

WTO

The Road to Hong Kong Three Strikes And You Are Out!

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WTO

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This special bulletin on the World Trade Organisation and its Ministerial meeting planned for Hong Kong 13-19 December replaces our usual Summer newsletter.

We have asked Jane Kelsey to write and compile this bulletin to up date you on the various issues within the campaigns against the WTO. Jane has also kindly supplied the photographs used throughout.

Although we are heartened to hear the official word that the Ministerial will be scaled-back because agreement in the various negotiating bodies of the WTO will not be forthcoming before the meeting starts it is not a time for complacency.

The WTO agenda of negotiating for transnational corporate control over water, energy, healthcare, education, biodiversity and food sovereignty is very much alive. And ARENA members will join the tens of thousands of people meeting in Hong Kong during the Ministerial to give voice to the opposition of millions to this agenda.

We hope this bulletin will given you insight into the current state of negotiations within the WTO - although printing deadlines mean it has had to be compiled before the Ministerial starts. We also hope it will inspire you to join the campaign against the WTO, in whatever way you can: donate to the ARENA campaign fund, organise a protest or march, write to the NZ government or your local newspaper.

Updates on anti-WTO activities, and meetings during the Ministerial will appear on our website at www.arena.org.nz. We will also have analysis on the negotiations from Jane Kelsey who will be in Hong Kong.

Leigh Cookson
Director, ARENA

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Cover Photo: Latin American Activists at zero kilometers (Protest zone) during the WTO Cancun Ministerial in 2003
Top Photo: Korean farmer protesting at Cancun



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10 YEARS IS ENOUGH!

Stop the WTO
neo-liberal agenda
in Hong Kong!

The WTO's Sixth Ministerial will be held December 13-18th in Hong Kong. We derailed the WTO in Seattle and Cancun. Now we must stop the WTO in Hong Kong from consolidating its control over world trade. We must expose the ruse that this is a "development round" which is supposed to help poor countries when it really serves the super powers and transnational corporations.

Since it was established in 1995, the WTO has been promoted as an institution that would bring about greater prosperity, increase employment, reduce poverty, diminish inequality and promote sustainable development around the world through greater 'free' trade. Ten years later it is clear that the WTO has had exactly the opposite results.

It is becoming increasingly clear that the WTO agreements, which the super powers want to make even stronger at the Hong Kong Ministerial, serve the interests of transnational corporations and not of the people.

Hiding behind the image of the WTO as a democratic institution, the super powers use pressure and coercion against the countries of the South to advance the corporate agenda. These tactics show the WTO for what it really is — a totally undemocratic institution.

Within the WTO, people's basic rights like access to water, energy, healthcare, education, biodiversity and food sovereignty are being negotiated as if they were commercial goods.

Our challenge is to educate and mobilize people against the WTO and its efforts to control global markets to benefit transnational corporations to the detriment of peoples' rights.

We must increase the pressure on our governments not to auction off our rights or negotiate our future to benefit a small number of transnational corporations that concentrate land and profits.

We must stop these unjust WTO negotiations in order to protect peoples' sovereignty and for our countries to have the chance to

define their economic and social policies.

Today the struggle to derail the WTO is one of the pillars of unity and action of social movements and organizations worldwide. By walking together in this struggle, we have won several victories. Seattle and Cancun are examples of our strength.

We call on workers, peasants, students, the unemployed, fisher folk, indigenous peoples, migrants, all women and men to join us in this struggle against the WTO and for a decent future. Walk with us on the road to Hong Kong where we will be present to stand up for self determination for all people and for justice, equality and sustainable development. We must derail the WTO one more time. □

**No agreement in
Hong Kong!**

Derail the WTO!

3 Strikes And You Are Out

The World Trade Organisation was established in January 1995 after the conclusion of the Uruguay round of GATT negotiations. This powerful new organisation, with its own court, was empowered to enforce the historical General Agreement on Tariffs and Trade (GATT) on trade in goods, plus new agreements:

- the Agreement on Agriculture (AoA);
- the General Agreement on Trade in Services (GATS);
- the Agreement on Trade-Related Investment Measures (TRIMS); and
- the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

The WTO is required to hold a Ministerial Conference of all WTO Member states every two years. Its role is to ratify decisions and provide guidance for the next two years. Despite the hype about the WTO as a great success story, these Ministerial Conferences have a track record of conflict and failure.

December 1996	First WTO Ministerial Conference, Singapore: moves by the rich countries to expand the WTO to 'new issues' of investment, competition, government procurement, environment and labour standards were rejected.
May 1998	Second WTO Ministerial Conference, Geneva was a non-event.
December 1999	Third WTO Ministerial Conference, Seattle collapsed after failure to agree to a new 'millennium round' of negotiations. The US hosts and new Director General Mike Moore were blamed for being too aggressive and ill prepared.
November 2001	Fourth WTO Ministerial Conference, Doha agreed to launch a new round of negotiations against the backdrop of 'September 11' and accusations that governments who opposed the round were siding with the terrorists.
September 2003	Fifth WTO Ministerial Conference, Cancun collapsed over disagreements on agriculture, cotton and the continued pressure to include 'new issues' and the Doha round was paralysed.
December 2005	Sixth WTO Ministerial Conference, Hong Kong?

How To Sink A WTO Ministerial

Experience shows that the collapse of Ministerial Meetings depends on a combination of

- national and international activism
- internal resistance from Southern governments
- lack of agreement on the outcome before the meeting.

WTO Ministerial	Strong Activism	South government dissent	Agreement on text before meeting	Collapse
Singapore 1996	X	X	Y	X
Geneva 1998	Y	X	Y	X
Seattle 1999	Y	Y	N	Y
Doha 2001	X	X	N	X
Cancun 2003	Y	Y	N	Y
Hong Kong 2005	Y	Y	??	??

Kong Yee Sai Mau

Stop The WTO's Corporate Agenda!

That will be the rally cry of the Hong Kong People's Alliance and an expected 10,000 international activists during the WTO Ministerial Conference in Hong Kong from 12 to 18 December.

Who is the Hong Kong People's Alliance?

Launched on 22 September 2004, the HKPA is a network of grass-root organizations that includes trade unions, community labour groups and organisations that represent migrant workers, students, women, churches, human rights, research organisations and regional organisations that are based locally in Hong Kong.

Goals: The HKPA's main objectives are to:

1. Derail the WTO's attempt to conclude agreements which aim to further liberalise trade and investment;
2. Pressurise the Hong Kong government to engage civil society in its negotiations within the WTO by providing periodic updates, briefings and consultations on contents and agenda of the meeting;
3. Raise the consciousness of local NGOs on the essence of so-called free trade as campaigned for by the WTO, so as to raise local awareness of the unjust distribution of global economic power;
4. Promote a local anti-privatization campaign;
5. Arouse concern over the impact on Chinese working people since China's accession of the WTO.



The Hong Kong Convention Centre

Members: HKPA currently has 31 group members. They include

- *Regional groups:* Asian Student Association (ASA), Documentation for Action Groups in Asia (DAGA), Christian Conference of Asia: Urban Rural Mission (CCA-URM), and Asia Monitor Resource Centre (AMRC).
- *Local groups:* The Neighbourhood and Workers Service Centre, The Pioneer, Union of Hong Kong Post Office Employees, Association of Government Technical And Survey Officers, Frontline Welfare Employees Union, Globalization Monitor, Global Network, Government Mod 1 Staff General Union, Hong Kong Confederation of Trade Unions (HKCTU), Consumers Acting for People & the Environment, Justice and Peace Commission of the Hong Kong Catholic Diocese, Student

Christian Movement of Hong Kong.

· *Migrant workers groups:* Asia Pacific Mission for Migrants (APMM), Asian Migrants Centre, Asian Migrants Coordinating Body (AMCB), Coalition for Migrants Rights (CMR), Far East Overseas Nepalese Association- Hong Kong (FEONA-HK), Indonesian Migrants Workers Union (IMWU), Philippines Domestic Helpers General Union (PDHGU), and The Hong Kong Indonesian Migrant Workers Organization (KOTKIHO).

International Alliances: HKPA organised an International Coordinating Network Meeting at the City University, HK on February 26-27 this year at which about 80 international groups were represented. Since then it has been actively working with many international groups, including both Our World is Not for Sale (OWINS) and the Asia Pacific Research Network in which ARENA is active. Jane Kelsey has been ARENA's main liaison person with HKPA. She has spoken at a number of meetings and conferences that have been organised in Hong Kong and will be there for the week of MC6. □

Website <http://www.hkpa-wto.org/>

The Doha 'anything-but-development' Round

Ever since the first Ministerial Conference in Singapore in 1996, Southern governments have been objecting that they cannot afford to implement many of the agreements negotiated during the Uruguay round which form the foundation stones of the WTO. Many of those requirements would devastate the agriculture and industrial sectors of poorer economies. Others, such as the protection of (northern) intellectual property rights, are too complex and costly to implement, especially in the time allowed. Moreover, they point out that richer countries have failed to implement many of the most important commitments they have made.

None of these WTO members were prepared to contemplate withdrawing from the organisation, despite growing demands of their people and mounting research that links the WTO to deepening poverty and the imbalance of global economic power. Instead, they insisted that development concerns had to be addressed before any new round of negotiations could begin.

When the Doha round of WTO negotiations was launched at the Ministerial Conference in Qatar in 2001, this demand was swept aside. The meeting took place just weeks after the September 11 attacks in the US. Governments of poor countries were bullied and bribed to agree. The message was clear: opposing the new round would be tantamount to siding with the terrorists.

