the other nations in the world. Rich local differentiation is to be expected. The idea that a comprehensive and detailed code could attend to all such differences is a dubious one. This is unquestionably one of the motivations for the shift within the ILO to the Declaration and the concentration upon four core labour rights.

It should also be noted that it has been an implicit understanding in these North American style agreements that, at least formally, there are adequate legal provisions regarding the four core labour rights. Canada is highly unlikely to sign such an agreement with a "rogue" state such as Burma. That is, these bilateral arrangements have their own built in "fail-safe" mechanisms in terms of assessing whether promotion and capacity building are the essential problems, rather than simple lack of political will, or oppression.

The other essentially correct element of the agreements within the Americas is their "promotional" nature. This is true in spite of the fact that there are "complaint" procedures and, in theory, hard remedies at the end of the day (except in the case of Costa Rica). The Costa Rica agreement may in fact reveal not only a more realistic assessment of what the agreements are all about - not real sanctions, but rather remedies aimed at promotion - but also a more coherent view of the matter.

While I do take the view that the differences between the ILO approach and the agreements in the Americas is often overestimated, this a difficult point for some to agree with – they view local enforcement of local law as providing no guarantee against a "race to the bottom" in labour policy. The view taken in this study is that much prior discussion of such races should now be view as suspect and that the problem is now better seen as not one of states making what are individually rational economic decisions which result in globally sub-optimal outcomes for all (the definition of a race to the bottom) but, rather, violation of core standards is economically irrational (and a violation of basic rights - but that is another point) for any individual state regardless what other states do. That is a key insight of the coherence approach.

On the old view it is the case that enforcement of domestic law is insufficient to prevent undesirable regulatory competition towards suboptimal standards. And for some the answer has been to suggest the incorporation of "Non- derogation" language into agreements. The idea – assuming tolerably good standards to begin with – is the parties to agreements promise not to derogate from – ie lower – those standards in the competition for investment. (This idea was mooted in connection with the MAI negotiations and is incorporated in the NAFTA chapter 11 on investment.) The very real problem with this approach is, however, pretty obvious and is that it locks states making such commitments into existing regimes which are assumed to be optimal to begin with and to remain optimal over time. There are real dangers here revealed, to take an example at the time of writing in the current political debate in Italy about labour law reform. Many view the proposed " deregulation" as beneficial and overdue – others disagree and led to large protests (and the murder of Marco Biagi). But leaving aside the merits of that debate it seems obvious that this is precisely the kind of issue which ought to be debated democratically from time to time. And, moreover, it may well be the case that Italy's laws should be changed precisely to provide a fairer more productive law which will