million by the last year of the post-NAFTA *maquila* textile boom in 2000 (Juárez, 2004). Over the same period, the number of textile *maquila* workers registered at the Mexican Social Security Institute increased 144%, rising from 542,073 in 1993 to 1,291,231 employees by 2000 (ITAM, 2004).

Puebla was one of the states that took advantage of the new investment rules proposed by NAFTA to promote “greenfield” investment in textiles and garments.<sup>5</sup> The decimation of Mexican agriculture after NAFTA, and its effects in the state of Puebla and the Tehuacán region in particular, led to an employment crisis (Juárez, 2002; Barrios and Santiago, 2004; Hermanson, 2004). As other viable employment options disappeared, the Tehuacán Valley could offer *maquila* investors access to a labor force desperate for the work that would keep them from migrating to the US (Juárez, 2002), and at a cost competitive with other Mexican states.<sup>6</sup> The government of Puebla was willing to facilitate investment in a number of ways, including by donating the fallow farmland that the government had purchased from farmers at low cost, and offering generous tax relief and an expedited legal registration of businesses (Barrios and Santiago, 2004).<sup>7</sup> The garment sector in Puebla thus grew

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<sup>4</sup> Annex 300B of the NAFTA Agreement essentially nullified the 1974 Multifiber Arrangement for textile and apparel trade between Canada, the United States and Mexico, maintaining the import quotas for states outside the North American market, but removing quotas within the market. Section 2 replaced the rules of origin requirements of the 806/807 tariff schedule, removing tariffs for garments assembled in Mexico from inputs manufactured in any of the three countries (Juárez, 2004).

<sup>5</sup> Huberto Juárez Núñez (2002: 43) describes the Tehuacán investment as greenfield investment, meaning primary industrial investment in a new area where little infrastructure exists previously.

<sup>6</sup> Puebla is classified by the Mexican tax authority as Zone C, where minimum wages are set at an average 5 pesos per day lower than in Zone A (CONASAMI, 2000).

<sup>7</sup> State and local authorities were willing to relax social and environmental protections to attract investment as well. For example, though the *altiplano* region just north of the city of Tehuacán is semiarid, it is famous for its

exponentially between 1995 and 2001. By 2001, 1,032 registered apparel *maquilas* employed 60,555 people in the areas of the state outside of Puebla City, and 13,000 more workers in the city itself (Juárez, 2004; Barrios and Santiago, 2004).

Because nearly 60% of the apparel *maquilas* in Puebla produced for the US market, the economic decline in the US after 2001 resulted in mass layoffs. In Mexico, levels of FDI to the sector nationally contracted by 31% from 2001 to 2002, and sales registered negative growth for the first time, down 8% from 2000 to 2003 (ITAM, 2004). In Puebla, plant managers responded to the lack of orders with temporary work stoppages and mandatory furlough days, which quickly led to mass layoffs, and eventually the closure of a number of factories (Juárez, 2004). In Puebla's Tehuacán Valley, where much of the investment was concentrated, 20,000 workers were fired in 2001 alone, and about half of the registered *maquiladoras* shut their doors (Barrios and Santiago, 2004; Yanz and Jeffcott, 2003).

The workers that remained found that with fewer employees to complete the daily quotas, production intensified. Seamstresses missing the piecework quotas during the normal work day then stayed at the plants until 8 or 9 pm most nights to finish, and were forced to work overnight on Fridays to complete orders (Yanz *et al.*, 2003; Rivas, 2003; Centro de Apoyo al Trabajador, 2001, 2001a; fired Tarrant seamstress, 2006). Plant supervisors increased their control over individual workers to limit the time they were not working to keep up production levels. This included restricting access to drinking water and bathroom breaks, and a reduction of the lunch break to a half hour on a ten to twelve hour work day (SUITTAR worker's coordinator, 2006; Centro de Apoyo al Trabajador, 2001). Plant owners rolled back some of the benefits to cut costs, including subsidized transportation, medical services, safety equipment, and paper supplies for bathrooms (Testimony, fired Tarrant worker, 2004; SUITTAR worker's coordinator, 2006; Centro de Apoyo al Trabajador, 2001). The quality of the foodservice began to suffer, and overall sanitary conditions within the factories deteriorated (Centro de Apoyo al Trabajador, 2001). Workers hated the treatment they received by the supervisors and owners, who would yell or swear at them to increase their speed, and sometimes engaged in sexual harassment of the female sewers (SUITTAR executive committee member, 2006; Centro de Apoyo al Trabajador, 2001). Finally, though workers stayed overnight to finish orders, plant owners claimed economic losses to avoid paying federally mandated profit sharing, Christmas bonuses, and severance (SUITTAR worker's coordinator, 2006; and testimony, Tarrant worker, 2004).

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underground mineral aquifers. The water was nationalized by the federal government in 1992. In 2002, concessions were then awarded to the *maquila* consortiums at low cost, which use the water in the jean laundries. In doing so, they polluted the aquifers, creating a major environmental crisis for *campesinos* using blue-tinted water to grow crops (Barrios and Santiago, 2004).

When workers in Puebla's garment *maquilas* began to challenge the worsening labor conditions, they collided with an array of powerful interests determined to preserve the labor relations system and its reliance on protection contracts in the maquila sector.<sup>8</sup> *Maquila* investment in Puebla was predicated to some extent on labor costs that were lower than in other regions of Mexico, allowing Puebla to compete for textile investment more handily than other states. Guaranteed labor peace was one aspect of maintaining a favorable investment climate for textile companies, and to keep that investment flowing into Puebla. As such, the state government of Puebla faced economic incentives to control unions at the local level, and to resist efforts to establish unions outside of the protection system. The control by state officials of union representation in the maquila industry thus took on two forms.

In the first form, state officials assigned the collective contract to subordinate unions as part of the process for opening a factory. Mexican labor law in practice recognizes only one union at a time in a workplace, and since workplaces are run as a closed shop, potential investors were told by state officials that they would broker an agreement with a labor leader to meet the legal requirements to open the plants (Hermanson, 2004). With workers' interests controlled by subordinate unions, any aspect of production involving the labor relationship, including strikes, compensation, or labor costs, remained stable and predictable. Protection contracts were awarded by the Secretary of Economic Development to the local PRI-affiliated *Federación Revolucionario de Obreros y Campesinos* (FROC-CROC) at Kukdong, while the contract at Matamoros Garment was given to the *Confederación Revolucionario de Obreros y Campesinos* (CROC), and the contract passed between these and the CTM at Tarrant Ajalpan (AFL-CIO Solidarity Center, 2006).

The second tool at the state's disposal for limiting independent unionization in Puebla is control over the administration of the labor boards that regulate the labor relations system in Mexico. Jurisdiction for textile industries is reserved at the state level, and therefore the *maquila* cases studied here are all under the jurisdiction of the *Junta Local de Conciliación y Arbitraje* (JLCA) of Puebla. These boards are charged with arbitration of individual and collective claims, including union registration. As tri-partite structures, the state labor board is composed of three members, including a Government representative that serves as the President, a representative from the business sector, and a representative from organized labor, each appointed by the state Governor (Curtis and Gutiérrez, 1994). Throughout Mexico, the labor representative is nearly always chosen from the ranks of the most influential union confederation, which in the Mexican context almost

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<sup>8</sup> These are labor contracts negotiated between the state government, unions, and plant management that fulfill the legal obligation for union representation.

always results in union representation from the corporatist ranks (AFL-CIO Solidarity Center, 2006).<sup>9</sup> This arrangement can have two effects. First, with government directly influencing the selection the three representatives to the boards, executive branch interests can potentially guide the outcomes of board arbitration (Sanner, 1995). Second, the selection of this union representative generates conflicts of interest at the board when representative are asked to arbitrate questions of union representation, especially in states governed by the PRI, like Puebla. Given the historical ties between labor and the PRI, political conditions are generally unfavorable for independent unions seeking recognition at the board, allowing the government to maintain control over unions in the state.