Although the powerful governments promised to address these concerns as part of the new round, it was obvious this promise would never be kept, and the governments of the global South rejected proposals that it should be called the Doha Development Round. Ignoring this, the Doha negotiations that are driven by and for the world's most powerful countries and transnational corporations are cynically referred to by their promoters as the Doha 'Development' Agenda or the DDA. Attempts by Southern governments to give meaning to the label have got nowhere.

From the beginning, the scene was set for the priorities of Southern governments' to be subordinated in the process of trade-offs known as 'a single undertaking'. These trade-offs apply across all the areas of Doha negotiations – goods (including natural resources), agriculture, services, intellectual property, trade facilitation, and new rules on subsidies and unfair trade practices. Basically, there would be no movement on Southern governments' concerns unless and until they gave the rich countries what they wanted - even where they were simply insisting that the US, EU and others delivered what they were already committed to do.

There was hope that this might change when different groupings of Southern governments stood together during the fifth WTO Ministerial Conference in Cancun in 2003 and said 'no' to rich country demands on agriculture, cotton and the 'new issues' of investment,

competition, government procurement and trade facilitation.

Many commentators naively believed that this was a turning point in the power politics of the WTO. In practice, Cancun exposed the internal contradictions that had riddled the WTO since its creation. It showed that the majority of WTO Members could, temporarily, assert their will within an institution that, in theory, operates on consensus. But it also proved that they could only delay the extension of the WTO's global rule making; they could not revisit the underlying neoliberal agenda. Indeed, few of them tried to do so.

Since Cancun, the major powers in alliance with the WTO bureaucrats have re-established their dominance. Familiar manoeuvres have ensured that the poorest and smallest countries, which will often be most severely affected by WTO rules, are sidelined. The requirement for 'consensus' is constantly honoured in the breach. Selected governments are invited to 'mini-ministerial' meetings to try to broker deals that are then foisted on the rest. So-called 'friends groups' of powerful governments push their offensive interests in specific areas, creating a momentum that is hard to resist.

But a new dynamic has also emerged. In the past, the Quad of the US, EU, Japan and Canada used to dictate both the negotiating agenda and the acceptable outcomes, leaving others with no real choice but to agree. Since the Cancun ministerial a 'new Quad'

has been created. Brazil and India have joined the US and EU as the central players in the Doha negotiations. Their role at Cancun and since as leaders of the pivotal 'Group of 20' agricultural exporters from the South has cemented their place at the head table. This is especially so in agriculture; but they are also the key players in the negotiations on industrial goods and services.

This has shifted the balance of power in the WTO, so the negotiations no longer just produce compromises that satisfy northern mega-transnationals and domestic political factions. Yet India and Brazil are not representatives of, nor accountable to, the remainder of the global South. Their goal is to secure outcomes that satisfy their national objectives, which are heavily influenced by large corporate interests and national élites. Both governments are facing discontent at home because of this. The powerful social movements in Brazil are urging the Lula government to use its new found influence to promote a socially just agenda for trade, rather than the interests of agribusiness. The Indian government was elected in 2004 in a backlash against the neoliberal policies that it is now pursuing at home and abroad.

So the seats at the WTO's head table have been shuffled, the dynamics have shifted and the negotiations have been stalling because of a different set of issues. But the concerns of governments from poorer countries that they cannot afford to implement the rules agreed to in the Uruguay round, let alone those being proposed in the Doha 'anything-but-development' agenda, remain parked on the sideline.

New Zealand's Labour government is up to its neck in these abuses of WTO processes and the farcical rhetoric of the Doha 'development'

agenda. This is not just because it is desperate to secure an outcome that it believes will benefit New Zealand's exporters. It also fears that another failure in Hong Kong will further cripple the WTO and fuel the rash of bilateral and regional agreements between more important countries and leave New Zealand out in the cold.



In the final few weeks before Hong Kong, frenetic rounds of meetings in Geneva and elsewhere have been held to reach pre-agreed statements that Ministers can simply endorse at the meeting, and avoid the risk of another collapse. Continuing a much-criticised practice that preceded Cancun, the chairs of the negotiating committees on each of the major issues, with backroom assistance from the WTO Secretariat, have been producing draft texts for Hong Kong that reflect the demands of the richer countries and ignore the objections of most Southern governments.

New WTO Director General Pascal Lamy says the final text for Hong Kong will be produced on 15 November and be taken to Hong Kong 'under his own responsibility'. This means it will not be the product of 'consensus'. It will be very difficult to dislodge without the same level of concerted determination as occurred at Cancun; yet governments who held the line at Cancun are very nervous about doing so again. They know that they will be blamed for the collapse of the meeting and for the further decline of the WTO.

The enormous pressure in Hong Kong to avoid another failure will be reinforced by US domestic imperatives. The so-called 'fast track' mandate for the US President to negotiate expires in June 2007. Current hostility towards trade agreements in the US Congress means it may not be renewed. That would allow Congress to pick apart any deal that was negotiated at the WTO, rather than accepting or rejecting the package deal, meaning it would be doomed. Working backwards to allow time for any Doha package to pass through Congress, there would need to be an agreement on final texts in all aspects of the round no later than December 2006.

Lamy has described Hong Kong as a 'stopover'; reaching the destination will take another year. It is his job to be an optimist and talk up the possibilities (and talk of crisis when he wants to put the frighteners on). It is our job to make sure that they never reach that destination. □



Agriculture New Faces, Same Politics

A mini-revolution of sorts did happen at the 2003 WTO Ministerial conference in Cancun. During the Uruguay round, the Europeans and the US stitched up a deal, known as the Blair House Accord, which the remaining countries had to accept as a fait accompli. They had been gingered along by the Cairns Group of agricultural exporters, dominated by richer countries such as Australia and New Zealand.

In Cancun, a new bloc of developing country agricultural exporters insisted that their demands were pivotal to any deal. Since then this 'Group of 20', led by Brazil, has remained on centre stage and pushed the Cairns Group to the margins. The result is a new exclusive negotiating club, the Five Interested Parties or FIPs, which comprises the EU, US, Brazil, India and Australia. New Zealand has managed to sneak in because the former WTO Ambassador and now National MP Tim Groser, and his successor Crawford Falconer, were appointed to chair the agricultural negotiations.

The Group of 20 wants tariffs in richer countries reduced so they can sell more and they want export subsidies removed and other subsidies reduced so they can compete better. This is presented as a development agenda, although it coincides to a large degree with the

Cairns Group of agricultural free traders to which Australia and New Zealand belong. The main difference is that the G-20 wants flexibility for developing countries – including themselves – whereas the Cairns Group wants all countries except the very poorest to obey basically the same rules.

There are major issues within the G-20 countries, especially Brazil, about their absolute focus on agriculture exports. The landless peasants movement (MST) that organises 1.5 million members in 23 Brazilian states and the international peasants movement La Via Campesina have accused the Lula government of serving the interests of agribusiness, rather than giving priority to land reform, eliminating poverty and social justice.

The inference that the Group of 20 countries are more interested in the outcome of these talks has also offended other 'Groups' of WTO members. The Group of 10 rich countries, including Switzerland and Japan, are demanding 'flexibility' to protect 'sensitive products'.

Poor net food importing countries (the Group of 33, led by Indonesia) insist that they must be able to ensure food security by nominating 'special products' that are exempt from tariff cuts and taking special safeguard measures if imports

threaten local production. Their needs for special protection are very different from the export-based goals of Brazil.

The African, Caribbean and Pacific (ACP) group wants to delay the removal of preferences for its products into other countries (mainly Europe), while other 'developing' countries are insisting that those preferences must be eliminated.

The four West African cotton producing countries keep asking for genuine moves to severely reduce US subsidies.

But, when it comes to the crunch and despite the mini-revolution, the old power politics are still driving the agriculture negotiations: any deal has to be saleable to US and European political constituencies.

Europe's Trade Commissioner Peter Mandelson is Tony Blair's former best buddy who had to resign *twice* from his ministerial posts. He has been frantically talking up the European's negotiating position as being a major concession that the rest of the world must pay for: 'this Round will not be concluded unless you help us too in areas where we have comparative advantage: by opening your service sectors, reducing your applied import duties, and protecting your geographical indicators, to name a few'.

Mandelson tabled a 'final offer' on 28 October. He described it as falling at the 'outer limits' of his negotiating mandate. What he offered fell short of Europe's own reforms to its Common Agricultural Policy.

The tariff cuts were along the lines that Brazil had proposed, with the highest tariffs being reduced most. But Europe would retain higher protection for 'sensitive products', especially beef, poultry, sugar and some fruit and vegetables. There was no date for the much-feted end to export subsidies, nor any reference to the demands from the G-33 of poor net-food importing countries for Special Products and Special Safeguard Measures.

Existing domestic support for farmers and agribusiness was protected by juggling subsidies between different 'boxes'. European experts have calculated that the EU's September 2005 proposal would enable the total level of domestic agricultural supports that allegedly distort trade to be increased by 13.4 billion Euro!

All this was 'strictly conditional' on Australia, Canada and New Zealand 'providing further commitment on the reform of their State Trading enterprise' (eg. the residual export monopoly of Fonterra) and on cuts to US Farm Bill subsidies and food aid.

Mandelson is caught between his professed concern to rescue the Doha round and fraught European politics, which must also be viewed against the backdrop of the rejection of the new European Constitution by the people of France and Holland.

Underlying this dissension are competing models for the future of Europe. Britain is insisting that Europe must change its labour market and welfare policies to create jobs for the bloc's 19 million unemployed and cope with its ageing population. French President Jacques Chirac has demanded more protection for French workers and refused to consider shifting resources away from farm subsidies and towards innovation before 2013.

