A Citizen’s Guide to THE World Trade Organization

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EVERYTHING YOU NEED TO KNOW TO FIGHT FOR FAIR TRADE

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THE WTO AND CORPORATE GLOBALIZATION

What do the U.S. Cattlemen’s Association, Chiquita Banana and the Venezuelan oil industry have in common? These big business interests were able to defeat hard-won national laws ensuring food safety, strengthening local economies and protecting the environment by convincing governments to challenge the laws at the World Trade Organization (WTO).

Established in 1995, the WTO is a powerful new global commerce agency, which transformed the General Agreement on Tarriffs and Trade (GATT) into an enforceable global commercial code. The WTO is one of the main mechanisms of corporate globalization. While its proponents say it is based on “free trade,” in fact, the WTO’s 700-plus pages of rules set out a comprehensive system of corporate-managed trade. Indeed, the WTO has little to do with the 18th Century free trade philosophy developed by David Ricardo or Adam Smith, who assumed neither labor nor capital crossed national borders.

Under the WTO’s system of corporate-managed trade, economic efficiency, reflected in short-run corporate profits, dominates other values. Decisions affecting the economy are to be confined to the private sector, while social and environmental costs are borne by the public.

Sometimes called the “neoliberal” model, this system sidelines environmental rules, health safeguards and labor standards to provide transnational corporations (TNCs) with a cheap supply of labor and natural resources. The WTO also guarantees corporate access to foreign markets without requiring that TNCs respect countries’ domestic priorities.

The myth that every nation can grow by exporting more than they import is central to the neoliberal ideology. Its proponents seem to forget that in order for one country to export an automobile, some other country has to import it.

The WTO Hurts U.S. Workers - Steel

More than 10,000 high-wage, high-tech workers in the U.S. steel industry lost their jobs this past year as U.S. factories laid off workers in response to a surge of imports from Japan, Russia, and Brazil. This import surge was caused in part by the WTO’s equally problematic “cousin” organization, the International Monetary Fund (IMF), which pushed countries to increase their exports to the U.S. as a way to get out of the financial crisis caused in part by past IMF policies. The United Steel Workers of America joined with steel industry leaders to ask the President for emergency relief. The President said he would not help because WTO rules forbid such action.
of its current rules before negotiating new agreements. This booklet explains what the WTO is, how it is damaging the public interest, how corporations and some governments want to expand WTO’s powers, and what you can do.

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**WHAT IS THE WTO AND HOW DOES IT WORK?**

“More and more the WTO is under pressure to expand its agenda because more and more it is seen as the focal point for the many challenges and concerns of globalization.”

- Renato Ruggiero
  WTO Director General

The WTO is the international organization charged with enforcing a set of trade rules including the General Agreement on Tariffs and Trade (GATT), Trade Related Intellectual Property Measures (TRIPS), General Agreement on Trade in Services (GATS), among others. WTO was established in 1995 in the “Uruguay Round” of GATT negotiations.

Prior to the Uruguay Round, GATT rules focused primarily on tariffs and quotas. Consensus of GATT members was required to enforce the rules. The Uruguay Round expanded GATT rules to cover what is known in trade jargon as “non-tariff barriers to trade.” These are food safety laws, product standards, rules on use of tax dollars, investment policy and other domestic laws that impact trade. The WTO’s rules limit what non-tariff policies countries can implement or maintain.
Currently there are 134 member countries in the WTO and 33 nations with observer status. Officially, decisions in the WTO are made by voting or consensus. However, developed countries, especially the so-called QUAD countries (U.S., Canada, Japan and the European Union), repeatedly have made key decisions in closed meetings, excluding other WTO nations.

The WTO’s lack of democratic process or accountable decision-making is epitomized by the WTO Dispute Settlement Process. The WTO allows countries to challenge each others’ laws and regulations as violations of WTO rules. Cases are decided by a panel of three trade bureaucrats. There are no conflict of interest rules and the panelists often have little appreciation of domestic law or of government responsibility to protect workers, the environment or human rights. Thus, it is not surprising that every single environmental or public health law challenged at WTO has been ruled illegal.

WTO tribunals operate in secret. Documents, hearings and briefs are confidential. Only national governments are allowed to participate, even if a state law is being challenged. There are no outside appeals.