### *Transnational Advocacy in Puebla*

The Kukdong factory, located in Atlixco, Puebla, is a state-of-the-art textile assembly factory. Its 30 million dollar investment was one of the largest capital investments to date in the area (Barrios and Santiago, 2004; Wells and Knight, 2007). Working conditions in the factory were acceptable when the plant opened, but like other plants in Puebla, they began to deteriorate during the summer of 2000. The daily quotas were set so high that workers finished each piece in less than a minute, and were not allowed to take bathroom breaks. Managers limited access to drinking water to limit the need for the breaks, even in hot weather. Though seamstresses put in extra hours to make the production quotas, the raises that were promised every three months never materialized (Centro de Apoyo al Trabajador, 2001). Some female workers reported that managers hit them and screamed at them to work faster, and that they faced humiliating checks of personal belongings and clothing when they entered and left the factory (Bacon, 2004; Centro de Apoyo al Trabajador, 2001). But by nearly all accounts, worker complaints converged around the cafeteria, where they reported that the food was poorly made, sometimes improperly cooked or rotten (Centro de Apoyo al Trabajador, 2001).

A few of the supervisors approached the FROC-CROC union representative about the quality of the cafeteria, who ignored their complaints. After a number of workers became ill, the supervisors again raised their concerns, and the union representative suggested a boycott of the cafeteria (Hermanson, 2004). The next day, nearly all of the workers brought their own lunch and refused to eat from the plant's subsidized cafeteria (Centro de Apoyo al Trabajador, 2001). When the FROC-CROC representative was called to account, he blamed the supervisors for the action, who were then fired (Juárez, 2002).

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<sup>9</sup> In Puebla, this is the FROC-CROC.

The Kukdong workers responded the next Monday with a two-hour work stoppage and a set of demands: a reinstatement of the supervisors by the end of the day, and the FROC-CROC removed from the plant (Solidarity Center, n.d.; Bacon, 2004). After receiving no response from the company, around 600 workers of the 850 in the plant then occupied the factory yard, threatening to stay on strike until the supervisors were reinstated (Wells and Knight, 2007; Solidarity Center, n.d.). Local newspapers spread word of the Kukdong strike outside of Atlixco (Meza, 2001), attracting the support the Volkswagen unionists and the UNT (Hermanson, 2004). The next morning the strike was declared illegal by the JLCA, and by nightfall, workers were forcibly removed from the factory grounds by the state anti-riot battalion (Juárez, 2002; Hermanson, 2004; Solidarity Center, n.d.).<sup>10</sup> The violent police response to the strike was one of the factors that catalyzed support for the workers within the community, and mobilized a transnational labor rights network that was beginning to form in Puebla that summer (Bacon, 2004).

The transnational network that formed around the Kukdong campaign was the result of the convergence of a number of groups working separately in Puebla. In November of 2000, United Students against Sweatshops (USAS) had sent a delegation to Puebla to investigate working conditions in some of the *maquilas* in the area that produced university-labeled apparel.<sup>11</sup> The AFL-CIO Center for Worker Solidarity in Mexico City introduced USAS students to two local labor organizers to help with the investigation (Hermanson, 2004). One was Blanca Velázquez, who had led successful campaign to organize and independent union at a Siemens plant in Puebla, and was affiliated with the UNT. Another was David Alvarado, an AFL intern who had been active in USAS but was now living in Puebla (Bacon, 2004).

### *Worker Action at Kukdong*

When news of the strike broke out, the AFL-CIO Solidarity Center brought the USAS students, the nucleus of leaders that had emerged at Kukdong around the cafeteria boycott, and the Puebla organizers together to discuss how to move workforce discontent from cafeteria issues to the bigger issue of replacing the union (AFL-CIO Solidarity Center, 2006). From these meetings, a new labor rights advocacy organization, the *Centro de Apoyo al Trabajador* (Workers' Support Center, CAT) was formed (CAT field organizer, 2006). With funds from the AFL-CIO, the CAT developed into a non-governmental organization, with an office and full-time staff.

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<sup>10</sup> Under Mexican law, unions must file a notice to strike at the labor board, and have it approved, before actually carrying out a strike.

<sup>11</sup> This student group pressures universities to sign commitments to source university apparel from suppliers that meet internationally recognized labor standards.

At the core of the support network that emerged, each group played a specific role, and brought specific organizational resources to the effort to resolve the labor situation at Kukdong. Under the tutelage of the Solidarity Center, the CAT used Kukdong to gain experience in organizing independent unions.<sup>12</sup> Working with the Solidarity Center on one hand, and the Kukdong workers on the other, the CAT would develop the union drive that became part of the overall Kukdong strategy. Finally, personal contacts within Mexico could be used to disseminate information to the local press and to generate support for the Kukdong workers among independent unionists and their supporters within Mexico. As such, they would coordinate actions within Mexico, while serving as the point of information for supporters outside of Mexico.

United Students against Sweatshops was the other major player, and a crucial addition to the network. In 1999, USAS had created a codes of conduct monitoring organization, the Worker's Rights Consortium (WRC), to conduct inspections for USAS and its affiliated universities (United Students Against Sweatshops, n.d.). That meant that USAS brought its own independent monitoring capability through the WRC, and a mandate to investigate the factory because they produced athletic wear for universities that were part of the WRC. Most importantly, USAS had the contacts with students in USAS university chapters and influence with college administrations that they could use to threaten the brands in the factory over breaches of the USAS code of conduct (Carty, 2004). USAS and the WRC are highly respected in the US and had a number of organizational contacts to use the spread the news about Kukdong outside of Mexico. Meanwhile, with USAS representatives already in Atlixco, the students could provide the most credible accounts of the events at Kukdong as they unfolded to the emerging network. As such, USAS could provide important strategic and networking resources to the campaign through the development of a strategy that best used their position as the broker between the brands, the WRC, the factory, and university clients.

The strategy the network developed followed a core logic that was common to other worker's rights campaigns from the 1990s: the network would engage the major clients to get involved in the plant dispute by putting economic leverage on them through threats of a consumer boycott of their brands. The USAS interns knew that Nike and Reebok followed the USAS corporate codes of conduct, and USAS would use codes violations to involve both brands in the Kukdong struggle. However, they ultimately decided to begin by building a campaign around Nike first. Nike has become a very visible symbol for the anti-sweatshop movement since the early 1995 consumer campaign around their sourcing practices in Indonesia, and there are a mass of anti-sweatshop groups focusing on Nike's labor practices alone (Boje *et al.*,

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<sup>12</sup> Blanca Velasquez had been a leader at the strike at Siemens, which established an independent union in the autoparts supplier chains at the Volkswagen plant.

2001). Engaging Nike would rally support for Kukdong from advocates interested specifically in Nike's practices, and draw in a wider audience than what could be built relying on labor advocates that generally follow maquila developments in Mexico (Wells and Knight, 2007).

In sum, the strategy USAS pushed was to blame Nike for the codes violations at the plant, and make them responsible for getting them resolved, whether or not they had any role to play in workers' discontent with the protection contract, or working conditions inside the plant. USAS would inform student groups on college campuses about Kukdong and organize a number of actions against the brands, and would approach university administrations about removing their orders from the plant. In turn, client promises to pull orders would create strong economic leverage to force the plant owners to negotiate with the workers over their grievances, and the workers would use this opening to negotiate to have the FROC-CROC removed. Without a union in the plant, the workers would register as a labor union with help from the CAT, and gain bargaining rights within the plant.