Most significantly, France's politicians are united in opposing any position that would undermine the current Common Agriculture Policy (CAP) that is due to run until 2013. French leaders insist that the CAP is essential for Europe's food security and have accused Mandelson of exceeding his mandate, something that would require consensus support. This position is hardly surprising. As the EU's biggest agricultural producer and beneficiary of farm subsidies, these are expected to account for 9.4bn (\$11.3bn, £6.4bn) of France's Euro13bn receipts from the EU in 2006.

President Chirac's threat that France would veto any proposal that exceeded the mandate as he perceived it, and his promise to demand changes to the 'final offer' of 28 October should not be taken lightly. It was France that effectively sunk the Multilateral Agreement on Investment when it withdrew from negotiations in 1998.

Mandelson's insistence on trade-offs in other parts of the Doha round might, therefore, be setting the bar so high that no WTO member will agree and so justify the EU not making any moves at all.

The United States is playing a similar game. The US has been reluctant to make significant concessions to poorer countries, such as different levels of tariff cuts or maximum tariffs. In practice, its demands would require greater cuts from poorer countries than from rich ones.

Meanwhile its proposed package of phased reductions in tariffs and subsidies would actually allow the US to increase the support that it pays to its farmers. The US currently pays massive subsidies to its farmers through the Farm Bill; they will amount to US\$170 billion over 10 years. These proposals involve shuffling of financial support for farmers from one 'box' or category of subsidies to another. According to Argentina's Ambassador, the US proposal would allow the overall level of 'trade-distorting' domestic support to be increased from \$21 billion to \$23 billion.

A second area of contention is the US self-serving 'food aid' programme that fails to meet the basic needs of people in poor countries. This involves 'donations' of surplus agricultural commodities that recipient governments can sell in their local markets to raise money, even when it swamps local producers, and for budgetary support. It has also been used as a way of dumping GE grain on countries that are reluctant because of the threat to their biodiversity and their own GE-free status. US

proposals do not address these concerns.

Again, this position reflects the priority of domestic politics. The current US Farm Bill expires in 2007. There is no way that Congress is going to let the WTO challenge what is currently provided or set the terms for the next Farm Bill. Indeed, both the US Secretary of Agriculture and the US Trade Representative have reassured Congress that 'we will not be writing the [new] farm bill in the WTO'. Moves are already underway in Congress to set the next round of support in concrete to make sure that is so.

Agriculture Negotiations on Life Support

The first significant moves in the agriculture negotiations post-Cancun were contained in what was called the 'July Package' (actually agreed to in August 2004). This set a general framework for the three main pillars of agriculture negotiations: cuts to tariffs ('market access'); cuts to subsidies for farmers ('domestic support'); and removal of export subsidies, reforms to food aid and state-owned exporters ('export competition').

The plan to produce a 'first approximation' of a more concrete deal for Hong Kong by July 2005 failed. Intensive talks in October among the 'FIPs', and then an expanded FIPs-plus (including New Zealand) still came to nothing. On 21 October, Falconer announced the talks were on life support; without significant movement by the end of the month he would report that the objectives for Hong Kong could not be met. The end of the month came and went, but no death notice was issued.

So one month before Hong Kong, this select inner sanctum has failed to generate an agreed outcome among themselves. Without movement on agriculture, everything else will remain stalled. □

Via Campesina

Prepares Road From Geneva to Hong Kong

CPE/Via Campesina farmers from Europe, along with Via Campesina delegates from Mexico, Haiti, Korea, Brazil, Mali, Nepal and the United States met in Geneva in October 2005 to confront WTO officials with our message and to prepare for their December farmer and peasant mobilization in Hong Kong during the WTO ministerial meeting.

Via Campesina is a legitimate voice world wide of small farmers, indigenous peasants, and migrant rural workers. Food sovereignty should be the key principle for agricultural policies and the WTO should get out of food, agriculture, fisheries, public services and other essential public goods. We will continue fighting against the disastrous agricultural politics of the economically powerful countries, to stop the dumping of agricultural products, to achieve real agrarian reform, and for food and agriculture free from genetically modified organisms.

Alberto Gomez from UNORCA in Mexico: *"It's urgent to inform the members of our farmers' organizations about the necessity to continue to prepare our forces to stop the WTO. We the farmers and rural workers, men and women, are essential to society, because it is our work and our families, and the accumulated knowledge that we transmit from generation to generation that helps get the crops harvested and the food to everyone's table. This will allow us to defeat the WTO in 2005."*

Young Soo Lee from the Korean Peasants League (KPL): *"Food and agriculture are more important than industrial products such as automobiles. Without industrial products, we are inconvenienced but we will not die. But people can not survive without food. Food and agriculture are our lives. We cannot trade away our lives. The WTO killed Korean farmer Lee Kyung Hae in Cancun and now it is killing many farmers across the world. We send a strong warning message: if the WTO will not respond to our legitimate voice, WTO will face a strong fight in Hong Kong, and in that case all responsibility will go to the WTO and Mr. Lamy for not listening to our voices. WTO kills farmers! WTO out of agriculture!"*

Ingeborg Tangeraas of the Via Campesina International Coordinating Committee: *called for an analysis of the impacts of global trade under the WTO . "Ten years of WTO has brought us increased economically-forced migration, a degraded environment, and an even larger gap between the rich and poor. The powerful countries in the WTO are trying to use agriculture as a weapon to force smaller countries to open their markets, not only in agriculture but also for other goods as well as services—including privatizing healthcare and education. Via Campesina supports the right of countries - like those in the G90 - to say no to deals that would hurt their people."*

The IUF Agricultural Workers Trade Group Board, meeting in Kolkata, India from October 24-26, 2005, *'notes with grave concern the ongoing destruction of rural livelihoods, North and South, as the consolidation of corporate agribusiness extends its production systems and influence. Agricultural workers have always had to struggle against massive violations of basic rights, poverty, exclusion from legal and social protection, lack of access to land and resources, and very often additional exclusion and oppression as migrants and as women. Despite the urgent need for*

action on the systemic global crisis in agriculture, these issues are not on the WTO agenda...

If the negotiations do succeed in achieving a "breakthrough", we have no illusions about the impact on our members' livelihoods. The "solutions" being promoted by the various players - the EU, the United States, the G20 etc. - do not address our needs as workers, and will exacerbate the crisis...

Increased liberalization of trade in agricultural products over the past decade was supposed to bring benefits to all. The only winners were the global agri-food TNCs. These TNCs are driving the overproduction and export of staple crops from a handful of producer countries, driving down price and eliminating millions of jobs. Subsidized overproduction has failed to provide decent work even for the agricultural workers in some of the world's richest economies. For developing countries, "diversification" into flowers and "niche" products is being promoted as a solution to the collapse of agricultural commodity prices. It is in this context that increased market access for developing country exports does not address the fundamental problem....

The vast majority of agriculture workers worldwide are in poor countries that have been further

NAMA: A Development Agenda - Yeah Right!

impoverished under the impact of liberalized agricultural trade. Subsidies for agriculture have never been an option in these countries, and the few fiscal and policy tools for agricultural support they once possessed have been dismantled under pressure from the international financial institutions or are being eliminated to conform with WTO rules. Domestic support for rebuilding agriculture in developing countries requires, at a minimum, the rehabilitation of tariffs, taxes (national and international) and trade management tools as legitimate policy measures. At the same time, sustained resources must be mobilized internationally to facilitate and support recovery measures to reverse the social and environmental damage arising from export-oriented intensive production methods and the rebuilding of agriculture to serve its primary function in fulfilling the right to safe, adequate and nutritious food under decent work conditions. □

The original focus of the GATT (General Agreement on Tariffs and Trade) since 1947 was on cross-border trade in goods, such as cars, refrigerators and other commodities.

Since the creation of the WTO with its expansive agenda, that has largely taken a back seat to agriculture and services. But not entirely. This part of the Doha negotiations has been renamed 'Non-Agricultural Market Access' – or in shorthand, NAMA - a technical description that belies its massive social and economic impact. Critically, NAMA is not just about trade in cars and refrigerators. It includes natural resources, such as forestry and fisheries, that are dominated by exploitative transnational companies.

The goal of the NAMA negotiations is to agree on a formula to reduce tariffs and other restrictions that are applied to imported goods. Pressure to reduce or remove their tariffs threatens the fragile levels of industrialisation that survive in the global South in another mockery of the 'Doha Development Agenda'. As one African ambassador observed: 'Market access is useless if we have nothing to sell.'

The same old power dynamics are at play. The chair of the NAMA negotiations, the WTO Ambassador from Iceland, is pushing to secure broad acceptance of the 'modalities' for tariff cuts that are favoured by the rich countries. He represented the text that was rejected in Cancun as the consensus text in the July 2004 'package'. This came late in the piece, after the deal was reached on agriculture, and was rushed through with some muted objections. Some wriggle words were introduced that in theory allowed the proposal to be revisited, but this wasn't followed up on. So what was unacceptable in Cancun will become an acceptable basis for Hong Kong.

Negotiations have been bogged down between the offensive interests of the industrialised North and the defensive objections and development-based demands of the South for 'special and differential treatment'. Within the group of Southern governments there is a now-familiar tension between the interests of the larger 'developing' countries of Brazil, India and South Africa and the rest – and a fear that they might agree to move rapidly on NAMA if they reach some agreement on their talks with the EU and US on agriculture.