Once a final WTO ruling is issued, losing countries have a set time to implement one of only three choices: change their law to conform to the WTO requirements, pay permanent compensation to the winning country, or face non-negotiated trade sanctions. The U.S. official position is that ultimately, laws must be changed to be consistent with WTO policy.

THE WTO’S RECORD: THREATS TO DEMOCRACY, HEALTH AND THE ENVIRONMENT

When the WTO was created, concerned citizens and public interest organizations warned that the combination of the WTO’s pro-industry rules and powerful enforcement would pose a threat to laws designed to protect consumers, workers, and the environment. Almost five years later, there is a clear record: the cases settled under WTO rules show the WTO’s bias against the public interest.

CASE: On behalf of its oil industry, Venezuela challenged a U.S. Clean Air Act regulation that required gas refiners to produce cleaner gas. The rule used the 1990 actual performance data of oil refineries required to file with EPA (mostly U.S. refineries) as the starting point for required improvements for refineries without reliable data (mostly foreign). Venezuela claimed this rule was biased against foreign refiners and took the case to the WTO.

RESULT: A WTO panel ruled against the U.S. law. In 1997, the EPA
changed the clean air rules to give foreign refiners the choice of using an individual baseline (starting point). The EPA acknowledged that the change “creates a potential for adverse environmental impact.”

**Implication:** Refiners from Venezuela and other countries will use the individual baseline option only if it gives them a weaker starting point, and thus lets them sell dirtier gasoline in the U.S., which would deteriorate air quality. The WTO gives businesses a special avenue to challenge policies, like the Clean Air rules, which have withstood domestic challenges.

**The Beef Hormone Case**

**Case:** The U.S. challenged a European Union ban on the sale of beef from cattle that have been raised with certain artificial growth hormones.

**Result:** In 1998, a WTO appellate panel ruled against the EU law, giving the EU until May 13, 1999 to open its markets to hormone-treated beef.

**Implication:** The ban on artificial hormones applies equally to European farmers and foreign producers. If European consumers and governments are opposed to the use of artificial hormones and are concerned about potential health risks or want to promote more natural farming methods, they should have the right to enact laws that support their choices. Instead, the WTO empowers its tribunals to second-guess whether health and environmental rules have a “valid” scientific basis.

**The Shrimp Turtle Case**

**Case:** Four Asian nations challenged provisions of the U.S. Endangered Species Act forbidding the sale in the U.S. of shrimp caught in ways that kill endangered sea turtles.

**Result:** In 1998, a WTO appellate panel decided that while the U.S. is allowed to protect turtles, the specific way the U.S. tried to do so was not allowed under WTO rules. The U.S. government is now considering ways to change the law to comply with WTO.

**Implication:** It is possible to catch shrimp without harming turtles by fitting shrimp nets with inexpensive “turtle excluder devices.” U.S. law requires domestic and foreign shrimp fishermen to use turtle-safe methods. The goal of saving turtles could be undercut by the WTO’s second-guessing of how U.S. policy should be implemented, given the most inexpensive, effective means has been ruled WTO-illegal.
**THE CARIBBEAN BANANA CASE**

**Case:** The U.S. argued that European trade preferences for bananas from former European colonies in the Caribbean unfairly discriminate against bananas grown by U.S. companies in Central America.

**Result:** In 1997, a WTO panel decided that European preferences for Caribbean bananas are WTO-illegal. The EU proposed a new policy that the U.S. claims still violates WTO rules. The U.S. was granted authority by the WTO to impose $200 million in trade sanctions against European imports until the EU changes the policy to suit WTO demands.

**Implication:** The Caribbean’s tiny share of the EU market for bananas is the major source of revenue and jobs in some Caribbean nations where mountainous terrain rules out other crops. If Europe abandons its policy to comply with the WTO, some 200,000 small farmers in very poor countries could lose their livelihoods.

Officials in small Caribbean nations worry that implementation of the WTO ruling will destabilize their economies and democracies. The U.S. drug czar noted that the policy change could make these countries more vulnerable to drug trafficking.

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**Rotten bananas - Corporate interests trample workers**

According to Caribbean women’s groups, “The assured market for bananas has given thousands of families in the sub-region of the Windward Islands a measure of security and has afforded us dignity and self-reliance.