As news about Kukdong spread, a number of additional labor rights organizations also began to follow and report the events at the factory. The participation of groups such as Global Exchange, the National Campaign for Labor rights, the Maquila Solidarity Network, US-LEAP the National Labor Campaign (NLC), Sweatshop Watch in Los Angeles, the Clean Clothes Campaign in Germany, and the Campaign for Labor Rights (CLR) in the US. These groups passed up-to-the-minute news about Kukdong on their websites and listserves, widening the scope of interest in Kukdong outside of Mexico. Meanwhile, USAS organized a series of student actions, both on and off campus. Among these were creative acts, like mock fashion shows (Carty, 2004), and shopping protests at Niketown (Featherstone, 2002), but the students were also able to organize a mass action of 25 simultaneous sit-ins on campuses, demanding universities break Nike contracts for school apparel (Hermanson, 2004; Carty, 2004).

USAS requested that their monitoring group, the Worker's Rights Consortium (WRC) come to Kukdong to start an investigation. As the WRC arrived for its preliminary workplace report, a number of additional solidarity groups sent representatives to monitor the situation, including the Maquila Solidarity Network (MSN) and Global Exchange ("Organizaciones de EU acusan de fallas laborales en Kukdong", 2001). Maquila Solidarity Network (MSN) in Canada had not just posted news of the strike on their website and email list serve, but had started a letter-writing request to inform Nike and the President of Mexico of the events at Kukdong (Maquila Solidarity Network, 2001).

These first actions drew international attention to Kukdong that provoked a response from the brands and Kukdong's parent company: both Reebok and Nike sent representatives to Kukdong immediately (Hermanson, 2004), and

the president of Kukdong International came to Atlixco personally to inspect the factory, apologized to workers for their treatment, and promised to renovate the cafeteria ("Se disculpa por malos tratos a trabajadoras el presidente internacional de Kukdong", 2001).

As events unfolded, transnational advocacy provided crucial support to workers that helped them win small gains at key points during the struggle. First, the fired supervisors had attempted to return to work each Monday since the strike began, but were unable to enter the plant. On February 13, Nike sent a letter to the Governor of Puebla, Melquiades Morales, asking him to intervene in the situation (García, 2001). The following Monday, February 19, the factory came to an agreement with the Governor, and the supervisors were allowed to enter the factory and take their places on the sewing line (Solidarity Center, n.d.). Second, the reports on factory conditions helped sustain the workers' protests. As the situation progressed, network participants conducted number of supplemental investigations, including an analysis by leading Mexican labor attorney Arturo Alcalde, a Verité audit for Nike, and a second WRC report (Verité, 2001; Alcalde, 2001). Each of these reports corroborated the claims made by Kukdong workers about working conditions and the cafeteria, giving the complaints legitimacy, and rallying more international support around the workers as the results were made public. Following the Verité report, Nike submitted a plan of action for Kukdong management and a timeline to complete the changes, demanding that they implant the plan of action or risk losing Nike's orders (Bandy, 2004).

### *Kukdong Resolved*

In March, the Kukdong workers held an assembly to constitute the worker's organization as SITEKIM, the *Sindicato Independiente de Trabajadores de la Empresa Kukdong Internacional de Mexico* (SITEKIM). On June 18, 2001, the Puebla JLCA denied SITEKIM's application for union recognition (Solidarity Center, n.d.). Some of the line workers who had signed the application had been reclassified as confidential employees by the management after the application was filed, which disqualified them from the bargaining unit (Solidarity Center, n.d.). Without these workers included on the list, the number of signatories dropped to fewer than the 20 required to form a union under Mexican labor law, and the petition for formal legal recognition was denied. Though workers had received an outpouring of support from the network that allowed them to maintain the movement, they fell short of the achieving the goal that was most important to the workers themselves: replacing the FROC-CROC with a union of their own choosing.

Though there was still active support for the SITEMEX union, the labor situation inside the factory reached a stalemate. The ongoing conflict made production difficult, and Nike started to pull orders from the factory (Bandy,

2004). Meanwhile, Kukdong's owners were facing pressure on all sides: from the transnational network who blamed them for the violations, from the workers who blamed them for allowing FROC-CROC to hold the contract in the first place, and from Nike to get past the conflict and fill the orders. Though Kukdong's owners certainly acted in ways to protect their business interests as the campaign wore on, some evidence suggests that the owners were actually amenable to allowing the SITEKIM union in, but were under pressure from the FROC-CROC and local government not to do so.<sup>13</sup> As they began to lose orders, Kukdong recognized that the union, and the government that put it there, were jeopardizing their investment. In order to resolve the situation, it was the state leadership that had to be convinced that removing FROC-CROC was necessary. The JLCA would have to concede to replace the union.

The AFL-CIO stepped in to moderate negotiations between the company, state authorities, the JLCA, and SITEKIM (CAT field organizer, 2006; AFL-CIO Solidarity Center, 2006). In order to facilitate the registration of the union, the owners agreed to close the factory and reconstitute it as a legal entity under a new name, Mexmode, thus nullifying the existing collective contract with the FROC-CROC. SITEKIM would then apply for union registration under a new name, SITEMEX. The JLCA would approve the registration, qualifying SITEMEX to apply for title to the bargaining rights, and the workers could win their union in a plant wide election.

The JLCA approved the registration on August 18, 2001 (Solidarity Center, n.d.). Because there was no opposition to SITEMEX taking the contract, they won the union election for bargaining rights, and negotiated a collective contract with the help of the CAT (Juárez, 2002; Solidarity Center n.d.). On October 2, SITEMEX submitted the contract to the JLCA, and became the first independent union in Mexico's garment export sector (Juárez, 2002; Sánchez, 2001; Maquila Solidarity Network, 2001). In a final act of solidarity, the MSN organized a new letter-writing campaign to pressure Nike to fill new orders at the factory, recognizing that without orders, the union would not survive, and Nike obliged (Juárez, 2002; Maquila Solidarity Network, 2001). Mexmode reopened contract negotiations in April, and SITEMEX successfully bargained for a 38% wage increase, making them the highest paid textile workers in Puebla at the time (Hermanson, 2004; Maquila Solidarity Network, 2001).

Though the choice of strategy in this case led to a successful outcome, it also created tensions between the workers and the network participants. Though the SITEMEX workers were certainly happy to receive the outpouring of support, and understood that USAS especially had become a key player in their struggle, the idea of mobilizing around the codes of conduct was firmly the focus of the US groups (Bacon, 2004). They knew that union survival

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<sup>13</sup> When Verité arrived at the factory, Kukdong's Head of Administration took one auditor aside and told him that the company did not like the union, but it had been imposed on them from the beginning, and that they actually preferred to replace it (Verité, 2001).

depended whether the factory attracted orders. They felt that it was they took on the costs of mobilization, facing the consequences if it all failed, whereas the CAT could walk away, and the students could go back home. While the USAS and CAT demonized the factory as a sweatshop to push their case, the Kukdong workers were uncomfortable with that frame, and uneasy about taking further actions that might have jeopardized their jobs.

The tensions between groups deepened further over the fundamental question of how to parlay the Kukdong victory into a bigger movement to spread independent unionization into other maquilas. Even though the SITEMEX union has a title that applies only to a single plant, there might have been ways to register other independent unions by affiliating them under the SITEMEX *registro* at the state level. While the CAT was ready to organize other unions and expand into other areas in Puebla, SITEMEX was not against the idea so much as with the union established, workers now wanted to get back to work under the new contract (SUITTAR leader, 2006). When the union began to work with the company then to get more orders for the factory that the network once painted as a sweatshop, the network began to pull away from them.<sup>14</sup> In turn, the workers began making decisions about union issues without first consulting the CAT. The CAT however had been part of the success of Kukdong and wanted to remain in their advisory role, and orchestrated a putsch of the union leadership by sowing rumors of mismanagement of union dues among the workers. When the SITEMEX leadership discovered a move to have them replaced with CAT supporters during a union assembly, the relationship between the groups was broken beyond repair. The Kukdong workers distanced themselves fully from the CAT, who continued to draw support from USAS and Solidarity Center, whose representatives tried to maintain cordial contacts with both sides.