There are four critical issues. The first is the pressure on Southern governments to 'bind' all of their tariffs, which means giving away the flexibility to set tariffs on at least some products at whatever level they think fit. The second issue is the formula for tariff cuts, which will require deeper cuts to higher levels of tariffs. Richer countries tend to have low tariffs. Poorer countries have higher tariffs, so they will end up making the biggest cuts.

The third issue involves proposals for 'voluntary' accelerated elimination of tariffs in some sectors, including forestry and fish products and natural resources. The aim is to have this cover a 'critical mass' (defined as 80% or 90%) of global trade, which will leave little room for poorer countries to maintain tariffs on those products.

The fourth issue affects Pacific Island and similar countries that have historically benefited from preferential access for their goods into richer countries – usually as a legacy of colonialism and often because rich country producers depended on cheap and secure access to raw materials. The Africa, Caribbean and Pacific countries have been pushing for an 'index of vulnerability' that would help slow the reduction of their preferences. That is opposed by other Southern governments, which don't have preferences and see themselves as disadvantaged. □

A Development Agenda – Yeah, Right!



Filipino member of The World Forum of Fisherpeoples (WFF) speaking at a meeting in Hong Kong

A Licence to Plunder the Seas

The livelihoods of 34 million impoverished people around the world depend directly on fisheries. Over 100 million people rely on fish as their main source of protein. Yet the world's fisheries resources are being plundered and depleted by rapacious fleets of trawlers at an unsustainable rate. The UN Food and Agriculture Organisation says three quarters of the world's major fish stocks are already over-exploited, fully exploited, significantly depleted or recovering from over-exploitation. Artisanal fishers point to the flood of neoliberal policies imposed from above by the IMF, World Bank and WTO as major causes of their poverty, marginalisation and displacement.

None of this is relevant to the WTO. While foreign fishing companies take no responsibility for this social and ecological crisis, their governments are sponsoring new 'trade' rules that aim to guarantee their access to the world's remaining fish stocks and undermine policies and programmes that seek to stem the pending disaster.

Within the WTO, fish is treated as an industrial product within a potentially free global market to be addressed within the 'non-agricultural market access' (NAMA) negotiations – having been

excluded from agriculture negotiations because it made reaching agreement just too hard!

Indeed, fish products are one of the 'sectoral initiatives' that would see the early elimination of tariffs. Perversely, tariff cuts on fish products would reward those who engage in economically 'efficient' mass exploitation and hasten the depletion of the ocean's resources. Sustainable local suppliers would be forced out of their domestic market and the rape of the fisheries would intensify.

New Zealand belongs to a lobby group in the WTO called 'Friends of Fish' that promotes a pure market model for fisheries, in line with our Quota Management System and private property rights in fish. They demand the elimination of all fisheries subsidies on the grounds that subsidies promote overcapacity and over-fishing.

That position is opposed by South Korea and Japan whose fishing fleets are among the most rapacious and subsidised. But small-scale fishers in Asia also point out that their problems arise from the open access regime for foreign trawlers, not from subsidies. From their perspective, blanket rules that prohibit subsidies would restrict the right of governments to support

small fishers and protect the food security of coastal communities.

The impact of the Doha round on fisheries is not confined to NAMA. The major fishing companies use massive factory ships to process their catch. This means that poor countries, such as small Pacific Islands, whose waters are the source of the fish gain no benefit through jobs and local industry. The companies have been pressing their government to secure commitments on 'services related to fisheries' in the GATS negotiations that will entrench their control over processing of the resource and of its global marketing and prohibit the source countries from reasserting control over the benefits from the resource.

WTO Out of Fisheries

The voices of those whose lives are being devastated by these practices and agreements are simply ignored. The World Forum of Fisherpeoples (WFF) was formed in 2000 to fight "for the rights of the world's small, traditional and artisanal fisher peoples" and "against Globalization, the WTO, the World Bank and the IMF since they are the instruments of the Multi National Corporations in the World whose activities suppress the livelihood of small fishing communities. The

Forum decided to join hands with the struggles of the International Forum of Globalization and Peoples Global Action against WTO.”

Pauline Tangiora from Rongomaiwahine and Ngati Kahungunu was a founding co-coordinator and had a major impact at the Our World is Not for Sale strategy meeting on the WTO in Bangkok in 2004.

In a statement to Trade Ministers in June 2005 the WFF called for the WTO to ‘convene an official assessment process, with other relevant international bodies, to evaluate how reductions of tariffs and [non-tariff measures] could intensify the exploitation of the very fisheries resources that governments and coastal communities are trying to bring under control, especially in places where illegal, unreported or unregulated fishing is a problem. Prior assessment with meaningful popular participation is essential if agreements to reduce tariffs are not to negatively impact the sustainable livelihoods of traditional fishing communities or the natural systems upon which they depend. WFF requests for an official assessment of the potential impacts of liberalising market access, as mandated in Doha, has not only gone unanswered but has been implicitly rejected by the UN [Food and Agriculture Organisation]. This reflects a stunning and unacceptable failure of international policy coordination that invites social and ecological catastrophe.’

The Southeast Asia Fish for Justice Network (SEAFish-J) has been planning a ‘fluvial protest’ by artisanal fishers – a flotilla from the Philippines to Hong Kong. Not surprisingly, the Hong Kong government has announced it will deny them access to its inshore waters. But however they make their way to Hong Kong, there will be a strong presence of fisherfolk who will deliver their message directly to the decision makers in the WTO. □

How the WTO Kills Every Day

The denial of affordable life-saving drugs to those suffering from the HIV/AIDS pandemic is perhaps the most damaging saga in the WTO’s short life.

More than 20 million people have died of AIDS since 1981.

Africa has 12 million AIDS orphans.

By December 2004 women accounted for 47% of all people living with HIV worldwide, and for 57% in sub-Saharan Africa.

Young people (15-24 years old) account for half of all new HIV infections worldwide - more than 6,000 become infected with HIV every day.

Of the 6.5 million people in developing and transitional countries who need life-saving AIDS drugs, fewer than 1 million are receiving them.

In Papua New Guinea an estimated 1.7% of the adult population or 47, 000 people are infected with HIV.

Moves by the mega-drug companies to invoke the TRIPS agreement in a court case against the government of South Africa and a WTO complaint against Brazil provoked huge international outrage and a face-saving back down by the companies and their patron states, the US and EU.

Yet in October 2005 the problem remains unresolved.

A temporary truce had been agreed at the Doha ministerial conference in 2001. The TRIPS agreement makes some provision for countries to produce their own generic drugs under compulsory licenses; but these drugs have to be used mainly for domestic purposes. Many countries that desperately require cheaper drugs have no capacity to make them and need to import them. They can’t afford the extortionate prices the mega-corporations demand of them.

The 2001 Declaration on TRIPS and Public Health recognised this problem and mandated the Geneva-based Council on TRIPS to find a solution. They were to report it to the WTO General Council, which has representatives of all member states.

That report was received in August 2003. The ‘solution’ involved a waiver that was subject to several quite onerous procedural requirements. However, when the Chair of the General Council meeting read out the decision for adoption he added several more procedural constraints.

A wrangle is now underway about the status of the Chair’s statement and whether it should form part of the formal amendment to the TRIPS Agreement.

The African Group and others object that it has no legal status and would impose hugely burdensome conditions that few importers or exporters of generic drugs would be able to meet.

The US insists that any permanent solution must include the Chair’s statement. Australia agrees. New Zealand says the Chair’s statement should provide ‘context’ for interpreting the General Council’s decision – which in practice supports the US and Australian position.

Brazil, which runs a world-leading HIV/AIDS programme, has said that having no solution yet is better than a bad solution. Meanwhile, the UN estimates that HIV/AIDS kills 6000 people and another 8200 people are infected every day. □

GATS Hypocrisy Exposed

To understand the current crisis in GATS negotiations (General Agreement On Trade In Services) requires a step back in time.

In the early 1980s the US gave an ultimatum that it would not negotiate on matters of critical concern to poor countries under the GATT unless it got what it wanted for its corporations on services, investment and intellectual property. The two biggest coups in the Uruguay round were to extend rules that governed trade in goods to the increasingly lucrative sphere of services through the General Agreement on Trade in Services (the GATS), and an agreement to implement US intellectual property laws around the world. Neither had anything to do with trade as traditionally understood. Indeed, getting officials and negotiations to accept the very idea of 'trade in services' took a lot of intellectual gymnastics, bullying and bluff.

The GATS was essentially an investment agreement to facilitate the expansion of transnational insurance, data processing and telecom corporations and cement in neoliberal policies that were sweeping the world by the 1980s.

Thanks to Thatcher, Roger Douglas and others in richer countries, and the IMF/World Bank in poorer ones, the new agenda of deregulation, privatisation and contracting out opened lucrative new opportunities for services firms. New technologies made it easier to transfer data, finance and commodities across national borders. The obsession with trendy and dumbed-down leisure consumption offered huge new markets in entertainment, sports, tourism, gambling and 'personal services'.

A new version of the old international division of labour saw elite providers and consumers of services become more mobile, with corporate employers demanding free movement for their managerial

tier, while low-skilled workers were rigorously vetted and victimised through repressive immigration laws.

For American Express, Times Warner and Wal-Mart an enforceable global 'trade' agreement that could guarantee the right to invest, access customers and restrict intrusive regulations around the world was a god-send.

The problem was that India, Argentina and a hard core of developing countries fought against the idea of the GATS and, once they lost that battle, insisted that the agreement must allow individual governments to limit its coverage.

The result was a partial agreement that constrains the right of governments to regulate in the best interests of their people, and privileges the interests of transnational firms. Yet the complex architecture of country-specific schedules require governments to commit any specific subsector explicitly to the various GATS rules.