The loss of this security through a sudden change in market opportunities would leave us without resources to build a future for our families and our countries.”

Why is the U.S. launching a trade war over a product it doesn’t even grow? Perhaps huge campaign donations by Chiquita CEO Carl Lindner are a big reason. According to the Washington Times (8/25/97), Lindner gave more than half a million dollars in 1998 in campaign contributions to both parties. The giant Chiquita plantations in Central America are notorious violators of workers’ health and the right to organize, but this has not prevented the Clinton Administration from pleading their case.

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**The WTO’s Built-In Agenda and the “New” Issues**

Different countries and interests have different agendas for the WTO’s Seattle Ministerial meeting. There are three sets of issues: First, many WTO agreements (Agriculture, Intellectual Property, Services) have built-in reviews set for specific time periods. These reviews do not necessarily require new deregulation talks. The second category includes commitments made at past WTO
ministerial meetings to conduct future negotiations on agriculture and services. The key question that will be resolved during this year is whether a third category of "new issues" will be moved into the WTO. Inclusion of these “new issues,” such as investment, competition policy and government procurement, would expand the power of the WTO further than ever before.

EXISTING AGREEMENTS

TRIPS AGREEMENT

The Trade-Related Intellectual Property Agreement (TRIPS) sets enforceable global rules on patents, copyrights and trademarks.

The pharmaceutical industry exercised heavy influence on TRIPS negotiations. As a result, the final TRIPS pact requires countries to adopt U.S.-style intellectual property laws, such as those granting monopoly sales rights to individual patent holders for extended time periods. TRIPS requires nations like India, Argentina and Brazil to abandon many policies that help them to develop local pharmaceutical production and make drugs affordable and available to poor consumers.

Pharmaceutical companies hope that new WTO intellectual property negotiations will enable them to tighten the rules even further, with developing countries losing the modest options left to make essential medicines, including those for prevention and treatment of HIV/AIDS, more available.

THE SPS AGREEMENT

The WTO’s Agreement on Sanitary and Phytosanitary Standards (SPS Agreement) sets constraints on government policies relating to food safety (bacterial contaminants, pesticides, inspection, labeling) and animal and plant health (imported pests, diseases).

The SPS agreement goes well beyond forbidding discrimination between domestic and foreign goods. It also sets limits on the level of safety a country can choose, even if it applies it equally to domestic and foreign goods. For instance, the SPS rules undercut countries’ use of the “Precautionary Principle,” which calls for policies to err on the side of precaution when there is not yet scientific certainty about potential threats to human health and the environment. The SPS rules, on the other hand, err on the side of protecting trade flows at all costs.

Beef Hormone. The Precautionary Principle was eviscerated in the WTO’s Beef Hormone ruling. The SPS Agreement puts the burden of proof on countries to scientifically demonstrate that something is dangerous before it can be regulated. The WTO dispute panel declared that the European Union lacked sufficient scientific proof that artificial hormone treated beef can threaten human health. The EU must eliminate the ban or face trade sanctions.

Exotic Pests. Invasive “exotic species,” such as the Asian Long-Horn Beetle, are second only to habitat loss...
as a cause of species extinction and cost the U.S. economy approximately $123 billion annually. Under SPS rules, governments must prove that a particular pest or exotic species could be harmful before applying safeguards intended to keep it out. Yet scientists agree that it is impossible to predict all forms of damage posed by all insects or pest plants. Without the precautionary principle, forests have to be infested and devastated by beetles before a safeguard can be applied.

Food Labeling. The WTO declared an obscure agency — Codex Alimentarius (an agency known to have a thick corporate presence) — as the arbiter of food safety standards for the world. This move was seen as a significant threat to hard-won consumer protections. Even worse, the Clinton Administration now argues that SPS rules restrict a country’s right to label products with information that consumers care deeply about, such as the production method (e.g. “organic”) or genetic manipulation. This would dramatically limit consumers’ right to know.

