

**Comparative Trade Blocs and International Civil Society --
Transnational Movements, WTO and the Alternative Agendas
POL 6815
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This year particular attention will be paid to the new trade agenda necessitated by the 'deadlock in Seattle'. Some of the special topics to be emphasized include: international civil society and the new social movements, the concept of protectionism, the jingo word for trade liberalizers, social dumping, new rules for international business, labour standards, WTO dispute resolution practices and the proposed broadening and deepening of the trade agenda by mainstream experts as well as the alternative trade agendas proposed by civil society actors.

Our starting point is the Millennium trade round, the international civil society countermovement and the dramatic change in public opinion post-Seattle and post-Prague that has paralyzed the WTO for the time being. The most contentious and important issues are whether are not to include labour, health and human rights standards as part of the WTO framework, the controversial TRIPs and TRIMS provisions to extend the WTO to social services, the issues of public health and safety measures in the WTO trade regime, the framework as well as the adequacy of the WTO's dispute panel process and leading WTO decisions with respect to generic drugs, intellectual property, state aids.

Further Canada's participation in the WTO offers a unique lens through which to view the key issues that are now on the world's trading agenda, including health and labour standards, intellectual property, cultural sovereignty and the role of the state in shaping a country's comparative advantage. From a Canadian perspective, Canada's active involvement in leading trade disputes raises the following issues:

- How effective has Canada's participation in these leading decisions been in advancing Canada's interests?
- What global and strategic objectives does Canada have to guide its participation in the WTO and the dispute specific process in addition to its own interest?
- Is there an international body of jurisprudence emerging, from the WTO, on key issues such as health and labour standards, cultural policy and state aids, which will affect Canadian sovereignty and quality of life?

- From Canada's perspective, is the WTO, with its stronger rules and dispute resolution system, producing better outcomes in trade disputes?
- Are the new rules and practices beginning to address the social deficit of the world trading order post-Seattle?

During the first five years of the WTO's existence, Canada, a small to middle power in world markets, has been at the centre of some of the most important trade disputes facing this young organization. These trade disputes have touched on substantive policy domains of greatest concern to Canadians including *health policy*. The most clearly identified cases include the unprecedented asbestos decision in which Canadian asbestos has been banned, as a dangerous substance, from the EU. Canada's dispute with Europe on the extent of patent protection of pharmaceutical products raises important issues of intellectual copyright with broad implications for the development, production and availability of cheap generic drugs, some of which may have life saving value. On *cultural sovereignty* issues dealing with Canadian magazines, the WTO struck down important aspects of Canada's cultural policy to limit split runs of American editions. With respect to our *strategic exports*, Bombardier and Embraer, its Brazilian counterpart have locked horns on the contentious issue of subsidies to the aeronautical industry. Finally, European exporters have challenged Canada's right to maintain the Auto Pact, which discriminates against European assemblies.

In addition to health policy, cultural sovereignty and exports, Canada has been on the periphery of several other important disputes including food related conflicts, which turn on public health and safety concerns. For background on the specific disputes, as well as other information see DFAIT, website <http://www.dfait-maeci.gc.ca/tna-nac/dispute-e.asp> and WTO, website http://www.wto.org/english/res_e/focus_e/focus_e.htm

For a sampling of social movement websites see: www.cfs-fcee.ca, www.cfs-fce.on.ca, www.canadians.org, www.peoplessummit.org, www.cmaq.net, www.web.net/comfront, www.quebec2001.org, www.alternatives.ca/salami, www.mob4glob. In particular consult www.forumsocialmundial.org.br./ingles/biblioteca for materials on the Porte Alegre Social Forum.

Other Websites: Sylvia Ostry www.utoronto.ca/cis/ostry.html
Oxfam UK www.oxfam.org.uk

The hard copy materials are to be purchased from Beta in Central Square.

1. The World Trading Order After Seattle: Problems and Challenges Is the Neo-Liberal Binge Finally Over?

- Daniel Drache The Public Reconnect After the Triumph of Markets, www.robarts.yorku.ca
- Maude Barlowe [Rewriting the Rules of Global Trade](http://www.forumsocialmundial.org.br./ingles/biblioteca)
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- Sylvia Ostry The WTO After Seattle: Something's Happening Here, What It Is Ain't Exactly Clear, American Economic Association, New Orleans, Jan. 2001, www.utoronto.ca/cis/ostry.html
- Joseph Stiglitz What I Learned At the World Economic Crises? www.robarts.yorku.ca/ see summer institute 2000
- Stephen Krasner Sovereignty, *Foreign Policy*, January-February 2001, www.foreignpolicy.com

2. Transnational Mobilization Networks and Civil Society: The Countermovement Against Global Free Trade

- Saskia Sassen Economic Citizenship
- Jan Kooman Governance and Governability: Using Complexity Dynamics and Diversity
- Sylvia Ostry Making Sense of it All: A Post-Mortem on the Meaning of Seattle
- Fred Halliday Getting Real About Seattle, *Millennium* Special Issue, December 1999
- Mary Kaldor Civilising Globalisation? The Implications of the Battle in 'Seattle', *Millennium* Special Issue, December 1999
- Krishan Kumar Civil Society: an inquiry into the usefulness of an historical term, *British Journal of Sociology* 44:1 March 1993.
- Steve Charnotivitz and John Wickham NGOs and the Original ITO Regime, *Journal of World Trade* 29:5, 1995

3. The Rocky Road Ahead: The Structure and Organization of the WTO And What Is and Is Not Working

WTO	Trading into the Future 2 nd ed. Revised April 1999, WTO
MAI Working Group	A Citizen's Guide to the WTO, July 1999
John Jackson	Dispute Settlement and the WTO in Porter and Sauve.
Ernst-Ulrich Petersmann Sol Picciotto	Constitutionalism And International Organizations Private Rights Vs Public Standards in the WTO for a Margin of Appreciation in the Interpretation of the WTO Agreements www.robarts.yorku.ca
Robert Howse and Makau Mutua	Protecting Human Rights in a Global Economy Challenges for the World Trade Organization

4. Transnational Social Movements: Porto Alegre and the Anti-Globalization Forces: Ideas, Strategies and Goals What do the transnational social movements want?