The US managed to claw-back two vital commitments: the text of the GATS required new negotiations to extend these country-specific schedules of commitments within five years, and to develop disciplines on the use of domestic regulation, subsidies and government procurement in services.

GATS 2000 negotiations paralysed

The new round of GATS negotiations began in 2000, before the Doha round. The aim was to extend guarantees that foreign firms can run a country's services, ranging from health, education and pensions to railways, postal services and broadcasting, and to prevent governments from giving preference to local providers of such services. Ideally, they will also impose a straitjacket that requires

governments to introduce only market friendly regulations.

The aggressive stance of the richer countries, now led by the European Union, has been fuelled in part by the much more extensive commitments and intrusive rules that their services exporters have secured through the rash of bilateral and regional trade agreements that are sweeping the world.

Progress was slow. That was partly because the negotiating process required each WTO member state to make separate requests of each other member state to make new commitments in specific sub-sectors; then each government would choose what, if any, new commitments it would offer. Most governments took the rhetoric of flexibility and the guarantee that governments would retain the right to regulate their services seriously when deciding to limit what they were prepared to offer, even when they aggressively demanded much more from everyone else.

The second reason for the slow progress was the intensive, coordinated and highly effective international campaign being fought against the GATS at national, international and sectoral levels. The GATS negotiations were supposed to be concluded by 2005. Like everything else at the WTO they became paralysed. Deadlines passed and were largely ignored. Requests to other WTO members were to be tabled by June 2002 and first offers made in response by March 2003. Revised offers were to be made by May 2005.

As of July 2005, after persistent pressures on governments to present initial and revised offers, 74 of the 124 WTO Members had made offers (counting the EC of 25 members as 1). Of these 64 were 'developing' country Members. According to the Chair of the trade negotiations, there were no offers from 24 developing countries that

were not categorised as Least-Developed Countries (LDCs). Even those that had been tabled were of 'low quality' and failed to offer new commercial opportunities – meaning they locked in the neoliberal policies that were already in place but governments had not promised to deregulate or privatise more of their services or lift foreign investment restrictions.

By now, the paralysis in services negotiations was having a flow-on effect. The European Union was insisting that any concessions it might make on agriculture (cosmetic or otherwise) depended on them securing more commercial opportunities under the GATS for their corporations in water, banking, telecommunications, shipping, retail and more.

The Revival of the GATS Attack

In June 2005 the GATS attack came back with a vengeance. A group of governments (including EU, US, Japan, Australia, Switzerland, South Korea, Taiwan and New Zealand) began pushing a scheme that would require all countries, rich and poor, to lock open a minimum number of their services to foreign firms. These formed the centrepiece for informal discussions on the services negotiations in Geneva and elsewhere.

Some of these governments had their own offensive interests in services that they were eager to pursue. For others, like New Zealand, their role had little to do with services and everything to do with their fear that the Hong Kong ministerial would collapse, like Seattle and Cancun before it, if the European's could not secure a high enough price for its minimal moves on agriculture.

A number of different proposals were floated. The main proposal is for 'benchmarks', or a formula approach where all WTO members would be required to commit a minimum number of sectors to the GATS rules in all their different 'modes of supply' (including foreign investment). The EU says its quantitative formula would allow

some choice – and therefore meet the GATS requirement for 'flexibility'. There would also be different 'levels of ambition' according to a WTO Member's level of development. This would require massive new levels of commitment: the EU's proposal of 27 October wants new or improved commitments in 139 of the 163 services sub-sectors for 'developed' countries and at least 93 for 'developing' countries - including removal of all restrictions on foreign investment in those subsectors.

Australia has supported the EU proposal. New Zealand has been complicit in advancing the 'benchmarks', too. They tabled a 'non-paper' at a special session of the services negotiations that suggested a formula for quantifying how much each country is offering.

In a further mockery of the Doha 'development' agenda, some rich countries are arguing they should get 'credit' in these calculations for what they have already committed. In other words, most of the new commitments would come from poorer Third World countries who have always been reluctant participants in services negotiations.

A second strategy is to get a 'critical mass' of governments to agree on model schedules for particular sectors. This would allow groups of like-minded (richer) countries to reach far-reaching deals on priority sectors, which others (mainly developing and least developed countries) are "invited" to join. In practice, these invitations would be backed by direct or indirect threats of loss of trade or aid for those who don't accept.

These proposals are being developed by so-called 'friends' of various service industries. These groups are created by WTO members, but the Secretariat's officials sometimes attend for 'information purposes'. According to the WTO Secretariat there are 14 of these informal groups (including logistics, legal, computer and related, aviation, environment, maritime, telecommunications,

energy, courier/postal, Mode 4, trade and culture). Sometimes the sectors overlap, creating a web of services commitments that reflect the needs of the transnational companies. 'Logistics' for example links rail and road transport, maritime transport, ports, inland waterways, postal and courier services and other distribution services.

New Zealand has particular interest in postal services. A moment's reflection on foreign investors' track record in New Zealand, and our own Transend's disastrous foray into South Africa and elsewhere, should be enough to show the folly of any country constraining its right to regulate foreign firms' activities in these sectors.

'Environmental services' is a priority for the EU. It has even tried to shortcut the stalled negotiations on government procurement in the GATS, and bypass the rejection of broader negotiations on government procurement at Cancun, by slipping government procurement into its model schedule for 'environmental services'. If it succeeds, it will open lucrative opportunities for Europe's transnational firms in water, waste disposal, sanitary services and more.

The Chairman's Coup

Not surprisingly, Southern governments have expressed outrage at this naked raid by transnational corporations on their services. Much of their infrastructure and many of their social services have recently been opened through privatisations and liberalisation, often under debt conditionalities from the IMF and World Bank. Without any time to build the capacity of their local non-state providers, they are being pressured to lock their doors open to foreign firms indefinitely and never to provide preferential support for their nationals.

These proposals have faced strenuous and sustained opposition from Brazil, the Philippines, Malaysia and ASEAN and others.

NZ Donkey Deep in GATS Attack

If these GATS negotiations were genuinely based on consensus, as the 'rules-based WTO' constantly claims, these proposals would have been dropped soon after they were mooted. Not so. They have continued to appear in successive drafts texts prepared by the Mexican Chair of the services negotiations, Ambassador Mateo, for tabling in Hong Kong. Indeed, Mateo claimed that these references, which were inserted without any consensus of WTO members, could only be removed if there was a consensus to do so! Looking beyond Hong Kong, he has described 2006 as the 'hunting season' for services as members are required to negotiate 'final offers'. The aim is to finish negotiations by the end of 2006, to form part of the trade-offs in the 'single undertaking' of the Doha round.

People can be justifiably outraged by these developments; but they should not be surprised. This is consistent with what has happened right across the WTO since it was established in 1995. It also exposes the vulnerability of the WTO. For years, ministers and other cheerleaders of the GATS have accused their critics of scaremongering. They insisted that the rules allow countries to decide for themselves which, if any, services they locked open to foreign firms under the 'free trade' rules of the GATS. Sovereign governments retain the right to regulate and protect their public services, they said. The development needs of poorer countries would continue to be recognised, allowing them to make fewer commitments than their richer counterparts and assisting them to participate in the global services economy.

Today, that thin veil has been stripped away. The GATS negotiations lie exposed as an arena driven by the self-interest of more powerful countries, on behalf of their services transnationals and/or as a trade-off for their agribusinesses, such as Fonterra. The New Zealand government's active complicity in this process reflects shamefully on us all. □

Two years ago the Labour-led government was confronted with a potent combination of Maori, trade unions, local governments, water campaigners, Green Party, churches and community groups, who challenged the current negotiations at the World Trade Organisation on the General Agreement on Trade in Services ('the GATS').

In New Zealand and elsewhere opponents of the GATS set about documenting the potential risks of governments' handing control over services to transnational corporations.

The GATS fell off New Zealanders' radar screen once the Labour government promised it would protect our public education and health services, and the Treaty of Waitangi, from the free trade rules. Those promises were misleading and carried no legal weight in the WTO.

Campaigning also became more difficult because the GATS negotiations went underground. Governments had been required to table 'offers' to include new services in their schedules by the end of March 2003. New Zealand was, of course, one of the exemplary 'GATS citizens' that met this deadline. Likewise in May 2005 with the tabling of its improved revised offer. This included new guarantees for foreign firms in low-wage operations such as call centres, mailouts and cleaning companies.

That, at least, was publicised and subject to the meaningless consultation process that has become standard MFAT practice. What people were not told was what New Zealand's representatives were up to in Geneva. In September 2005 New Zealand joined a vanguard of WTO members that seem to have executed a coup by

changing the structure of the GATS without any formal mandate and despite trenchant opposition.

The proposals for 'benchmarks' is portrayed as a complementary approach to the request and offer phase of negotiations. The requirement for governments to commit a minimum number of service sectors makes a nonsense of all the reassurances of voluntariness and flexibility the government has provided in the past. The EU's quantitative target is for new or improved commitments in at least 139 sub-sectors (85% of the 163 services sub-sectors). How would New Zealand meet that, in what areas – and how would it reconcile that with previous assurances that there would be minimal new commitments in these GATS negotiations because so much was committed in the Uruguay round?

Two factors seem to be driving Labour's position. The first is the fear that without movement on services the Europeans will shut down the talks on agriculture.