“Since 1987, U.S. services exports have more than doubled, reaching $239 billion last year.”
- U.S. Dept. of Commerce

The General Agreement on Trade in Services (GATS) is one of 15 Uruguay Round agreements enforced under the WTO. GATS calls for continuing negotiations, although major telecommunications and financial services deregulation agreements have already been completed in the past four years, further services talks are still on the WTO’s built-in agenda. Indeed, the industry and now U.S. Trade Representative Charlene Barshefsky are calling for new coverage of health and education under WTO rules. Explicit coverage under GATT terms of water and water systems, including municipal drinking water, may also be included on the GATS agenda.

GATS terms include commitments by each country to deregulate each service sector. Further financial service deregulation is one of the “back doors” to slip parts of the MAI into the WTO.
THE AGREEMENT ON AGRICULTURE

The Uruguay Round Agreement on Agriculture set rules on international food trade and on domestic ag policy. These rules have accelerated the rapid concentration of agribusinesses and undercut poor countries’ ability to maintain food self-sufficiency through subsistence agriculture.

The agreement assumes that rather than being self-sufficient in food, countries will buy their food in international markets using money earned from exports. However, many “less developed” countries face low commodity prices for their limited range of exports. During the WTO’s first four years, the prices of agricultural commodities fell to record lows, while food prices remained high. This system can hurt both farmers and consumers and paves the way for TNCs to dominate markets, especially in poor countries.

Rules are needed to address the rapid concentration in agribusiness. A small handful of companies trade virtually all the world’s corn, wheat, and soybeans. For example, were Cargill to succeed in its current bid to buy Continental’s grain operations, it would control more than 40% of all U.S. corn exports, a third of all soybean exports and at least 20% of wheat exports. This increased consolidation has led to near monopoly conditions in both the farm supply industry and in the food processing and distribution systems.

NEW ISSUES

MAI IN THE WTO

The Multilateral Agreement on Investment (MAI) aimed to set strict global rules limiting governments’ right and ability to regulate currency speculation, investment in land, factories, services, stocks, and more. It was negotiated in secret for two years at the Organization for Economic Cooperation and Development (OECD), a club of 29 of the world’s richest countries. Negotiations were pushed by TNCs and major business lobbies worldwide.

In 1997, the deal started to unravel when activists exposed the potential corporate power grab. By December 1998, the OECD threw in the towel and ceased negotiations. Now many OECD countries, led by the EU, want to revive the MAI by putting it in the WTO.

The MAI would have:

- forbidden consideration of company or country human rights, labor or environmental records as investment criteria
- prevented governments from promoting local economic development by granting big foreign corporations new absolute rights to enter markets and get preferential treatment.
- banned certain investment ‘conditions’ altogether, such as requiring recycled or domestic content in manufacturing or hiring local workers
The Clinton Administration has made it a priority to have a “forest products” agreement signed in Seattle. The proposed “Global Free Logging Agreement” would expand global consumption of paper, pulp and other wood products by 3-4% says industry. It also could restrict certain pro-environmental government policies. It could pose a major threat to endangered forests, ecosystems or biodiversity. Eliminating tariffs on forest products will result in an increase in consumption and logging at a time when the world’s native forests are facing extinction. According to the World Resources Institute, nearly one-half of the world’s original forest cover is gone. Of the remaining original forests, most is severely degraded, while only 22% remains as large tracts of relatively undisturbed frontier forests.

Local officials realized how the MAI would jeopardize their ability to serve their communities. Many city councils, such as San Francisco, Seattle, Geneva and others rallied against the MAI by passing local resolutions declaring their communities “MAI Free Zones.” It will take the continued alliance of activists, local governments and unions to prevent the MAI from being reborn at the WTO.

The negotiations could also threaten important environmental rules that the WTO considers to be non-tariff barriers to trade: for example, the federal ban on the export of raw logs from most public lands which was created to protect endangered forests. Popular eco-labeling or certification policies (such as those in Arizona, New York and Tennessee) which require tropical rainforest wood purchased by government to be sustainably harvested, could also be considered non-tariff barriers.

The Clinton Administration should be living up to its “pro-environment” rhetoric by writing trade agreements that protect forests and ecosystems.
Rather than pursuing a Global Free Logging Agreement.

