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Child labour continues to be an increasing problem in India. Some estimates suggest over 100 million children are employed in some capacity in that country. Despite a strong legislative and policy framework aimed at eradicating and regulating the problem, child labour continues unabated. As a result, child labour advocates have pursued the issue of child labour at the Supreme Court of India.

Child labour will continue in India unless the government begins to better enforce its own laws on the issue and develops policies to attack the causes of child labour. Though pursuing human rights claims as a tool in social and economic development is a growing phenomenon in India and around the world, the courts alone cannot effect change. This rights-based approach to development can empower people living in developing countries, making them aware of their rights and their entitlements, but it must be used in concert with strong government policies.

Following the less than spectacular results accomplished by the implementation of conditionality driven structural adjustments and macroeconomic reforms during the early and mid-1980s (i.e., the “lost decade”), Mexico began, in the late 1980s and continuing into the 1990s, the long overdue process of overhauling its public institutions. The introduction of these so-called “second generation” reforms served as an implicit acknowledgment of the fact that the pursuit of liberal economic and political policies was, in the absence of an efficient, accountable, and confidence-inspiring public administration and judiciary, akin to building on quicksand. Heralded as the missing link required for the successful consolidation of Mexico’s neoliberal development agenda, the federal judiciary’s “silent revolution” did much to improve judicial independence, the administration of justice, and the rule of law. In spite of these advances, however, analysis of a select set of legal, socio-political, and economic indicators suggests that second generation legal reforms have not, nearly twenty years after the passage of the initiative which marked the inception of the silent revolution, positively impacted Mexico’s capacity for sustainable development. After briefly exploring the possible explanations for and implications of this outcome, the article concludes by making a series of policy recommendations geared towards further improving the rule of law, enhancing the operation of the free market, strengthening the protection of individuals and private property, and deepening the quality of Mexico’s nascent democracy.

NOTES

FROM DRUGS TO TERRORISM: THE FOCUS SHIFTS IN THE INTERNATIONAL FIGHT AGAINST MONEY LAUNDERING AFTER SEPTEMBER 11, 2001

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This Note explores the evolution of international anti-money laundering efforts. When the international community began its fight against money laundering in the 1980s, the focus was stopping the spread of drugs. After the attacks of September 11, 2001, that focus quickly changed to thwarting terrorist funding. This Note first assesses the extent of the money-laundering problem, then examines the role of the international community in the global anti-money laundering effort through various organizations, particularly the Financial Action Task Force, and analyzes the efforts of one jurisdiction, the Cayman Islands, to combat money laundering. This Note concludes by (a) arguing that anti-money laundering efforts have improved because of the post-September 11 anti-terrorism movement and (b) suggesting measures jurisdictions should implement to bolster the international anti-drug money laundering framework.

TRANSBOUNDARY GROUNDWATER MANAGEMENT: OPPORTUNITIES UNDER INTERNATIONAL LAW FOR GROUNDWATER MANAGEMENT IN THE UNITED STATES -MEXICO BORDER REGION

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International law has largely ignored or discounted the importance of groundwater as a shared resource. While international river systems are governed by complex networks of bilateral and multilateral conventions, treaties, and agreements, transboundary aquifers are rarely subject to international control. Yet this "invisible" resource is of critical importance to the human and natural communities that depend on underground sources of water for sustenance. As population and industry explode along the U.S.-Mexico border, the sustainability of border communities and economies is intimately connected to the fate of our shared aquifers. Transboundary aquifers are remarkable both for their hydro-geological diversity and for the

relatively low level of knowledge that exists to guide policy makers. The complexity of finding workable solutions to shared resource management is compounded by the divergent legal, socio-economic, and institutional characteristics on each side of the U.S.-Mexico border. International law, while developed to serve broad-scale, international and regional purposes, is an essential part of effective transboundary groundwater management. The history of international customary law and the evolution of multilateral agreements on shared water resources are appraised here in the context of transboundary groundwater management. Particular attention is given to the legal mechanisms established under the North American Agreement on Environmental Cooperation, a NAFTA side agreement, the International Boundary and Water Commission, and bilateral treaties between the two countries.

THE LABOR AND ENVIRONMENT CHAPTERS OF THE
UNITED STATES-CHILE FREE TRADE AGREEMENT:
AN IMPROVEMENT OVER THE WEAK ENFORCEMENT
PROVISIONS OF THE NAFTA SIDE AGREEMENTS ON
LABOR AND THE ENVIRONMENT?

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The United States-Chile Free Trade Agreement (U.S.-CFTA), the first between the United States and a South American nation, is considered to be a strategic step toward the creation of a Free Trade Area of the Americas (FTAA). As such, its labor and environmental provisions may be used as a model for future bilateral and regional agreements, as well as the hemispheric FTAA. This Note compares the U.S.-CFTA labor and environmental provisions with the North American Free Trade Agreement (NAFTA) side agreements on labor and the environment in order to analyze their relative strengths and weaknesses. Chile's labor and environmental legislation and enforcement are also examined to determine whether Chile's levels of protection are consistent with the standards articulated in the agreement. This Note contends that the U.S.-CFTA labor and environmental provisions build on the recognition for labor and environmental protections and the framework for enforcement under the NAFTA side agreements, but include limitations which underscore the difficulty in raising such standards through free trade agreements.