The second is pressure from New Zealand's business sector. Former WTO negotiator and current head of the Wellington Regional Chamber of Commerce Charles Finney gave an aggressive speech in August where he lambasted the lack of progress in GATS negotiations:

I was shocked by the WTO Director-General's admission that no new business opportunities have yet to be offered in the WTO services negotiations. ...I represent a Chamber of Commerce which draws 90% of its members from the services sector. What are 90% of my members going to think about this crucially important global trade negotiation – which we and many other organisations spend so much time

supporting – when they discover that it has so far failed to deliver any new business opportunities for their sector. And nationwide, what is 68% of the economy going to say when the news slips out? Clearly the leaders of these companies and their employers will be as unhappy as I am. We need to ensure that sufficient resources are being devoted to the services aspect of the negotiations. And we should be ensuring that other OECD countries are devoting a similar resource to these negotiations. ... Is 28% of the team in New Zealand's WTO Mission really devoted to services? And what of the WTO section in New Zealand's Ministry of Foreign Affairs and Trade?

Of course, Finney's argument is built on a fallacy. There is absolutely no evidence that existing GATS commitments by other countries have made any commercial difference to New Zealand's 'service exporters'. Other factors have much greater impact on foreign earnings, overseas expansion and the growth of a vibrant New Zealand industry. Just think about the variables affecting tourism, 'export education' from China, specialist services such as aircraft engineers or export of NZ Post's expertise in privatising and restructuring postal services!

Politically, however, the pro-GATS lobby has assumed an ascendancy. This has allowed the Labour government to get away with these manoeuvres in Geneva and adopt a position on bilateral and regional negotiations that it is GATS-plus. It created a new precedent in using a negative listing for services in the agreement with Chile, Singapore and Brunei – which means everything not explicitly excluded is covered, including services not yet thought of. The temporary exclusion of services from the Thai free trade agreement came from their end.

It is time to take back the high ground on services and expose the hypocrisy of a government that provides shallow assurances with one hand and trades them away behind our backs with the other. □

NZ

Government initiates 'Friends of Private Education Exports'

Education is one of New Zealand's largest services 'exports', behind tourism. Just to describe education in this way shows how twisted 'trade' thinking has become. Pushing 'education exports' is high on the government's negotiating priorities, both as an earner of foreign exchange when trade in agriculture is struggling, and because the government has made state schools and universities dependent on that income to compensate for their chronic underfunding.

The paradox is that there is no evidence that GATS commitments have done anything to address the so-called 'barriers' to New Zealand education institutions seeking international students, setting up offshore campuses, or selling their consultancy and qualification services offshore. Yet the government has locked New Zealand's liberalisation of private education in through GATS commitments and has 'requested' other governments to do the same – even governments like South Africa whose education minister has expressed outrage at the idea.

As part of New Zealand's support for the European Union's moves to 'up the ante' in the GATS negotiations, our trade officials announced in November 2005 that New Zealand is initiating a "Friends of Private Education Exports" group in the WTO. This step was taken without consultation with interested parties in the education sector, and without Cabinet approval.

MFAT states that the group is to "seek commitments on private education from members that constitute priority education markets." The purpose is "to inject greater momentum into the WTO Doha Round services negotiations". It is clearly responding to EU

demands, which make extensive opening of services markets a condition of its offers in agriculture.

There is no evidence that the domestic implications of this initiative have been considered. The government is currently trying to mop up the mess in the tertiary education sector resulting from activities of private education providers. There is widespread concern both as to the quality of their offerings, and their duplication of high quality courses offered by the public education system. Only 2-3 years ago, a boom and bust in private English Language Schools caused great disruption to students, staff and other institutions, and threatened the international reputation of New Zealand's entire education system. The government appears unworried at the hypocritical spectacle of reigning in the private sector at home, while acting as the leading "Friend of Private Education Exports" abroad.

While technically this proposal makes no change in New Zealand's GATS commitments or domestic policies, in practice it will undermine the government's ability to control the private sector. Private educational companies and institutions establishing themselves in New Zealand in increasing numbers will put pressure on the government to allow them to expand and get government funding. The GATS will prevent the government from regulating their number, type, or legal form. For example, while the government has declared it wants to limit the number of public universities, it would not be legal under GATS to limit the number of private universities. Nor could it require private institutions to be non-profit or have staff and student representation on their boards, or limit the number of private English

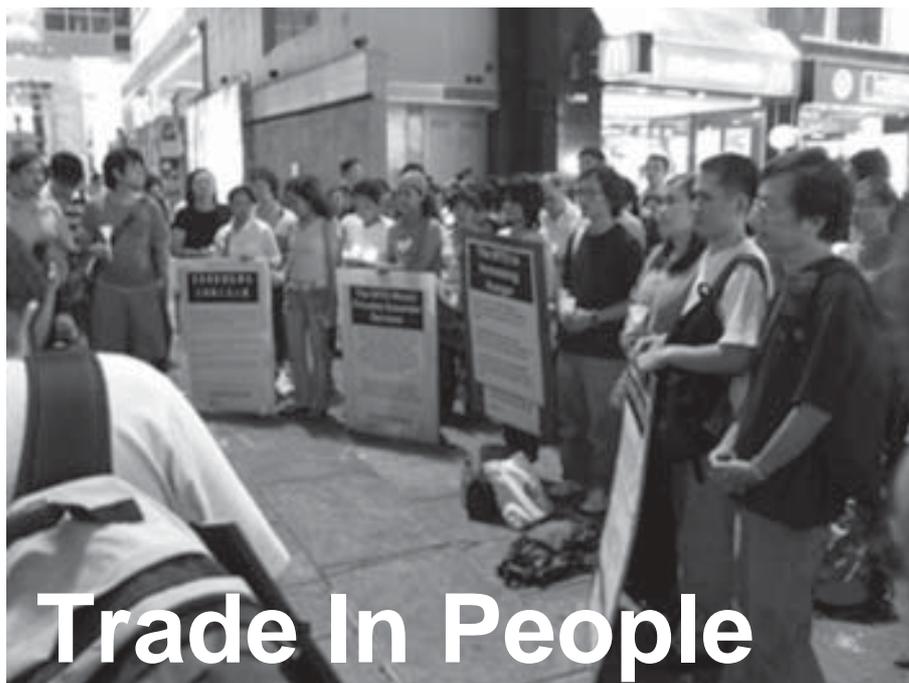
Language Schools in any locality to ensure their viability or availability.

Overseas owned private pre-school companies are already operating in New Zealand; this initiative will encourage more private entry into the pre-school and primary sector. It may lead to extensions of New Zealand GATS commitments to Adult Education, one of the most difficult areas to regulate.

There is additional pressure in the WTO to change the GATS rules on Domestic Regulation. That would control standards, licensing, and qualifications in ways which curtail our ability to control the quality of these institutions.

The great majority of educationists internationally, including European Ministers responsible for culture and education, University and College associations, student representative groups, and virtually all the major education unions agree that international education should not be governed by a commercially-oriented agreement such as GATS.

We have made that demand of successive New Zealand governments ever since we became aware that education was being included in the Uruguay round. All we have secured is empty promises. It is time for a renewed campaign among the real 'friends of education' so this latest foolhardy 'trade' strategy can be knocked on its head. □



Colonisation was an economic enterprise built on the exploitation of people and natural resources to the benefit of the colonising state and its corporate interests and economic elites in the colony. Its most repugnant genocidal practice was human slavery, the trade in human beings.

Today, neo-colonial globalisation has revived the trade – they call it 'Mode 4' of trade in services. True, it is more nuanced. Indeed, governments of the South are demanding the right to export their people to provide services in other countries, claiming this is their only 'comparative advantage' in a global marketplace where the rich countries dominate the production of goods, food and services.

For some, notably India, those human exports are skilled technology workers who are keen to work temporarily in the US or Europe. Its government wants to secure guaranteed access for those workers. The primary beneficiaries are not the workers themselves, but the firms who are able to minimise their costs and maximise their profits and their competitive position; yet there is enough of a

win-win for the elites in India to be pushing hard for these guarantees.

For India 'Mode 4' is a means to complement the outsourcing of services work from richer countries. The growth of 'outsourcing' and 'offshoring' is most obvious with the growth of call centres and backroom operations. Banks and e-commerce operations pay relative peanuts for the processing of documents offshore. This is often highly skilled work. For example US law firms are increasingly sourcing their legal research and preparation of court documents from India, so they have a computer file waiting for them in their office in the morning. Such operations come under Mode 1 of the GATS (cross-border supply of services) or Mode 3 (establishing a commercial presence) in situations where foreign firms set up an intermediary or clearing house in India. India's goal is to minimise the restrictions other governments place on these activities, including regulations relating to professions and licenses.

The situation is very different for service workers in other countries who are forced by the economic conditions at home to leave their families and communities and work

abroad. Sometimes this involves predatory migration, as nurses and teachers from Fiji or the Philippines are sucked up by countries like New Zealand.

Others seek 'unskilled' services jobs offshore. Unskilled is a misnomer – often they are highly skilled professionals who tragically can earn more as low paid domestic servants. Increasingly, women will leave those professional jobs as teachers or nurses in their own countries to seek low paid, high risk, exploitive work as domestic servants offshore. Men also leave their jobs or local communities to work in war zones as private security personnel. These 'services exports' have no personal security and often few legal rights. Yet their families depend on the remittances they can send home. So do their countries. Fiji now earns more from remittances than it does from exporting sugar.

Those who make the money from this 'trade' are the middle-operators, sometimes state-run operators who oversee the temporary export of their citizens, and increasingly private firms that run contract operations, such as those recruiting security personnel for Kuwait and Iraq.

This new international division of labour is embedded in the global services market. Its promotion through the GATS negotiations is fostering a perverse 'development' model that is built on remittances and intensifies the hollowing out of poorer countries economic, social and cultural life.