COMPETITION POLICY

TNCs view efforts by governments to foster local economic development by restricting TNCs’ access to local markets as being an anti-competitive practice. With support from the European Union, TNCs want new absolute rights to enter and operate in any country to be agreed in the proposed WTO Millennium Round. Proponents cynically argue that local firms, especially in developing countries, will “benefit” by becoming more efficient when facing competition from abroad. In reality, removing governments’ ability to avoid monopolization of markets by huge TNCs will only lead to more of the takeovers, mergers and other consolidation of industry that is undermining real competition.

GOVERNMENT PROCUREMENT

The Uruguay Round even included rules on how governments can spend our tax dollars. Under these rules, governments cannot take political, social, environmental, or justice issues into account when deciding what or from whom to buy. Basically, the rules forbid all non-economic considerations, such as preferences for recycled paper or bans on products from certain nations. However, unlike all of the other rules enforced by WTO, not every country was required to sign on to the procurement rules which cover 26 countries and some U.S. states. Now some countries want these rules to become compulsory for all WTO members (and for the states, provinces, and regions within each country) in the proposed “Millennium Round” of negotiations. Government procurement dwarfs current trade flows in dollar value.

Burma Human Rights

In 1996, Massachusetts passed a law to discourage state government purchases (procurement) from companies doing business in Burma to protest the Myanmar military dictatorship’s egregious human rights abuses. The law was identical to state legislation passed in the 1980s to support the anti-apartheid movement in South Africa.

However, this time the affected corporations used the WTO to protect their interests. With TNC encouragement, the E.U. and Japan challenged the law at the WTO as a violation of the WTO government procurement pact.

Local, state and federal governments use government procurement to achieve domestic policy goals from increasing local employment to awarding public contracts to firms owned by women or minorities to spur economic development in these groups. In the U.S., thanks to federal government set-aside programs, 23% of firms owned by women of color have some sales to the government. TNCs are attacking these programs and policies as interfering with the “free” market. If TNCs get their way, government purchasers will join the race to the bottom.
When the WTO countries meet in Seattle, they will finalize a “Ministerial Declaration” that will announce the future WTO agenda. At the end of the previous Round, WTO members agreed to form committees to consider agriculture, services and intellectual property rights (now called the “built-in agenda”). Now some countries want to add investment (the MAI), procurement and competition policy, calling for the launch of a “Millennium Round” of negotiations. Whatever future negotiations might be agreed, further deregulation favoring private interests can be anticipated.

The European Union wants to launch a Millennium Round at Seattle. The U.S. favors the more limited built-in agenda. Some developing countries are strongly opposed to further negotiations since deregulation and privatization have hurt them. They oppose a new Round and call for a turn-around of the WTO, a theme which is being echoed by a growing consensus of activists worldwide, see www.xs4all.nl/~ceo/

**TAKE ACTION!**

✿ Educate yourself and others about the WTO! Check out the contact list of web-pages listed on pages 23-25 for additional information.

☒ Write your Member of Congress, both your Senators and local elected officials. Urge them to oppose the launch of a new round of WTO negotiations in Seattle and to endorse an assessment of the WTO’s record to date. Urge members of Congress to sign Rep. Bernie Sanders’ (I-VT), “Dear Colleague” letter demanding WTO review and repair.

 pdo Contact the U.S. negotiators and tell them why you think we should conduct an assessment of the WTO rather than expand it. Make sure to mention that you oppose any investment negotiations in the WTO.

U.S. Trade Representative (the agency in charge of WTO talks) is Charlene Barshefsky, phone: 202-395-6890, fax: 202-395-4549
White House: John Podesta 202-456-1414
Vice President Gore: 202-456-1111

☒ Write a letter-to-the-editor about why we need to assess WTO’s current record, not expand its reach further. Find sample letters on the web-pages listed on page 23.

 pdo Sign and circulate the international organizational sign-on letter opposing a new round of negotiations and demanding a WTO assessment (www.xs4all.nl/~ceo/).

☒ Participate in days-of-action against a “Millennium Round.” More information will be posted on the web-sites on page 23.
Organize a Teach-In, town hall meeting, debate etc. on the WTO and globalization. Focus on local consequences. Invite proponents and opponents of so-called “free-trade.”

