

SPINNING GLOBALIZATION TOWARDS HUMAN RIGHTS: A LETTER TO THE WTO

Helen Theung

The growing interchange of information, cultures, religions, goods, services, and money that modernity has introduced allows globalization to creep into every cornerstone of life for persons across the world. A transnational agency, such as the World Trade Organization, attempts to link the economies of all countries together in an alleged effort to develop better trade relations and assist countries in need of loans. Yet while the majority of the world is paying with their countries and their lives as these agencies trample on human rights, the only gains made through these institutions have been reaped by the very countries that created them. In the movement for social justice, there are some who believe that these agencies need to be eliminated and others who believe they can still be reformed. Though no such reforms have taken place, this letter offers suggestions on how the WTO can better their agency and conform to human and labor rights.

World Trade Organization
154 rue de Lausanne
CH-1211 Geneva 21,
Switzerland
c/o Director General Supachai Panitchpakdi

Dear Director General Supachai Panitachpakdi:

Upwards of one hundred-thousand individuals vehemently opposed to the practices and policies of the World Trade Organization (WTO) rallied upon Seattle, Washington in 1999 during its meeting. Similarly, thousands of people from all parts of the world converged onto the city of Cancun this past September in order to display their opposition to the WTO and to show their solidarity with the developing nations who often suffer as a result of these agreements. This letter, written in the midst of continuing collective efforts of citizens looking to spin 'globalization' in a more effective direction, will address the issues similar to those being voiced by the protesters and critics worldwide.

The World Trade Organization was set up to develop and enforce trade practices of all its member nations, but in this pursuit, human rights, labor rights, and environmental rights have been completely ignored and overrun by the drive to make profits. Under the WTO, inadequate wages are being paid to millions of workers all over the world who are working in inhumane sweatshop conditions in order to produce goods that will help corporations in achieving higher profit margins. Countries are being left out of the equation when it comes to developing policies that most adversely affect them and developing countries are seeing a drastically unequal platform on which trade is being conducted. All of these injustices are done on a regular basis without adequate legislation or policies to protect the citizens of the world.

In response to these serious problems within the WTO, I would like to offer a few suggestions that would allow the masses to render a more favorable opinion of your organization—mandated payment of a living wage to workers and humane working conditions, changes in the WTO's policies toward the “all-or-nothing” standard given to nations who decide to join, and a revocation of the Trade Related Intellectual Property Rights (TRIPs) agreement. Furthermore, the WTO should invest in the formation of a branch within its structure that would act as an agency to mandate and monitor human rights. This agency will have the ability to conduct inspections and allocate penalties in the event that these and any mandates of human rights are violated.

Development of a system like the World Trade Organization is not a bad idea given the ever expanding and all encompassing reach of global networks and trade systems. A single organization that tends to the world's trade can be beneficial and can act as a regulatory system, but the current structure of the organization is greatly flawed. As the U.N. Secretary General Kofi Annan suggested in his speech on the Politics of Globalization, “The fundamental recognition that lasting prosperity is based on legitimate politics has been joined by a growing appreciation of the need to maximize the benefits of the market while minimizing its cost in social justice and human poverty. To do so, regulatory systems must be improved in every part of the world; solid and sustainable safety-nets must be crafted to shield the poorest and most vulnerable; and transparency must be advanced on all sides.”¹

Trade acted as the fuel that drove the development of most first world² nations, but the rules that have been developed around trade is quickly becoming the root cause for the stagnation and immobility of other nations who strive to reach the “first world” standards. Often times, the WTO does not succeed in what it was originally designed to do—allow for a “meeting place where willing nations could sit in equality and negotiate

rules of trade for their mutual advantage, in the service of sustainable international development.”³ Backdoor meetings dubbed “green room sessions” are called which only allows for a specific pact of nations to get together to hash out arrangements while weaker countries are left in the dark. In order for this organization to prove itself effective, serious reforms need to take place. Spreading the benefits by developing and applying more equitable rules would allow for your institution to be beneficial and legitimate to more than just a few core nations.

Wages paid to workers in many parts of the world are substandard, failing to provide resources to meet the basic needs of families below the poverty line. As the system currently stands in Mexico, wages paid to workers in factories that run along the border of the United States are gross overestimations of how far a peso can stretch. Even though workers labor in factories for long hours throughout the day, they still fail to make enough to sustain a quality of life that exceeds the poverty level. The condition of the cities like Juarez, Mexico consists of an overcrowded 1.5 million people living in a “ramshackle sprawl of cinder block houses...” which attracts as many as 80,000 new workers each year.⁴ A common counter argument would be “globalization has offered this man a hellish job, but it is a choice he did not have before, and he took it.”⁵ While this is a valid point, the fact remains that the individual's choice to work at the factory should not give corporations and companies free range to pay these workers unlivable wages.