'Mode 4' - guarantees relating to the temporary movement of natural persons to provide services - has become a critical important factor in the GATS negotiations. India, which had been the prime opponent of the GATS during the Uruguay round, now has offensive interests that it is pursuing with vigour. As part of the 'new Quad' of power brokers in the WTO and one of the Five Interested Parties in the agriculture negotiations it is

perfectly placed to broker a trade-off.

This new power play was 'formalised' in September 2005 during a summit of trade ministers from the 'new Quad'. They decided to create a new 15-country special group on services negotiations to be jointly chaired by the US and India. The membership is heavily weighted towards countries that support the controversial benchmarks proposals and fails to include any sub-Saharan, Caribbean, Pacific or least-developed countries.

The stated aim of this élite group was to consider 'concrete ways of imparting specificity and momentum to the services negotiations'. They failed to agree on either the task or the membership. This was a relief to many GATS critics and a considerable number of governments who fear that they will be unable to resist demands for extensive new commitments if India's resistance folds.

Whether India holds firm rests on 'Mode 4'. The EU has been prepared to make some movement by including minimum requirements for commitments to allow entry of skilled workers within the benchmarks. The problem is with the US.

There are unconfirmed reports that the US negotiators promised India a minimum 65,000 'Hi1b' visas a year. Any such deal is legally untenable. Immigration is the tightly guarded domain of the Congress, and it is not about to have those rules rewritten in the WTO. The US Trade Representative has been instructed by the Chair of the House Judiciary Committee that oversees immigration 'not to negotiate additional immigration provisions in bilateral or multilateral trade talks that require changes to the U.S. law'.

There are also political reasons. The US has constantly claimed that future economic and job growth will

result from training new generations of hi-tech workers. So 'offshoring' of that work has become a highly controversial political issue; workers not only fear for their jobs, but they also see real impacts through the lowering of real wages and loss of health insurance and work conditions. Proposals to recruit the same expertise from India would provoke further resistance at a time when the US economy is faltering.

Immigration also attracts a high level of paranoia. Armed citizen militias are currently patrolling borders in Arizona and New Mexico looking for illegal migrants. The obsession with security and scare stories of terrorists masquerading as technical professionals is producing pressure to tighten up, rather than provide guarantees, for visas, especially from South Asia.

Meanwhile, poorer countries with less bargaining power than India are spectators in this game. Unwilling to sink the negotiations by refusing to participate, they are also demanding Mode 4 commitments for 'unskilled' workers in tourism, fruit picking, domestic labour, construction and security operations in return for any new commitments they make on services. The tragedy is that the governments of poorer countries that feel trapped in the GATS negotiations see this as their only option – one that no Northern government shows any sign of responding to. □

Maids Plan WTO Show of Strength



Monthly workshops and seminars have been training 'WTO migrant educators' to spread the word among the estimated 222,500 domestic workers in Hong Kong.

Despite growing fears that World Trade Organisation protests may be stifled, Hong Kong's foreign domestic helpers' Asian Migrants Coordinating Body has begun 'intensifying' a campaign to mobilise its constituents to protest against deregulation policies. ...

'We are the products of destructive globalisation policies' said Eman Villanueva, secretary general for the United Filipinos in Hong Kong and a spokesman for the coordinating body....

'Many of the issues that we migrant workers are confronted with come from policies that are being promoted by the WTO'. In Hong Kong, Villanueva cites the wage cuts

for domestic helpers, the levies imposed on their employers and the reduced budget for social services such as hospitals as some of the policies affecting migrant workers.

Migrant worker associations cite the deregulation policies regarding recruitment agencies in Indonesia as one of the main factors foreign domestic helpers from the archipelago are so readily exploited. With agency fees so exorbitant, the maids are in "debt bondage".

Although the Philippines still has laws regarding agency fees, the situation is essentially the same because the government turns a blind eye and private companies rule. 'The governments don't want to antagonise the private companies. They are passing all the responsibilities to the private agencies.'

'But even without GATS we are already affected by the WTO

because other agreements are actually destroying the livelihood and the economy and the environment of the countries we come from. The reason we are working overseas in the first place is because globalisation has destroyed our chances of getting employment in our respective countries.'□

The Standard 27 September 2005

Photo: Migrant women opposing the WTO in Hong Kong

Another Failed Ministerial, a Serious Loss of Face

When Hong Kong China, Special Administrative Region (SAR) bid for the two-yearly WTO Ministerial meeting for 2005, they expected to be hosting the celebratory conclusion of the Doha round. After the collapse at Cancun it not only seemed that the deadline of 2005 was unattainable – there was also a risk that the next meeting would ‘fail’ and the Hong Kong hosts would be held to blame. The loss of face would flow through to the People’s Republic of China as well.

There is little the administration can do to control what happens inside the meeting, which is under the control of the WTO. But it is also acutely concerned to control what happens in the public arena. The international publicity attracted by anti-WTO campaigners and any suppression of dissent was also likely to shine the spotlight on Hong Kong in an undesirable way. Worse, mobilisations on its doorstep could fuel opposition to China’s implementation of its controversial WTO obligations and the demands of locals and migrant workers in Hong Kong for greater human rights and democratic government.

The Hong Kong administration has made huge efforts to avoid the sixth Ministerial Conference (MC6) backfiring on them. Despite visa-free entry from most countries, the government has hinted that it may vet people entering. After many requests and repeated promises, and a direct appeal to WTO Director General Pascal Lamy, the MC6 Committee finally identified a



venue for parallel activities at some distance in Victoria Park, Causeway Bay. Like Cancun, the area surrounding the Convention Centre will be cordoned off – although a similar 9 kilometre buffer is hardly practical. Some transport services may be closed and access to buildings restricted. Limiting accommodation was another ploy. Some hotels, including the YMCA, initially refused to accept bookings from people coming to oppose the WTO, claiming that was the position of the Hong Kong hotel and tourist industry. When this was made public, denials flooded in thick and fast. In any case, the racked up price of already expensive accommodation is beyond the reach of most of the social movements that are planning to voice their concerns in Hong Kong.

As the Hong Kong People’s Alliance has repeatedly pointed out, the Hong Kong government needs them. If they are not able to coordinate activities of the vast number of social movements, NGOs and trade unions that will be present, there will be chaos in the streets. The government seems not to have understood. Already, they are on the back foot, having been shown up by the slick PR-skills of WTO Director General Pascal Lamy at a Roundtable Forum intended to foster communication between dissenters and the WTO in October. Hong Kong NGOs criticised the head of the Trade and Industry Department John Tsang, who will chair the Ministerial Conference, for not responding to their requests for a meeting for over a year. Tsang reportedly replied that he would

‘consider it, but you are supposed to be civil society, so you must be civil. I will not negotiate under duress.’ [*Hong Kong Standard*, 17 October 2005]

The meeting at Hong Kong University ended early. Tsang took off in his car. After activists swamped Lamy’s vehicle, he got out and agreed to receive their petition. That is not to say that Lamy won the PR battle either. His response to accusations that the WTO had made life worse for the poor was simply to wash his hands of responsibility: ‘The WTO’s core business is not distributing welfare. The WTO’s business is creating wealth.’ [*South China Morning Post*, 17 October 2005]□

(Photo: Demonstrating at the failed Cancun Ministerial in 2003)

Two Circuses Come to Town

Disney joins WTO in Hong Kong

Two circuses hit Hong Kong this year. The first is the WTO. The second is the opening of Disneyworld. Nothing could be more symbolic!

The third Disney extravaganza outside America is situated on Lantau Island, conveniently close to the new airport, so customers can by-pass Hong Kong altogether. The target is 30,000 people a day, 5.6 million in the first year, especially the new affluent middle class from China. Tickets cost NZ\$50-65 for adults and \$39-45 for children, in a country where the average income is still \$155 a month.

This is a joint venture between Disney and the Hong Kong government, agreed to in 1999. Disney would have preferred to be in mainland China. Politically, Hong Kong suited the PRC government better. At a time of unrest, it offered a distraction and a boost to Hong Kong's economy after the Asian crisis. That is far from guaranteed. The Hong Kong government has sunk US\$4 billion into the theme park, giving it a 57% share with Disney holding the rest. It has also assumed most of the financial risk. Financial analysts describe this as a massive subsidy to Disney and say the mega-transnational is largely protected from loss. Projected earnings are US\$19 billion over 40 years – but Disneyworld Paris has lost US\$3.3 billion in the last three years. All this is strange behaviour for a radical free trade government that says the state has no place in business and is suspected of planning to privatise the post office and other social services!

The Hong Kong government's profit projections assume that every visitor to Disneyland might spend



an average of HK\$680. The sale of tickets is likely to be around HK\$200 to \$300 per person. So the main source of profit is likely to be from merchandising - consumer products such as toys, clothes, figurines, stationery, DVDs and so on. Much more is to be made outside the park, all for Disney. Disney treats the parks and its films as profitable advertising for merchandise from which it makes mega-profits. There are no specific figures available for Disney, but generally 75% of the retail price goes to the brand name and retailers and about 25% to the factories. Workers labour costs are about 1-5% of the total price.

Disney US still has its sights set on Shanghai, with construction starting in 2006 and the theme park opening in 2012, but has not yet received government approval. Its profitability would depend on securing access for Disney movies-cum-advertisements as well. China offers a huge market for Disney merchandise. It is already rife with fakes for about a third of the price. A formal contract with the PRC government would give more leverage to demand a crackdown.

