

International Law

In-Class Activity: The FTFWC

Ole J. Forsberg, Ph.D.

Creighton University

Two years ago, the countries of Urbania, Resourcia, Factoria, and the United States entered into a multilateral free trade and fair working conditions agreement (the “FTFWC”). The terms of the agreement ensure the free movement of goods and prohibit workers from putting in more than 85 hours of work per week, with an exception for lawyers, and provides for a minimum wage equivalent to US \$5.00. The trade agreement was signed and ratified by all four parties.

Prior to the agreement, all of the signatory states, along with the majority of other non-signatory states had minimum wage requirements substantially similar to those in the agreement.

Nearby Lowagea has decided not to join the FTFWC. The United States and Urbania continue to trade with Lowagea, as it has a huge supply of Reallineed, manufactured by a state-owned company. Lowagea has never agreed that the minimum wage is a good thing and has never provided one. It was recently discovered that Reallineed can be used in cell phones as a radiation buffer; in order to encourage other countries to buy more Reallineed, Lowagea began having its Reallineed manufacturers work 100 hours a week for US \$0.75 an hour in order to decrease its production costs. Although the Lowegean constitution proclaims the absolute rights of the workers, it appears that workers who refuse to work for all of their assigned periods are being chained to their machines without food, water, or bathroom breaks until they are finished.

Last year, New York State passed a statute prohibiting any persons or companies subject to NY state jurisdiction from trading with Lowagea or any other country that trades with Lowagea. Urbania alleges that as a result of this statute, the United States is in breach of the FTFWC. Resourcia alleges that Lowagea is in violation of international law.

Discuss the validity of these allegations, whether and how they might be decided, and also any other legal issues arising from these facts which seem likely to have legal consequences.