By mandating that a living wage be implemented by its member nations and factories maintain humane working conditions, the WTO can ensure that an important segment of labor rights are being followed. The implementation of a living wage for the workers of these sweatshops would ensure that these laborers have the means by which to sustain their livelihood. There is much understood apprehension to this proposal as the government, the factory owners, and the retailers alike do not think it is their respective responsibility to subsidize a living wage for their workers or provide an adequate work environment. These concerns are understandable, but there are effective solutions that can be offered.

The retailers of apparel and goods have interests across the board in the process of selling these goods. For one, they would like to promote their corporation or company as well as gain profit and notoriety from the sale of these goods. Having to take a cut in profits in order to subsidize a living wage for their employees seems illogical when they can get by without doing so and earn a slightly higher profit.

Yet there is a different side to the story that requires consideration. By adopting a living wage policy, as well as humane working conditions in factories worldwide, all levels will benefit by being able to declare

themselves in line with fair and socially responsible labor practices. It is also in the respective government's best interest to look into the rights of the workers and their adequate pay in order to meet these human rights standards. Payment of a living wage would improve the welfare of the state and decrease the poverty level which would benefit the whole world. New possibilities, such as furthering education, will open up with such a living wage, leading to a possibility of a greater number of high-skilled workers advancing the country to a more progressive state of development and production.

As it stands, globalization is riding on the backs of many factory workers, who are being marginalized in its process. This pattern of rich nations dominating poorer ones cannot continue as it is simply not sustainable. As an interdependent global system, the benefits of elevating the conditions of the people of poorer nations would be reaped by countries across the world. As human beings we should be concerned with human rights being extended to all, not corporate rights. The resistance to globalization and the non-regulated labor practices under the WTO can begin to change if it takes on human rights as an institutional policy.

The World Trade Organization can begin the process of requiring nations to take a socially responsible step in the direction of human rights by constructing regulations for its member nations to follow in implementing a living wage and meeting adequate work environment standards. To enforce such standards, the WTO should contract independent agencies to conduct inspections of questionable factories and provide a report assessing any violations. Those nations that violate the WTO regulations will face severe penalties. Incorporation of non-governmental organizations into this task ensures that adequate standards are met across all nations.

Another issue that would guide the WTO in a more promising direction would be to edit its policies on membership. As it currently stands, all member nations who join the WTO "agree to be bound by...trade in all areas," even those that might be undesirable in the long run. "Their choice is to agree or to forfeit participation in the world trade system."⁶ This allows little room for flexibility in regards to different nations and their needs.

The laws of member nations can be challenged if fulfillment of a WTO objective is being impeded by the law itself. This robs nations of their sovereignty to regulate their respective laws and requires that the WTO's interests be regarded as first and foremost. The WTO rules and restrictions are enforceable and supercedes all existing federal, state, local, and future laws.

Since there is clearly a division between strong and weak members within the WTO, there must be a safeguard to ensure that the weaker ones are protected and have more leeway in developing their trade structure. The required adherence to the rule that allows WTO policies to take precedence over national laws grants room for a foreign body to guide national policy. This unfortunate mandate takes a sizeable portion of sovereignty from each nation involved in the WTO. The dangers that follow are evidenced by events such as the rejection of a 1994 child labor law proposed in the United States Senate on the grounds that it conflicted with the WTO.⁷ Laws such as this one that are enacted by a nation to protect its people and the environment would fail in a battle against the WTO policy. This clearly puts the needs and benefits of trade above all else, including human rights and environmental rights. The WTO should reform this policy and grant sovereignty back to the nations.

The problems surrounding the TRIPs agreement are equally troubling. Under this policy, a general minimum patent protection of twenty years is allotted to industries.⁸ A victory for the U.S. high-tech industry, this agreement is similar to the United States' rules on patents, copyrights, and trademarks which "extend to living resources so that genes, cells, seeds, plants, and animals can now be patented and 'owned' as intellectual property."⁹ TRIPs gives the patent holder the right to block the reproduction, usage, or selling of seeds, requiring first a payment of royalties to the patentee. This implies that seeds, plants, animals, and cells, all direct products of nature, can be owned as private property. This also pays little or no attention to the indigenous knowledge that was established long before the corporations ever came into existence. Such products of nature were never meant to be privatized and owned by a corporation.

The United States' patent laws should remain in the United States rather than being globalized and applied to all trade related activities. A direct effect of this agreement has been the creation of great obstacles blocking the distribution of inexpensive AIDS medicine that would alleviate symptoms among the staggering number of AIDS victims in places such as Africa.¹⁰ The TRIPs agreement provides another example of how the WTO places the needs and wants of corporations and industries above all else. The abolishment of the TRIPs agreement would result in granting the poor in Third World countries a greater chance at protecting their indigenous knowledge and allow them equal access to what nature has provided all human beings. The protection of the corporation must be shifted to the protections of people and nature.