### *Moving Forward at Matamoros Garment*

After the Kukdong victory, the CAT actively pursued transnational solidarity with labor rights organizations in the U.S. and Europe, and was seen in many circles as the best organized and most experienced labor rights organization active in Puebla. As such, it attracted material resources from a number of groups, including the Phoenix Foundation, UNITE!, the Maquila Workers Support Network, the Clean Clothes Campaign, and Global Exchange, and started receiving student interns from both USAS and the AFL-CIO. Their relationship with the Solidarity Center became stronger as the AFL-CIO

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<sup>14</sup> One SITEMEX leader mentioned that the unionists would attend anti-sweatshop workshops as the invited guests to talk about the Kukdong victory, but would end up instead discussing new orders with the GAP and Nike —the obvious villains in the room— selling the factory as a legitimate sweat-free facility. He mentioned that this almost always angered their old friends (SITEMEX union leader, Puebla City, July, 2006).

positioned the CAT as the broker for transnational labor advocates, their entrée into Mexican labor politics (AFL-CIO Solidarity Center, 2006).

Meanwhile, a new case appeared at an apparel *maquila* in Izúcar de Matamoros, about 20 miles south of Atlixco. Matamoros Garment had been sold in the economic downturn after 2001, and the new owners were unable to supply some of the benefits the previous owners had offered to workers, including transportation.<sup>15</sup> However, wage irregularities were the most important complaint, as workers were constantly missing payments, or being paid after the designated paydays (United Students against Sweatshops and Centro de Apoyo al Trabajador, 2003). The CAT read about a wildcat strike at Matamoros Garment in the local paper ("Por más de 10 horas, obreros paran laborales en la maquiladora Matamoros Garment", 2003), and approached the AFL-CIO and USAS about the possibilities of making this plant their next case. They contacted the Matamoros Garment workers, offering to help (AFL-CIO Solidarity Center, 2006).

With CAT advice, Tarrant workers held a one-day work stoppage at the plant over the wage irregularities, and negotiated a resolution with the owner of the factory: if they went back to work, the owner would pay back wages and vacation pay the next day, and reinstate the transportation benefit ("Internacionalizan conflicto laboral en una maquila", 2003). Though this seemed to resolve the immediate concerns of the workers, the CAT shifted quickly to the next issue: resolving the other workplace complaints by establishing an independent union within the factory. Workers learned that when Matamoros Garment was sold to the current owners in 1999, the contract included union representation through a contract with a CTM union, the *Sindicato Francisco Villa de la Industria Textil y Conexos*.

The network now forming around Matamoros Garment was led by the CAT again. Though some of the groups that participated at Kukdong were also involved at Matamoros Garment in supportive roles, such as disseminating information, nearly all of the major network participants at Kukdong were missing in this second case. In particular, USAS took a much less visible role in this network than at Kukdong, because Matamoros Garment did not sew university apparel contracts. As such, USAS students were largely uninvolved at Matamoros Garment, though they did support the movement by reposting calls for letters as the campaign was built. A number of minor supporters were still interested in Puebla, including US-LEAP, the Maquila Solidarity Network, and No Sweat, and they also participated in their previous role as network resources to spread news about Matamoros Garment. In order to take a less visible role in Puebla, and minimize the perception that union organization was being led by Americans (USAS and the Solidarity Center), rather than growing autonomously out of Mexican efforts, the AFL-CIO

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<sup>15</sup> At the time of my visit to Puebla in 2006, transport to work can cost between 28 and 40 pesos per day, or at minimum, 16% of the wage of 1000 pesos for a 6-day workweek.

stepped back again. As such, the only core organization that was left from Kukdong was the CAT, and to the extent that the US and Canadian groups participated far less in decision making, reserving their participation largely to information networking, the Matamoros Garment case largely reflects how the CAT attempted to recreate the movement that was once successful at Kukdong.

The network decided to again follow the strategy that had once been successful at Kukdong: engage the clients over violations of the code of conduct with the help of transnational allies, forcing them to support the worker's goals or face a consumer boycott. Meanwhile, the CAT would orchestrate the two step process to gain union recognition in the plant: organize the workforce, and help the incipient union apply for legal recognition (*registro*), and eventually apply to hold an election for rights to the collective contract (*titularidad*) (CAT field organizer, 2006). The workers knew that they sewed garments for a number of brands, but the two most important clients were Angelica, a division of the uniform company Cintas, and the German sportswear company Puma. Puma was a household name, moreso than Angelica, and because Puma was based in Germany, they could enlist the help of the German Clean Clothes Campaign, who was already monitoring Puma practices. The CAT hoped that by putting their resources toward Puma first, the company would pressure the plant owner to improve working conditions, reinstate the benefits package, and support the independent union drive. As at Kukdong, a network of international supporters would disseminate information about the labor situation as it evolved to support the worker's efforts. Meanwhile, in Puebla the workers formally constituted a union, SITEMAG, the *Sindicato Único Independiente de Trabajadores de Matamoros Garment*, and eventually filed an application for registration as a legal entity-- at the same JLCA as at Kukdong-- on January 20, 2003 (SITEMAG, 2003).

### *Pushing Puma*

The Clean Clothes Campaign contacted Puma about the events at Matamoros Garment with letter made public on their website. Puma responded with a corporate statement rejecting that they were in any way responsible for the labor events at the plant, which was a subcontractor for Puma, but had no other direct link to the company (Santjer, 2001). Further, Puma argued that Matamoros Garment had serious financial difficulties after a major client had declared bankruptcy without paying for the last shipment of a half-million units, and the owners had been struggling to make payroll as well as other costs (Santjer, 2001; AFL-CIO Solidarity Center, 2006). The financial crunch impeded their ability to deliver orders on time, and Puma claimed to have subsequently cancelled its production contract with the factory months

earlier. Puma simply stated they were not responsible for working conditions in a plant where they had no longer had a business relationship. Puma also revealed in subsequent correspondence that they had paid the owner nearly \$15,000 each week in October and November above their contract liability to cover these expenses, in order to get their last orders out of the factory (Hengstmann, 2003a). Ironically, though the CAT was blaming Puma for the wage irregularities, it was actually Puma that was stepping in to pay the workers' wages.

When the CAT countered that the plant was still sewing the last of the contract in January, Puma relented, and sent representatives to make an inspection (CAT field organizer, 2006). Yet, when the interviews began, the CAT learned that not only had the Puma team singled out workers and interviewed them inside the factory, but that they had videotaped the interviews, which SITEMAG leaders reported to have seen in the plant manager's office. When Puma sent an email to the CAT with the results of the inspection, they claimed to have found that none of the 22 workers they interviewed could corroborate the claims about forced overtime and lock-ins, that all had said there was a union in the plant, and that they denied physical abuse by supervisors (Hengstmann, 2003b).

The CAT categorically rejected the results of the inspection given the interview methods, and denounced Puma and their investigation in a shrill email (Centro de Apoyo al Trabajador, 2003b). In response, Puma promised to place new orders only if Matamoros Garment could become a functional factory again, and if the CAT could convince additional clients to return (Hengstmann, 2003b). Angry about the discovery of the video tapes, the CAT rejected this compromise and became more determined to smear Puma's name as a brand that abandons workers once they organize. The CAT created their own report on Matamoros Garment to counter the Puma inspection, interviewing SITEMAG supporters in their homes where they would be free to talk about the factory. With the help of student interns, they created a report corroborating each of the workers' complaints that contradicted each point of the Puma inspection (Centro de Apoyo al Trabajador, 2003a).

