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From: pax [SMTP:pax@smartchat.net.au]
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To: jsct@aph.gov.au
Subject: SUBMISSION ON AUSTRALIA'S RELATIONSHIP WITH THE WTO

Joint Standing Committee on Treaties
Parliament House
Canberra ACT 2600

24 August 2000

Submission to the Joint Standing Committee on Treaties

Australia's relationship with the World Trade Organisation

Dear Committee Members,

I write to urge this Joint Standing Committee to recommend no ongoing treaty with the World Trade Organisation because it has become undemocratic, unaccountable and lacks transparency. Furthermore, the impact of GATT, followed by World Trade Organization policies and practices has undone over 30 years of progress in human development internationally. The vast majority of the Australia's and the world's population are worse off now than 30 years ago as a DIRECT RESULT of GATT and WTO policies and practices.

Below I address each of the Terms of Reference;

1.Opportunities for community involvement in developing Australia's negotiating positions on matters with the WTO

There are no formal processes within the WTO for community consultation or involvement. Over 50,000 people peacefully protested against this lack of democratic process at both Seattle and Washington.

As part of its trade delegation to the 1999 Seattle WTO Millenium Round, Australia included eight big business and industry group representatives, while at the same time excluded community and non-government organisations that represented over 1 million Australians.

2.The transparency and accountability of WTO operations and decision making;

The WTO is not accountable to individual governments. Australia has called upon the WTO when tarriffs were erected against Australian Rice in Japan last year, and against EU and USA farming subsidies with no success, yet the WTO forced Australia to remove quarantine restrictions on salmon imports. Decision-making is clearly political. There is no transparent, accountable "level playing field".

3.The effectiveness of the WTO's dispute settlement procedures and the ease of access to these procedures;

I have yet to hear of an Australian or Developing Country successfully appealing any WTO dispute. The dispute settlement procedure is inaccessible to State and Local Government, non-government organizations and individuals. The Dispute Settlement Board is not representative either. Clearly, the process is gear to protect Corporation power and enforce rules upon individual countries and their people. The Dispute Settlement Procedure undermines national sovereignty and is not in the national interest.

4.Australia's capacity to undertake WTO advocacy;

A classic example of the one-sided WTO advocacy Australia has undertaken thus far is the Australian Department of Foreign Affairs and Trade willingness to trade away the wishes of the majority of Australia's population to have their food labelled for possible GM (genetically modified) additives, in the HOPE of accessing European Union agricultural markets! The recent decision by the Australia and New Zealand Food Authorities (ANZAF) to enforce strict mandatory labelling of food could be seriously undermined or deemed illegal by the WTO, as a 'non-tariff-barrier' to the trade in food.

The benefits of labelling must be measured against the costs to our health and environment if we do not label. The absurdity in reversing Australia's policy on mandatory labelling is that Australia will still have to label its exportable produce to Europe in order to satisfy their stringent requirements.

5. The involvement of peak bodies, industry groups and external lawyers in conducting WTO disputes;

The only peak bodies currently involved in WTO disputes are industry-based. Economic actions have social and environmental impacts. Including non-business-NGOs in a meaningful way would necessitate including the projected costs associated with 'free trade' onto Australia's communities. This would undermine the whole 'free trade' agenda espoused by the WTO as this would require an inclusive, democratic, transparent and publicly accountable system that factors in the human and environmental costs. There can be no long-term development without ensuring basic social justice and environmental sustainability. No voice in WTO disputes effectively silences those adversely effected by inappropriate and unsustainable development.

Furthermore, the costs of representation at WTO disputes prevent those most adversely affected from having a fair appeal due to a lack of resources and power, relative to large corporations.

6. The relationship between the WTO and regional economic arrangements;

The aim of the WTO is to gain complete and unfettered market access for the world's corporations, to all the world's resources. For Australia to blindly advocate this on the behalf of the WTO, without any concept on how this would affect the world's communities is total madness.

For instance, according to the WTO, the "Most Favoured Nation" status requires all WTO member countries as equal trading partners. Countries cannot discriminate between their own and foreign products, services, persons &/or corporations. This forbids consumer boycotts against companies or countries that abuse human, environment &/or indigenous rights, etc. This would guarantee the continuing of human rights abuse in all parts of the world where transnational corporations have unfair access to other countries resources.

Countries should have the sovereign right to choose their trading relationships on the basis of human rights, protection of social and environmental standards, preferential treatment of domestic industries, etc. Why should foreign corporations be given open slather and the hands of government, i.e. the democratic wishes of the people, be constrained?

7. The relationship between WTO agreements and other multilateral agreements, including those on trade and related matters, and on environmental, human rights and labour standards; and

The former GATT and WTO policies and practices have undermined other international agreements and treaties, such as International Human Rights and International Labour Organisation standards. This is illustrated by Textile and Footwear Industry Multinational Corporations who do not even comply with their own voluntary Codes of Conduct on such basics as workplace wages and conditions. Esmerelda Mines's cyanide spill in Rumania is yet another example of non-adherence to minimum standards set under international treaties.

The International Labour Organisation (ILO) has no legally binding mechanisms to enforce its agreements. This is a standard practice for trade negotiators to avoid the responsibility of including workers rights; because they know that the ILO is powerless to enforce the same signatories of trade agreements to also honour agreements protecting workers rights.

8. The extent to which social, cultural and environmental considerations influence WTO priorities and decision making.

WTO rules are weakening both international environment agreements and domestic environment standards because of the dominance of these rules in policy making arenas.

We have seen the international reaction in Seattle and Washington from those communities reeling from the effects of the rulings imposed by the WTO. The ultimate aim of 'free trade' is to remove all government regulation or even the perceived threat of 'interference' in corporate trans-border activity.

The WTO view of organisations such as the ILO as the rightful organisations to oversee the protection of environment and labour standards is because they are powerless to enforce agreements with corporations and countries that abuse these rights. Until the WTO places the enforcement of these rights above the wishes of corporations to self-regulate, then the deterioration of the world's environment and living standards will continue unabated.

How can one properly access this point when the WTO rulings and decisions are done in secret? The reason being that corporations and/or peak business bodies wish to rollback all 'non-tariff-barriers' to trade is effectively someone else's democratic right to protect against for instance the destruction of the environment.

The reason why the Most Favoured Nation, National Treatment and Market Access rules dominate the WTO policy making arenas, is for the world's corporations to gain unfettered access to the world's resources without taking ANY account of the human and environmental costs.

CONCLUSION:

I can see no real benefit in Australia's membership to the WTO until it is made accountable, transparent and ensures international human rights, labour rights and environmental standards are protected and included in all WTO policy. The WTO dispute settlement procedures must be accessible to all.

I urge the Inquiry to recommend that Australia cease further negotiations at the WTO while this 'public inquiry' is in progress and until such time that the Australian government can prove beyond reasonable doubt that we will ALL benefit from membership in the WTO.

Yours sincerely

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