These three suggestions are just a few of the many steps an organization like the WTO can take in adopting a more sustainable system. Many other problematic issues at bay include agricultural subsidies, the cooperation of the WTO, World Bank, and International Monetary Fund in creating the “iron triangle,” and enacting damaging Structural Adjustment polices in turn for debt repayment. Labor rights should be seen as human rights and the two should be fully integrated into the international human rights discourses and practices.¹¹ I believe the WTO does not purposely institute bad policies marginalizing underdeveloped and weaker nations is not the inherent purpose of a transnational organization like the WTO, but rather is an unfortunate result of an evolution of events. Recognizing that such problems are occurring is the first step towards developing solutions.

The development of a human rights sector of the World Trade Organization would strongly assist in making your organization a more socially responsible one. Allowing for non-governmental organizations to assist in advising or serve as a human rights council to the WTO would be beneficial in rendering a more favorable opinion of the organization worldwide. The inequalities within the globalizing forces create a form of globalization that is seen as the “rape and pillage” of indigenous cultures and Third-World lands by the wealthy and First World nations. The World Trade Organization has emerged as the most powerful force in world trade. Therefore, it has the power to lead the world down a favorable path where human rights are globalized and Third World nations have equal rights, or a destructive path where the only rights of great concern are those pertaining to corporations and industries. The fate of many lives is in the hands of your organization and its future choices.

Sincerely,



Helen Theung
Student in the Department of Law & Society and Women’s Studies
University of California- Santa Barbara
Student organizer and activist

Endnotes

¹ Kofi Annan, “The Politics of Globalization.” *Globalization and the Challenges of a New Century*, p. 126

² There is a problematic frame in which the terms “Third World” and “First World” have been developed and what they have come to represent. In using these terms, I wish to note that I am not referring to some monolithic group of native people existing on a continent who are backwards in their society or who have greater battles than all of the citizens of the “First World.” Many contentions exists within the frame of “First” and “Third” World for they are not disjoint entities and can overlap (ie: a “Third World” within the ‘First World’ phenomena). Thus people of the First World can be fighting under the very oppressions those in the “Third World” fight against. In light of this criticism, I wish to contextualize the meaning of “Third World” as overexploited ‘geopolitical entities’ consisting over everything from countries to regions within countries and whole continents.

³ Tina Rosenberg, “The Free-Trade Fix.” *The New York Times Magazine*, 18 August 2002, sec. 6, p. 2

⁴ Mark Clifford, “Up the Ladder,” *Business Week* 6 Nov. 2000, p. 69

⁵ Rosenberg, p.7

⁶ Ralph Nader and Lori Wallach, *GATT, NAFTA, and the Subversion of the Democratic Process*. p. 103-104.

⁷ Ibid. , p. 105

⁸ Walden Bello, “The WTO: Serving The Wealthy, Not The Poor.” *The Ecologist*, Sept. 2000, p.28.

⁹ Vandana Shiva, “WTO Agriculture Rules: Threatening Third World Farmers.” *The Ecologist*, Sept 2000, p. 42.

¹⁰ Rosenberg, p. 8

¹¹ Anita Chan, “In Pursuit of Labor Rights,” *China’s Workers Under Assault: The Exploitation of Labor in a Globalizing Economy*, (New York: M.E. Sharpe, 2001), p. 227.

Works Cited

- Bello, Walden. "The WTO: Serving The Wealthy, Not The Poor." *The Ecologist*, Sept. 2000, p.28.
- Chan, Anita. "In Pursuit of Labor Rights," *China's Workers Under Assault: The Exploitation of Labor in a Globalizing Economy*. New York: M.E. Sharpe, 2001.
- Clifford, Mark. "Up the Ladder: Global Trade: Can All Nations Benefit?" *Business Week*, 6 Nov. 2000, 69
- Nader, Ralph and Lori Wallach. "GATT, NAFTA, and the Subversion of the Democratic Process." *The Case Against the Global Economy*. San Francisco: Random House, 1997.
- O' Meara, Patrick and Howard D. Mehlinger, eds. *Globalization and the Challenges of a New Century: A Reader*. Indiana: Indiana University Press, 2000.
- Rosenberg, Tina. "The Free-Trade Fix." *The New York Times Magazine* 18 August 2002, sec. 6, p. 2
- Shiva, Vandana. "WTO Agriculture Rules: Threatening Third World Farmers." *The Ecologist*, Sept 2000, p. 42.