Once the CAT published the report through the network, Puma invited them to Germany to discuss the factory again (Hengstmann, 2003c). This time, Puma was even more conciliatory. During the meeting, Puma agreed to send new orders to Matamoros Garment, consented to independent monitoring through COVERCO, the well-respected codes monitor, and agreed to support the use of a secret ballot in the anticipated union election (Centro de Apoyo al Trabajador, 2003c). The CAT went back to Mexico knowing it had won the battle with Puma (CAT field organizer, 2006). However, Puma would never fulfill these promises. On March 17, the owners of Matamoros Garment announced it would close the plant temporarily through a *paro técnico*, and asked workers to return the next week for their paychecks (United Students

against Sweatshops, 2003). In the interim, the Mexican Social Security Institute entered the plant and confiscated the sewing machines for debts accrued on medical insurance contributions (AFL-CIO Solidarity Center, 2006). The plant would never reopen.

The JLCA of Puebla noted that with the factory closed, the requirement of 20 active employees could not be met, and denied the union registration (United Students Against Sweatshops and Centro de Apoyo al Trabajador, 2003). Further, the ruling was sent to the wrong address, and when the union finally received it on March 26th, half of the 15 days allowed to file an appeal had passed (United Students Against Sweatshops and Centro de Apoyo al Trabajador, 2003). Though the CAT vowed to follow through on the appeal, organize the workers, and get Puma to help reopen the factory (United Students Against Sweatshops, 2003), the union drive was over. The campaign strategy had been wholly unsuccessful, and workers were denied the union, lost their jobs, and never recouped their severance pay.

### *Organizing the Consortiums: Tarrant Ajalpan*

In June, the CAT learned of another labor struggle unfolding south of Puebla City in the Tehuacán region. Nearly 700 workers staged a work stoppage at the Tarrant sewing facility in Ajalpan over the payment of federally-mandated profit sharing (Centro de Apoyo al Trabajador, 2003c). Although workers at the plant had been staying overtime, even overnight, to meet the daily production quotas, the plant manager told workers that the plant had not made any profits for the third year in a row, and would not pay profit sharing for 2003. The walkout turned into a three-day strike. A Negotiating Committee formed, and was successful at extracting a number of concessions from the plant management (SUITTAR executive committee member, 2006), but when the Committee Members were fired a few days later, the worker's demands turned quickly to a new goal, the formation of a union to represent them (Sweatshop Watch, n.d.).

The CAT learned of the walkout, and determined that the labor situation at the Ajalpan plant could become another opportunity to organize an independent union in Puebla's garment maquilas. Tarrant held an important additional advantage in that it was part of one of the four full-package consortiums then producing blue jeans in Puebla.<sup>16</sup> In gaining the *registro* for a single plant along the chain, they could affiliate the other factories in the production chain under the first union registration, and skip the registration process that derailed Matamoros Garment at the subsequent factories, moving

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<sup>16</sup> In a vertically-integrated full-package production chain, all inputs to the manufacturing process are sourced by a single consortium, including textiles, thread and hardware. A series of linked factories handles the production of the garments including cutting and assembly, laundering and quality control, and in some cases, distributes the finished garments directly from the plant to the point of sale (Bair, Martínez and Gereffi, 2002).

directly to the union representation election (CAT field organizer, Puebla, Puebla, Mexico, 2006). As one of seven sewing facilities across a production chain that also included one laundry in the Tehuacán area (Juárez, 2004), packaging operations in the neighboring state of Tlaxcala, additional sewing operations in Oaxaca, Tlaxcala and Guerrero, and two textile mills in the region ("Company News: Tarrant Apparel to Acquire Denim Mill in Mexico", 1999; Tarrant Apparel Group, 2001), a successful campaign at Tarrant could potentially unite the entire chain under a single union registration. The CAT approached the workers with an offer to help (Centro de Apoyo al Trabajador, 2003d).

By October, the transnational labor rights network that had been involved at Kukdong and Matamoros Garment was informed of the events at Ajalpan (Centro de Apoyo al Trabajador, 2003d). As before, the CAT took the lead on reporting information about Tarrant Ajalpan to their allies, which now included the Clean Clothes Campaign, US-LEAP, the MSN in Canada, Sweatshop Watch, No Sweat, and the Central American Women's Network. As at Matamoros Garment, the AFL-CIO took a lesser part in the day-to-day strategizing of the campaign, a role that was again assumed by the CAT (AFL-CIO Solidarity Center, 2006). The WRC monitored events, but until they could determine whether Tarrant sewed university sportswear, they and the USAS did not become as heavily involved in this case as they had at Kukdong (Sweatshop Watch, n.d.). As in the earlier two cases, international allies would disseminate the information from Puebla on list-serves and websites, and publicize the calls for action outside of Mexico. Within Mexico, the Negotiating Committee from the plant, now fired for union activity, would work with the CAT and with lawyers from the *Red de Solidaridad y Derechos Laborales* to submit the registration paperwork for the union, the *Sindicato Único Independiente de Trabajadores de Tarrant* (SUITTAR). SUITTAR eventually signed 736 workers to the union during a house-to-house organizing drive that unfolded over the following weeks, and submitted the *registro* request to the same labor board that heard the Kukdong and Matamoros Garments cases (Centro de Apoyo al Trabajador and United Students Against Sweatshops 2004).<sup>17</sup>

The CAT advanced the two-pronged campaign strategy for Tarrant Ajalpan that had once been successful at Kukdong. They hoped that a brand campaign would publicize the Tarrant struggle outside of Mexico in ways that would emphasize how poorly foreign investors were treating Mexican workers, to gain support from international allies. Using codes of conduct violations and brand recognitions as campaign anchors, the CAT would mount the threat of a consumer boycott to engage the brands to step in at the factory, if not over violations of Mexican law, at least over compliance with their own codes of

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<sup>17</sup> Because of the risk of retribution to workers who publicly claim support for the independent union, it is rare that more than the minimum 20 people would sign a registration petition.

conduct (CAT field organizer, Puebla, Mexico, 2006). The CAT thought material leverage from brand pressure might be more effective on a consortium than a stand-alone factory, because the entire production chain would be put in jeopardy if orders from major clients were pulled. At the same time, international support would help them pressure the JLCA to recognize the independent union.

The transnational strategy ultimately took the form of a letter writing effort to disseminate information about Tarrant among allies in the US and Canada. The CAT identified a number of current clients that could serve as the targets of the campaign, each of which already had codes of conduct that could be used. Levi Strauss and Company was chosen as the first target for the campaign, not just because they were the plant's major client, but also because their sourcing agreement is considered uniquely progressive among codes of conduct (Radin, Hartman and Wokutch, 2003). Levis would be the best source of economic leverage on the factory, and would likely be sympathetic to the worker's demands. Additional clients were identified, and by the middle of August, the campaign had widened to include three additional brands: Tommy Hilfiger, the Limited, and the Gap.