Come to Seattle for the ministerial meeting! The meeting will take place from November 29 through December 3, and will include a major international Teach-In organized by the International Forum on Globalization (IFG) the weekend before, street festivities, education, cultural activities, protests and much more. Contact People for a Fair Trade Policy (Seattle based toll-free at 1-877-STOP-WTO or 786-7986) or www.tradewatch.org

CONTACTS

The World Trade Organization
www.wto.org, Geneva, Switzerland, (+ 41 22) 739 51 11

General

Agriculture and Food Policy
♦ Institute for Agriculture and Trade Policy. www.iatp.org, Minneapolis, MN (612) 870-3405
♦ National Family Farm Coalition. Washington, DC (202) 543-5675

Developing Country Perspective
Third World Network.
www.twnside.org.sg, Penang, Malaysia, + 60-4-2266728.
♦ 50 Years Is Enough Network, www.50years.org, (202)-463-2265

Economic/Political
♦ Alliance for Democracy. www.afd-online.org, Washington, DC (202) 244-0561
♦ United for a Fair Economy. www.stw.org, Boston, MA (617) 423-2148

Environment
♦ Friends of the Earth. www.foe.org, Washington, DC (202) 783-7400
♦ Pacific Environment and Resources Center (PERC). www.pacenv.org, Oakland, CA (510) 251- 8800
♦ Sierra Club. www.sierraclub.org, Washington, DC (202) 547-1141 (202) 778-9721
♦ Defenders of Wildlife. www.defenders.org, 202-682-9400
Millennium Round- name given by European Union officials to their call for broad new trade negotiations they hope will be agreed at the 1999 WTO Ministerial and launched thereafter.

OECD- Organization for Economic Cooperation and Development describes itself as “an intergovernmental organization comprising 29 advanced economies from Europe, North America, and the Pacific Region.” Until the MAI talks, OECD has served as a think tank for rich countries.

IMF- The International Monetary Fund is one of the three Bretton Woods organizations set up after World War II along with GATT and the World Bank. The IMF’s original role was to help with short-term cash crunches relating to trade financing. In recent decades the IMF has morphed into providing long-term loans to developing countries on the condition that these countries reorganize their laws and economies to prioritize servicing debt, for instance by cutting government spending and liberalizing trade and investment rules.

IPRs- “Intellectual property rights” are ownership rights on designs, formulas, information, or processes. IPRs include patents (exclusive rights to sell a product or use a process for manufacturing a product); copyrights to creative material such as books or films; and trademarks to brand names. The WTO TRIPs agreement requires countries to grant strong protection of IPRs.
**GMOs**- “Genetically modified organisms” are animals, plants or microorganisms scientists *create* by manipulating genetic material. GMOs often are developed by inserting genes from one species into another.

**Single undertaking**- A round of trade talks including multiple sectors in which various issues are bargained off for each other. At the end of negotiations, countries either accept or reject the entire package; they cannot select parts of the deal *a la carte*.

**Early Harvest**- Unlike a single undertaking, this negotiating strategy calls for specific issues or pieces of a broad negotiation to be “harvested” early by signing an agreement on one of the issues under negotiation before the entire negotiation is complete.

**Director General**- Title given to the head of the World Trade Organization.

**Tariffs**- Taxes on imported products set as a percentage of the product’s value. They are collected at the importing country’s border. GATT negotiations over the past 50 years have lowered tariffs on most products.

**NTMs or NTBs** - “Non tariff measure” or “Non-tariff barrier” is trade terminology for any government policy that is not a tariff but may affect trade.

**Precautionary Principle**- Well-accepted principle that in cases of scientific uncertainty, governments should take action erring on the side of protecting health and the environment. This principle has been attacked under WTO rules requiring governments to have scientific evidence to regulate imports of potentially dangerous products.

**Uruguay Round**- The most recent past multi-sectoral GATT trade negotiations started in 1986. It established the WTO and included a major expansion of GATT into new issues such as services, IPRs and some investment issues.

**TRIPS**- “Trade Related Intellectual Property Rights.” See page 11.

**GATS**- “General Agreement on Trade in Services.” See page 14.


**MAI**- “Multilateral Agreement on Investment.” See page 16.

**TRIMS**- “Trade Related Investment Measures.” See MAI page 16.

**TNCs**- Transnational Corporations.
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