J. Stiglitz	Addressing Developing Country Priorities and Needs in the Millennium Round
Guy de Jonquieres	Free Trade Under Fire: How Protectionists are Winning the Battle for Public Opinion
Eric Touissant and Arnaud Zacharie	Guarantee the satisfaction of basic human needs for all World Social Forum 2001 go to website
Samir Amin	The Destructive Dimension of the Accumulation of Capital World Social Forum 2001 go to website
Boaventura de Sousa Santos	Towards a Multicultural Conception of Human Rights World Social Forum 2001 go to website
Sylvia Borren	Global Citizenship: Possibilities and Limitations World Social Forum 2001 go to website

5. The Dispute Resolution Process: How Binding is the WTO?

- John Jackson The WTO Dispute Settlement Understanding – Misunderstandings on the Nature of Legal Obligations, *American Journal of International Law*, January 1997
- J. J. H. Weiler The Rule of Lawyers and the Ethos of Diplomats: Reflections on the Internal and External Legitimacy of WTO Dispute Settlement
- Robert Howse and Donald Regan The Product/Process Distinction – An Illusory Basis for Disciplining ‘Unilateralism’ in Trade Policy, *European Journal of International Law*, 11: 2 2000

6. GATS

- Scott Sinclair How the WTO’s New Services Negotiations Threaten Democracy CPPA 2001
- Madeleine Bunting Intellectual Property Rights: The New Colonialism, *Guardian* 13 Feb. 2001
- Jayashee Watal TRIPS and the 1999 WTO Millennium Round
- USTR US Presents First Comprehensive Sectorial Negotiating Proposals, December 2000
- Scott Sinclair GATS Negotiations: State of Play Feb.9 2001
- Oxfam Cut the Cost Patent Injustice: How World Trade Rules Threaten the Health of Poor People

7. Core Labour Standards: Will They Transform the Satanic Mills of Capitalism? Would They Make an Effective Difference? Conceptual and Definitional Difficulties

- Lance Compa Labor Rights and Labour Standards in International Trade, *Law & Policy in International Business* 25, 1993.
- Robert Stranks Look Before You Leap “Core Labour Rights” Economic and Trade Policy April 1996 Policy Staff Commentary #14, Ottawa
- WTO Singapore Ministerial Declaration, December 1996

Robert Howse The World Trade Organization and the Protection of Workers Rights, *The Journal of Small and Emerging Business Law*, 3:15 1999.

Morley Gunderson Harmonization of Labour Policies Under Trade Liberalization, *Industrial Relations* 1998 53:1

8. Health and Safety Standards: The Canada-France Asbestos Dispute A Win for the WTO?

Robert Howse A Case Study of the Canada EC Asbestos Dispute

Steve Charnovitz Exploring the Environmental Exceptions in GATT Article XX, *Journal of World Trade*,

Canadian Med. Ass. J. A Ban on Asbestos: Is the Time Now?

Michel Camus A Ban on Asbestos must be based on a comparative risk assessment. *CMJA*, Feb. 20 2001

Robarts Centre Canada-France Briefing paper on the asbestos dispute

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9. Protectionism or Social Protection? A Case Study of Culture

Michael Howes Beyond Content: Canadian Cultural Policy in a World of Globalization

Gilbert Gagne North American Integration and Canadian Culture

Patricia Goff Canadian Culture and Identity in an Era of Globalization

Gilbert Gagne The Canada-US Border and Culture: How to Ensure Canadian Cultural Sovereignty?

10. Why Free Trade Fails and the Counter Movements Against Unregulated Market Access: A Historical Perspective

TBA

11. The Role of Law in Regional Trade Blocs: A Comparative Analysis of EU and NAFTA -- TBA

Readings Non-Assigned But Critical Nonetheless

Jeffery Sachs	Global Capitalism, <i>Economist</i> , Sept. 12 1998
Economist	Global Finance A Time for Resdesign? <i>Economist January 30 1998</i>
WTO Focus	WTO Trade 2000
Business Week	Global Capitalism Can it be made to work better? <i>Business Week</i> November 6 2000
Garrett Hardin	The Tragedy of the Commons, <i>Science</i> , 13 December 1968
Harry Arthurs	The Re-constitution of the Public Domain, www.robarts.yorku.ca
Sylvia Ostry	WTO: Institutional Design for Better Governance, Harvard, June 2000
Inge Kaul	Public Goods: Taking the Concept to the 21 st Century, www.robarts.yorku.ca
Robert Keohane and Joseph Nye Jr.	Power and Interdependence in the Information Age, <i>Foreign Affairs</i> , Sept-Oct 1998. 77:5
Moises Naim	Washington Consensus or Washington Confusion?, <i>Foreign Policy</i> , Spring 2000
John Williamson	What Should the Bank Think About the Washington Consensus, www.iie.com/TESTIMONY/Bankwc.htm
Joseph Stiglitz	More Instruments and Broader Goals: Moving Towards the Post-Washington Consensus, UN WIDER Annual Lecture 2,1998