### *The Brands Respond*

Levi's sent a representative to Tehuacán to visit the plant and conduct an inspection (Centro de Apoyo al Trabajador, 2003d). However, focusing on Levi's backfired when Tarrant refused Levi's investigators access to the plant (Centro de Apoyo al Trabajador, 2003e). The Levi's code mandates that the company must pull orders when factories could not come into compliance, and so the campaign started off with Levis pulling out, and thus losing leverage from the major client. The other brands responded as well. Tommy Hilfiger responded only in subsequent legal procedures that the brand sourced very little from Tarrant in the years prior to the work stoppage, and had contracted less during 2003 (Huang, 2004). Then The Gap contacted the CAT to note that they had stopped working with the Ajalpan plant in April, before the work stoppage, and currently did not work with any plants with the Tarrant group in Mexico (Centro de Apoyo al Trabajador, 2003e). The Limited didn't have contracts at the plant either, but wrote to US-LEAP to offer to help resolve the issues at the plant, and commissioned a report from Verité in November, which in the end gave them reason to leave the factory later that month (Centro de Apoyo al Trabajador, 2003e, 2004; United Students Against Sweatshops, 2004).

While the letter campaign at first caused most of the brands to contact the CAT, provoking these negative responses, it also had the unintended consequence of provoking mass firings of SUITTAR supporters: 150 workers in the first two weeks of the campaign, 228 by the end of the month, and 500 by

December (Centro de Apoyo al Trabajador, 2003e).<sup>18</sup> With the first round of brand targets now lost, and the plant management reacting to the union drive with mass firings, the CAT then learned that the parent company, Tarrant Apparel Group, had leased the plant back to the original owner Azteca months earlier, and the plant was in transition from subcontracting for TAG clients to the clients of a new joint venture, United Apparel Ventures. The Tarrant Group was leaving Mexico altogether. Citing losses from the economic slowdown, labor unrest, and an inability to place contracts at its major plants, TAG divested from Mexico in favor of China.<sup>19</sup> By the time the work stoppage had occurred, Tarrant had already decided on its departure from Mexico after 3 years, and liquidated its assets beginning in the third quarter of 2003, when Kamel Nacif of Azteca International leased the plant for United Apparel Ventures (Tarrant Apparel Group, 2005).

The four original brands targeted by the network were no longer clients, if they indeed had been in the past. The CAT shifted campaign focus away from these original brands to those associated with the new company in a scramble to make responsibility for the plant stick on a major brand name (Centro de Apoyo al Trabajador, 2003f). As the Tarrant plant sewed blue jeans for a number of major department stores and mall-based shops, the CAT came up with a few new clients, including Wet Seal and Federated Department stores, the group that operates Macy's, the Bon Marché and Bloomingdale's department stores. As the campaign shifted to these clients, network participants added additional clients as workers smuggled out jean tags, including Express jeans (The Limited Brands), the Charming Shoppes (parent company for Catherine's, Fashion Bug and Lane Bryant Stores), Candies, Polo Ralph Lauren, Liz Claiborne, Lerner New York/New York and Company, and Abercrombie and Fitch.

The CAT asked its allies to escalate the letter-writing campaign and disseminated in a series of campaign updates instructions via e-mail for sets of letters to be sent to each of these brands, Tarrant Apparel Group and Azteca International—the partners in United Apparel Ventures—the Puebla Governor's office, the JLCA, and the Secretary of Industrial Promotion for the State of Puebla (Centro de Apoyo al Trabajador, 2003f). By November, these action alerts became extremely complex, including 20 letters for primary and secondary campaign targets, each with eight identifiable talking points and 5 additional urgent faxes. Though each time the alerts urged readers to “step up the pressure” on the brands, the brands that were targeted in the updates shifted constantly as the new parent company won contracts, and as the

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<sup>18</sup> Workers reported that while management blamed the economic slowdown in the United States and lack of orders for the firings, they were still advertising, and hiring, new workers in August (Centro de Apoyo al Trabajador, 2003e).

<sup>19</sup> While in 2003 the TAG group sourced 42.6% of its production in Mexico and Central America in 2003, by 2005 that work was shifted the China, and just 4.7% of production was done in Mexico (Tarrant Apparel Group, 2005: 12).

network learned about them. After so many weeks, these action alerts were no longer the tools of brand pressure so much as weekly check-ins about progress as the network struggled to find brands to engage.

Further, none of these new brands stepped in, even as the CAT switched among them as primary targets. The interaction with Levi's and the other brands thus far had shown that brand pressure was becoming increasingly ineffective as time went on, if not counterproductive. The network had simply been unable to harness any leverage over the brands, partly because of their choice of targets, and partly because of errors in the information they were able to collect as the plant was restructured for the new parent company. Tommy Hilfiger, the Limited and others could leave without cost because the plant had ended production of TAG contracts.<sup>20</sup> Those orders were easily replaced with the exclusive licensing agreements under United Apparel Ventures (Centro de Apoyo al Trabajador, 2003e; Centro de Apoyo al Trabajador, 2003f).

Meanwhile, United Apparel simply subcontracted orders for Ajalpan to local *maquilas* owned by Azteca International in the area (Centro de Apoyo al Trabajador, 2003g), or shifted the work out from Ajalpan to the factories in the neighboring state of Tlaxcala, where there were no independent unions (Centro de Apoyo al Trabajador, 2003d, 2003g).<sup>21</sup> The consortium had the other factories take the work, allowing them to close the plants with union organizations while keeping production up at the non-unionized plants.<sup>22</sup> Tarrant began to close the other plants in the chain as they divested from Mexico, firing hundreds of workers. By November, only Ajalpan and Plant 4 were still open, both leased to United Apparel Ventures (Centro de Apoyo al Trabajador, 2004). With so much primary focus on finding a brand to engage, the network never switched strategies to confront the last major issues: the impending closure of the factory, severance payments, and the pending *registro* decision.

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<sup>20</sup> Wet Seal also denied having orders at the plant during the timeframe specified by the CAT in their letters, as did Charming Shoppes. The CAT had identified and targeted brands while failing to realize that with the change in ownership, these brands no longer had business links to the factory once it was leased to United Apparel Ventures. The Federated Department Stores did hold contracts with Tarrant, but argued that their code of conduct did not cover freedom of association issues (Centro de Apoyo al Trabajador, 2003h).

<sup>21</sup> Interview, CAT field organizer, Puebla, Puebla, Mexico, July 25, 2006, AFL-CIO Solidarity Center, Mexico City, Mexico, July 10, 2006 and Martín Barrios Hernández, Coordinator of Human Rights and Labor Rights Commission of the Tehuacán Valley, Tehuacán, Puebla, Mexico, 2006.

<sup>22</sup> The Tarrant #6 plant, where workers had quietly formed a negotiating committee and elected a new union representative in Tehuacán (Rivas, 2003), was among the first to close (Centro de Apoyo al Trabajador, 2003g).

### *The Union Denied*

The network fully expected that the JLCA would wait until the end of the 60 day timeframe to issue a ruling, and then list technicalities in the denial as the easiest way to prevent unionization, as they had at Kukdong and Matamoros Garment (CAT field organizer, 2006). On the 59<sup>th</sup> day, the Puebla JLCA ruled against the SUITTAR union, denying the petition on procedural requirements as expected (Centro de Apoyo al Trabajador, 2003i).<sup>23</sup> The CAT responded by filing an appeal at the JLCA Special Board #3 (Centro de Apoyo al Trabajador, 2003j), and an injunction (*juicio de amparo*) against the JLCA at the Third District Court in Puebla, which if awarded, would force the labor board to award the union its registration.

With the Tarrant chain closing around them, SUITTAR workers interjected in the campaign, wanting to discuss an exit strategy that could extract full severance payments for the workers fired during the course of the campaign and the employees who would ostensibly lose their jobs when Ajalpan finally closed (Centro de Apoyo al Trabajador, 2003g). The CAT instead was intent on following up on the *amparo* filing. The CAT determined that given the impending closure of the plant, the union drive was over, but the *amparo* ruling served a second purpose in forcing the federal government to formally recognize JLCA collusion in preventing independent unionization. For the Tarrant workers, as long as the plant was still open, the movement had not folded. They were less interested in the *amparo* ruling than extracting severance pay when the plant eventually closed.