A Shanghai Disneyland would severely impact on Hong Kong and

destroy the rationale for Disney being there. According to Hong Kong's CEO (what they call the political leader in the commercial offshoot of China) Donald Tsang at the opening on 12 September, Disneyworld will make Hong Kong the 'premium family destination in Asia'. This kind of competition for upmarket tourists is contagious and the essence of the GATS. Thailand is apparently revisiting shelved proposals for

casinos so it can compete with Singapore's proposed new 'integrated resort' of hotels, convention facilities, entertainment shows, theme attractions, luxury retail and casino gambling and with Disney in Hong Kong.

Disney belongs to the powerful services lobby that is behind the GATS. Disney's new boss Robert Iger has heralded the start of a new era that will see a global company that is US-centric becoming truly global. Not satisfied with culturally offensive blockbusters like Pocahontas and Mulan, Disney aims to colonise the cultures of the world! So far in Hong Kong that has meant hiring Feng shui experts to advise on the parks layout and opening day, and serving dim sum and sweet and sour pork - although it was forced to take shark fin soup off the menu after a campaign by environmentalists. Everything else at Disneyworld Hong Kong is dismally Disney.

Already the omens are not good. The opening was a headline story in BBCWorld and ABCAsia as well as the local media. But there was a twist. According to locals the media, which is intrinsically pro-government, was very supportive and effectively provided free

advertising for the theme park until a month before the opening. Then they forced the government-cum-Disney PR machine into damage control.

The 'rehearsal week' was a disaster. The company attempted to hush up cases of food poisoning by insisting that inspectors took off their uniforms. That was quickly exposed and angry food safety officials objected that the company was not above the law. Bad behaviour by Chinese nationals was also blamed partly on the company. People complained about overcrowding and long queues in 30C-plus temperatures, with little shade and few resting places. Workers sweltering inside Disney character outfits were initially not allowed to drink from water bottles and are un-unionised. This came on top of concerns over environment impacts of massive increases in waste and the effects of a reclamation that has stirred up toxic chemicals in the mud left by a shipping yard and threatened local fishing farms.

The local Disney Hunter protest group camped outside the gates at the opening. These labour activists have effectively highlighted the exploitation of workers in the park and those making Disney merchandise across the border. Another group of Students and Scholars Against Corporate Misbehaviour (SACON) launched a campaign against Disney in June 2005, producing a report on four factories that produce the Disney merchandise. They found workers being paid below the Chinese minimum wage for working between 10 and 12 hours a day, six days a week. The monthly wage, including overtime, is around HK600-1000 a month. One plastic Mickey sold for HK\$400, and a bejewelled Minnie for HK\$3500. Disney has a Code of Conduct that covers this kind of production of its products, but there is no data on compliance. Company representatives said it was investigating the claims – yeah, right! □

Photo: Disney products on sale in Hong Kong

A Beat-up on Violence set the Scene for Suppressing Dissent

Hong Kong's media have been obsessed with stories of violence, fed largely from 'unidentified' (government) sources. These are fuelled by distorted and wildly exaggerated images of 'violent protest' at previous WTO ministerials and linked to the expected presence of several thousand Koreans. The standard quote from officials is 'What if some Korean peasants suddenly kill themselves amid the protest at the tunnel?'

The Hong Kong People's Alliance has worked hard to build an effective mobilisation of activists in a wide range of parallel activities. In an open letter to CEO Donald Tsang in June they reiterated the principle of non-violence in protests against the WTO and 'the position of the HKPA is to express alternative views through peaceful means'.

They are continually sending out press releases, holding press conferences, hosting high profile visitors, organising events and running education forums to bring the real issues to the fore. That is difficult in the free port of Hong Kong, where many criticisms of neoliberal globalisation and the WTO seem counter-intuitive. Despite this, HKPA has made some headway. Parts of the media seem bored with the beat-up about violence and have started reporting matters of substance.

Yet the hype keeps coming. Locals are constantly reminded that the police have stocked up on 'non-lethal ammunition' such as riot shields and rubber bullets, prisons are being emptied and paving stones are being secured so they can't be used as missiles – it's rather reminiscent of Auckland police sealing all the manholes so no terrorist/protestors could pop up at



unexpected moments! (*For the 1999 APEC Leaders Meeting*)

Indeed, protest and terrorism are deliberately and mischievously blended. In mid-September the local and foreign press reported that the government had ordered hospitals to stock up on antidotes to cyanide and insecticide in preparation for chemical attacks, as part of its contingency plans for the week of the meeting.

Those who were at Cancun know that, aside from the suicide of Korean farmer Lee Kyung Hae, no one was injured. The only property damage was the symbolic dismantling of the fence that was erected to keep the people 9 kilometres from the Convention centre where the decisions were being made. No protest actions involved any physical violence to anyone - police, delegates, local citizens or holiday makers.

As we keep pointing out, it is the WTO that has a track record of responsibility for violence. As Lee Kyung Hae's self-sacrifice starkly reminded the world: 'WTO Kills Farmers'. □

Photo: Vigil for Lee Kyung Hae in Hong Kong 2005

None Dare Call it Failure

On 9 November *The Guardian* reported that Brazil and India had concluded that the gulf between negotiators was too big to bridge in the five weeks left for the talks. Everyone else seemed to agree.

The chairs of the various negotiating groups were originally supposed to present draft texts to

WTO Director-General Lamy by the second week of November. Lamy was to have produced a first draft of the overall text by mid-November. Some, including New Zealand's Crawford Falconer who chairs the agriculture negotiations, had declined to bypass the opinions of the major parties, while those, such as the chair of the services negotiations, who ignored the dissenting voices have come under intense criticism.

Unless something radical happens, which seems unlikely, the next meeting of WTO members in Geneva on 2 December will decide what text is sent to Hong Kong – and it is anyone's guess what the ministers will actually do at the ministerial conference itself.

So another failed ministerial in Hong Kong seems a near certainty just one month out from the meeting. Yet none of the WTO's champions wants to name that reality. Euphemisms abound. One favourite is 'scaling back the level of ambition'. Another is 'recalibrating the expectations for Hong Kong'. Brazil's Ambassador has suggested the need for a 'Hong Kong II' – holding another ministerial meeting early in 2006 to do what Hong Kong was supposed to do.

The WTO will be further crippled as a result of this failure. Yet the pressure will remain for some deal before the end of 2006. Negotiations that exist independently of the Doha round, notably those on services, will continue. The rapidly expanding array of WTO-plus regional and bilateral negotiations is likely to intensify. And the same power politics and bankrupt neoliberal agendas will be played out in a multiplicity of venues.

A minority of transnational corporate NGOs are decrying this outcome, just as they declared the collapse of the Cancun ministerial meeting to be a disaster for developing countries. *The Guardian* reported Céline Charveriat, head of Oxfam International's Make Trade Fair campaign, saying: "Now is not the time to scale down ambition. The world's poor need a deal in Hong Kong ... Every day of delay is another day of suffering for millions."

Walden Bello from Focus on the Global South replied: "In the future, we would request our friends at Oxfam to make it clear to the press that they are speaking only for themselves and not as representative of trade campaigners or of civil society. We would also request that they not claim to speak for the world's poor but only for themselves."

Meanwhile, social movements, progressive NGOs and trade unions, and community activists will maintain their pressure on governments of the South to stand firm and on the powerful countries and corporations of the North to abandon their unconscionable demands. □



Alejandro Villamar (from RMALC in Mexico) celebrates the failure of the Cancun WTO Ministerial in 2003



Even puppets oppose the WTO

Glossary

AOA	WTO Agreement on Agriculture
APEC	Asia Pacific Economic Cooperation forum
Doha Round	New round of WTO negotiations launched at the WTO Ministerial Meeting in Doha, 2001
EU	European Union
GATS	WTO General Agreement on Trade in Services
IMF	International Monetary Fund
LDC	Least Developed Countries
MFA	Multi Fibre Agreement designed to protect Northern markets from cheap clothing and textile imports
Modalities	Methodological rules
Neo-Liberal	Contemporary market driven policy agenda
North	Advanced industrial capitalist countries
NAMA	WTO negotiations on non-agriculture market access
Patent	Protection of the creator's rights in an invention
Privatisation	Private ownership or provision of state owned asset or service
South	Poorer countries, otherwise described as Third World or 'developing' and 'least developed'
Tariff	Tax on imports
TNC	Transnational Corporation
TRIMS	WTO Agreement on Trade-related Investment Measures
TRIPS	WTO Agreement on Trade-related Aspects of Intellectual Property Rights
Uruguay Round	Negotiations from 1986 to 1994 that extended the GATT, created new agreements and the WTO
World Bank	Formed in 1945 as the International Bank for Reconstruction and Development, responsible for loans to poor countries conditional on implementing neoliberal policies.
WTO	World Trade Organisation, created in 1995 from the Uruguay Round of GATT

COUNTDOWN TO HONG KONG

This bulletin is based on information that was available at 15 November. It is important to remember that the ground will continual to shift right up to the Hong Kong meeting and may change dramatically day by day during the Hong Kong meeting itself. So will the position of the New Zealand government. So we recommend that you monitor the following websites to gain insights from a range of critical perspectives:

ARENA: www.arena.org.nz

Hong Kong People's Alliance on WTO: www.hkpaowto.org.hk

Our World is Not for Sale: www.ourworldisnotforsale.org

Third World Network: www.twinside.org.sg

Focus on the Global South: www.focusweb.org

SEATINI (Southern and Eastern Africa Trade Information and Negotiations Initiative):
www.seatini.org

Scoop: www.scoop.co.nz

La Via Campesina International Peasants Movement: www.viacampesina.org

Institute for Agriculture and Trade Policy (IATP): www.iatp.org

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