These tensions deepened as the labor situation dragged on without resolution. The CAT and the AFL-CIO then decided to add the Tarrant Ajalpan case to a petition they had filed on the closure of Matamoros Garment at the labor dispute panel established by NAFTA's labor side agreement.<sup>24</sup> with these two strategies occupying the CAT's time and resources, SUITTAR felt that the CAT had abandoned them once the workers demanded a more active role in decisionmaking, and the relationship between the groups deteriorated quickly (SUITTAR executive committee member, Altepexi, Puebla, 2006).<sup>25</sup>

In the end, SUITTAR could not wait for the *amparo* decision to come. Some workers were unable to get another *maquila* job due to a rumored blacklist

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<sup>23</sup> The reason given was that one of the 736 names in the petition was improperly transcribed in the second copy: of the documents: the maternal and parental last names were written in reverse order. (US Department of Labor, 2004) The JLCA also noted that the collective contract was already held by the *Sindicato Juvenil*, a union that was totally unknown by the workers (Rivas, 2003). It was the third union rumored to hold the contract.

<sup>24</sup> For a full discussion of the Puebla submission to the North American Agreement on Labor Cooperation (NAALC), see Nolan, 2009.

<sup>25</sup> At the time of my visit, I could not interview workers who had been involved in preparing the Puebla submission to the NAALC. Workers simply explained that the NAO case was the CAT's idea and that few people at Tarrant were involved in it.

circulating in Tehuacán.<sup>26</sup> With economic pressure mounting and the registration now denied, a number of workers fired in August opted for severance payments (Centro de Apoyo al Trabajador, 2003g). As the district court pushed the *amparo* hearing back until December, one plant manager approached the worker who was the named sponsor of the *amparo* filing, offering full severance for all workers in exchange for revoking the case. (Centro de Apoyo al Trabajador and United Students Against Sweatshops, 2004). While this decision reflected the interest of most of the workforce, it of course had implications for the CAT's *amparo* strategy. When the district court finally made its decision, it ruled against the workers: since they had been paid severance the week prior, there was no longer a pending labor conflict (Centro de Apoyo al Trabajador, 2003j).

While the CAT blamed the workers movement for ultimately losing the case, workers implied that the CAT used the movement to gain allies and resources (SUITTAR worker's coordinator, Altepexi, Puebla, 2006). Some SUITTAR workers closed ranks on the CAT in Tehuacán, painting them as opportunists from the city who had no business meddling in their problems, and with that the CAT was no longer welcome in Tehuacan. The Tarrant plant was finally closed by United Ventures on Feb 4, 2004. In the dispute over the direction the movement would take, the CAT had lost.

If the Matamoros Garment and Tarrant Ajalpan campaigns failed, submitting them to the NAALC process still did not resolve any of the labor struggles discussed in the course of the events.<sup>27</sup> Yet, for the workers, these cases were not failures. The support that workers received from transnational groups gave them the spark to start a workers' movement that still affects these communities, even though these factories never reopened. In the aftermath of Tarrant, labor relations improved in the *maquilas* that remained in the area. Tarrant workers that I spoke to said that because of the movement, the *maquila* owners took note of the way that the community supported the workers, and started to respect the work contract. Among the changes were that *maquilas* in the area stopped keeping workers overtime, overnight lock-ins stopped completely, the lunch hour was extended, transportation improved and most importantly to them, supervisors stopped swearing and spoke to them with respect (SUITTAR executive committee member, Altepexi, Puebla, 2006).

While the workers of Ajalpan and even their families were blacklisted from working in other factories in the region, the workers did receive full severance pay, a major victory in a region where other factory owners use the

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<sup>26</sup> The blacklist rumor had been circulating since Kukdong, but the WRC actually found one in the management office at the Mazara maquila during a 2008 audit (Worker Rights Consortium, 2008).

<sup>27</sup> The NAALC process does not have any channels for the direct redress of labor disputes. The Puebla cases merely ended with recommendations that the Ministers of Labor of Mexico and the US meet to discuss freedom of association issues in Mexico (Ministerial Consultations). For a discussion on the NAFTA labor side agreement, its structure, and its effects on Mexican labor practices, see Nolan, 2011.

*paro técnico* to avoid paying severance, or the protection unions negotiate payments at a percentage of the legal value (Juárez, 2002).<sup>28</sup> More so than this, the practice of forming a union, and especially going house to house to organize the workers, gave them a sense of power as a community that they had not experienced since the *maquilas* came to Tehuacán. Though a number of SUITTAR leaders were never able to work in the *maquilas* again, some felt that overall, they had scored a victory against the *maquila* owners because they had stood up for their rights against an array of powerful actors determined to deny them, and were taken seriously (SUITTAR leader, Altepexi, Puebla, 2006). As one blacklisted SUITTAR leader explained to me, “A few of us lost out, for sure. I can’t ever get another job. I do what I can. But in the end it was the community that won, all of us. Because they can’t do this to us anymore, they know that we are watching them” (SUITTAR executive committee member, Altepexi, Puebla, Mexico, 2006).

### ***Similar Strategies but Diverging Outcomes: Comparing Networks***

By all accounts, the formation and mobilization of a transnational advocacy network around the Kukdong workers is credited for the unprecedented resolution of the labor struggle. Transnational groups were able to mobilize support for workers at key points during these events in ways that favored the workers, which would not have been possible in the absence of transnational support. As these case studies illustrate, the differences in the network structure once the CAT determined that Matamoros Garment could be the next case to push for independent unionization was that key participants were absent, and so the CAT took the lead on building the network. The CAT in turn was the lead organization at the last case, Tarrant Ajalpan. With USAS only marginally involved in these two factories, and the Solidarity Center taking a less visible role, the network that formed at the local level was much less capable as an organization to push for the successful resolution of the labor struggles, first at Matamoros Garment and then at Tarrant Ajalpan. The main sources of these weaknesses were not the lack of informational resources, but rather, minimal avenues to apply economic leverage. I discuss these points below in reviewing the success at Kukdong and failure at Matamoros Garment and Tarrant Ajalpan.

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<sup>28</sup> Nearly everyone I met in Tehuacán made mention of extracting severance from Kamel Nacif, owner of the Azteca consortium and Puebla’s “King of Denim,” as a major symbolic victory for the *maquila* workers.

### *Informational resources*

The resources that groups in the network brought to Puebla were important in determining what sorts of strategies could be employed, and the kinds of tactics that could be used to push the worker's interests forward. Among these resources were informational resources, meaning the ability to contact a wider group of allies to support network goals. US and Canadian supporters had the contacts available to mobilize the information coming out of the factory to an influential audience, including labor rights and human rights advocates in the US and Canada. With access to local sources, transnational networks provided first-hand accounts from Workers at Kukdong that lent legitimacy to their claims, and built international support for the workers as the news went out on network websites and email lists. More than supplying organizational resources to get the word out, the network also had a physical presence in Atlixco that indicated to local authorities that the workers were being taken seriously outside of Mexico. Finally, the groups that came to Puebla gave workers access to new ideas and new strategies that were previously unknown to them. Workers were unaware of the codes of conduct that were in place at Kukdong, but USAS was intimately familiar as to how these commitments could be used to engage the brands at the factory (Wells and Knight, 2007).<sup>29</sup>

As the network shifted to Mexican leadership at Matamoros Garment, and then at Tarrant Ajalpan, these informational resources were largely intact, even if participating groups took on different roles in the network. As such, the network could rely on a similar strategy to engage the brands because the groups that were relied on for transmitting information were still involved. As such, the level of informational resources remained similar for all three cases.

The network could bring important economic leverage to bear on the Kukdong factory owners, both in terms of their ability to engage the brand to get involved at the factory, and their ability to threaten a consumer boycott. The decision to focus network strategy around Nike, rather than Reebok, was an important tactical decision made by USAS and the Solidarity Center that paid off for the network at Kukdong. Because of the prior campaigns against Nike, there are a mass of anti-sweatshop groups focusing on Nike's practices that helped to rally support for Kukdong wider than the groups that focused on Mexico could reach. Further, since there were just two brands involved in placing the bulk of the orders at Kukdong, and with so few clients, advocates were able to credibly assign blame for workplace conditions on a very small set of visible brands and concentrate their efforts on a single target. Nike became involved in the union struggle almost immediately, and commissioned the Verité report within three weeks of hearing about the strike (MSN, 2001).

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<sup>29</sup> It is very common that workers are unaware of the codes. Barrios also shows that in Tehuacán, the majority of workers in apparel maquilas do not know that the codes exist (Barrios and Santiago, 2004).

They also responded to the requests to ask for government intervention with the supervisors, and sent new orders to Kukdong when approached by the MSN at the end of the struggle. Further, because USAS and the WRC had a mandate to inspect the factory, the network was able to create a credible threat to cut orders to the factory with a consumer boycott. USAS students on campuses across the United States could talk to their schools about withdrawing orders, and were able to mount a boycott of Nike. Although the plant management they didn't support either union (Verité, 2001), the vulnerabilities to their multi-million dollar investment posed by the union struggle and potential loss of Nike's business provided the incentives that pushed them to negotiate with SITEMEX and the JLCA to resolve the issue.

Once network leadership shifted to the local level, the ability of the network to apply economic leverage was weakened, due largely by the absence of USAS as a key player, but also because the ability to engage a brand for the labor right violations varied in the second two factories. Though the CAT may have had support from a number of groups, it did not have any independent economic pressure to leverage on Puma at Matamoros Garment. Since USAS took a much smaller supporting role in this network, the credible threat to call a consumer boycott is thus missing as a source of material pressure. The CAT and their allies could release allegations that damaged the reputation of the company in order to enlist them to pressure the factory owners, but they had no credible way to threaten the brand economically through boycotts. In turn, Puma also had little economic leverage with the owners, as the owners of Matamoros Garment were too preoccupied with their financial problems to respond in any meaningful way to workers' concerns, favorably or otherwise. The potential loss of Puma to the owner was not enough for him to respond to worker demands, and in fact Puma had already canceled its contract with the plant months before the work stoppage occurred. Puma thus rebuffed the CAT's attempts to get them involved in the union fight for this reason, only reluctantly giving ground when the CAT became angry over the inspection report, and only then made promises about coming back once the factory was again functioning, which would be impossible. Puma was resistant to pressure from the network because they credibly rejected that they were responsible for working conditions in a plant they no longer used. Yet, the network still had to focus on Puma because they were the most visible brand at the factory, and they used codes of conduct that could be used to promote their position. When the Puma investigation was published, the network was less able to inflict damage to their reputation, as Puma had evidence that they believed was accurate to deny the allegations against them. When Puma finally accede to the flaws in their

investigation, their change in position came too late to save the factory, if that in fact were possible.<sup>30</sup>

The network's ability to marshal economic leverage at was weakest at Tarrant Ajalpan. There were multiple brands manufacturing at the plant, and as result, the loss of none of them alone would provide the economic leverage crucial to pressuring the factory owner to concede. The selection of Levis was one example. Because Levis only accounted for 20% of the factory output, much less than that CAT initially believed, the loss of the contract could be easily replaced. Further, focusing on that brand backfired when the network pushed Levis to respond, generating the unintended consequence of pulling orders from the factory. In turn, the network scrambled to find a brand where the responsibility for the factory would stick, with little luck. Rather than engage Tommy Hilfiger or the Limited even after they had stopped production, as they had done with Puma, the network ended up at the end pressuring every brand at the factory under both TAG and United Apparel Ventures, to no effect.

In addition, because the new owners were already major investors in the Tehuacán maquila consortiums, they were adamant that independent unions would not gain a foothold in the area. Kamel Nacif stated he would rather lose Levi's than undergo an independent inspection (Centro de Apoyo al Trabajador, 2003e) and would rather close in Puebla altogether rather than see unions come in (Centro de Apoyo al Trabajador, 2004). Further, they were able to follow through on these threats because they could shift the orders to other subcontracted factories, factories in the Azteca chain, or to other states while still producing the orders coming in, and isolating the factories with nascent union organizations. Table 1 provides a summary of the argument.

**TABLE 1. ORGANIZATIONAL RESOURCES**

	<b>KUKDONG</b>	<b>MATAMOROS GARMENT</b>	<b>TARRANT AJALPAN</b>
<b>INFORMATIONAL RESOURCES</b>	YES	YES	YES
<b>BRAND ENGAGEMENT</b>	YES	YES	NO
<b>BOYCOTT</b>	YES	NO	NO

<sup>30</sup> Some core network participants knew the extent of the financial problems, and approached the previous owners to arrange a transfer of the property to keep the factory open, given the promises by Puma to reinstate orders. That too was another unworkable solution.

The comparison of the networks here suggests that the ability to bring material pressure on the brands and factories is the key factor that explains why the Kukdong union was able to win the collective contract, and why the union drives were unsuccessful at Matamoros Garment and Tarrant Ajalpan. At Kukdong, a credible threat to exclude Nike from university apparel contracts set off a chain of events that ultimately replaced the protection union with an independent union. At Matamoros Garment, the ability to mobilize this leverage was considerably weaker, and allowed Puma to sidestep the CAT's allegations. At Tarrant Ajalpan, the network found it difficult to investigate the brands that were producing at the factory, first triggering that the major investor, Levi's, would leave and then scrambling to find other brands to target as the plant was leased to a new manufacturer. In this case, the network was unable to engage the brands to get involved in the labor struggle, much less threaten a consumer boycott.

## *Conclusions*

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Transnational advocates attempted to recreate the successes of Kukdong by following the strategies that had worked well in that factory. However, the network at Matamoros Garment and Tarrant Ajalpan had less organizational capacity to build a successful campaign given that a number of key players were missing. As the AFL-CIO wanted to see the CAT gain experience organizing *maquilas*, they were able to let them take a more important organizing role in the network that formed, but it also meant that the CAT had fewer contacts to draw on outside of Mexico. (AFL-CIO Solidarity Center, 2006). One result was the weaker ability to marshal economic leverage on the brands at the two factories, and especially in creating credible threat for a consumer boycott. Because the local networks were less able to use economic coercion in the course of the campaigns, the factory owners could ignore the worker's claims. Both Matamoros Garment and Tarrant Ajalpan closed without resolving the worker's complaints, and without achieving recognition of the independent unions that had formed at both plants.

This paper provides a case study of three labor rights networks to provide an example that generally responds to the questions posed by Silva (2009), and that might guide further work on analyzing the organizational capacity of local network participants. More work is needed here on building the theoretical propositions that could explain first, which strategic aspects of networks are important for predicting whether local NGO networks will succeed in promoting labor rights, and second, whether we should expect that secondary networks should generate weaker networks, as in these cases. As the case studies here illustrate, network participation matters for case outcomes, and transnational participation is crucial for providing the types of resources that lead to case successes. But while the Matamoros Garment and Tarrant Ajalpan cases suggest that secondary networks are necessarily weaker without transnational allies, participation in a transnational network could also serve as a learning experience for local groups that allows them to learn from mistakes, foresee pitfalls, or strengthen negotiation skills in ways that would strengthen local networks.

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