

in 1999 December, I wrote a position piece on the WTO:"

Canada is both victim and villain at the WTO" printed in the Times Colonist

EXHIBIT

1999 Canada is both Villain and Victim of the WTO

Joan Russow Global Compliance Research Project

Op-ed in the Victoria Times Colonist

Opposition for trade agreements in Canada has mounted in part because of the Ethyl case where Canada was obliged to compensate the Ethyl Corporation after Canada had refused to accept, for environmental reasons, the additive MMT. Rather than use other multinational international environmental agreements to counter Ethyl's claim, Canada caved into the decision by the NAFTA panel. Outrage arose in Canada that foreign corporations should have this right in Canada. The opposition has been fueled by nationalism demanding Canada's sovereign rights to set standards and regulations be respected. Unfortunately, this case has obscured the fact that Canada acts to undermine higher standards and regulations related to hormone treated beef, and the rejection of genetically engineered foods and crops by Europe, and the banning of asbestos in France. One is left with the question of whether Canada agreed to pay Ethyl in order to be able to justify its using the WTO to further its industries of GE foods and crops and asbestos both of which have been demonstrated to be harmful to human health and the environment.

On Sunday, November 28 , 130 experts in genetically engineered foods and crops from 20 countries met and called for a ban on genetically engineered processes, foods and crops and animals. This resolution, including a call for the end of the patenting of life forms, for the criminalization of bio-piracy, along with other demands, was subsequently presented to an informational session plenary meeting of about 600 participants and was read by Maxime Waters a US congresswoman who subsequently undertook to put the resolution on the floor of congress.

At the same informational session plenary meeting, there was a presentation of the WTO Asbestos Case and its Health and Trade implications. The presenter referred to the challenge by Canada to France's complete ban on all uses of all types of asbestos. The case was greeted with calls of "shame Canada." The presenter noted that the real targets of the case are the developing countries and that Canada has, in reality, no expectation of resuming significant exports of asbestos to France or to most of the other

developed countries but is worried about the impact of the ban on its sales of asbestos to the developing world.

What is needed, is the dismantling of the WTO and the immediate implementation of years of international agreements related to protecting the environment, guaranteeing human rights, including labour rights, ensuring social justice and preventing war and conflict. These agreements, in contrast to the vested interest economic agreements and institutions such as WTO, NAFTA, APEC, GATT, could be described as public trust international agreements.

Two significant principles from public trust international agreements were agreed to under the Rio Declaration from UNCED: the Precautionary Principle - where there is a threat to the environment the lack of full scientific certainty shall not be used to justify postponing measures to prevent the threat. The other principle is the “non-transference of harmful substances” where States made a commitment to prevent the transfer to other States of substances or activities that are harmful to human health or the environment.

In both the cases of asbestos and genetically engineered foods, there is sufficient existing evidence to invoke the precautionary principle thus, justifying the banning of asbestos and the banning of genetically engineered foods and crops. Both genetically engineered foods and crops and asbestos have been proved to be harmful to human health and environment and their continued production and transfer to other States is unconscionable.

For too long, the Canadian government has proclaimed that it has obligations and commitments under vested economic agreements and institutions such as the WTO. Rarely does the Canadian government acknowledge that it has obligations and commitments under international public trust law.

We are now living in the wake of negligence from years of institutional collusion among governments, financial institutions, corporations, academic establishments and the military--- a disregard for the public trust : the violation of human rights, including civil and political rights and labour rights, the denial of social justice, the degradation of the environment, and the escalation of war and conflict.

1999 is the culmination of the decade devoted to the furtherance of international law. The WTO should be dismantled and member States of the United Nations must be called upon to discharge obligations incurred under conventions, treaties and covenants, to act on commitments made through Conference action plans, and to fulfill expectations created through General Assembly Resolutions.

Joan Russow (Ph.D)

1999.Federal leader of the Green Party of Canada, Author of the Charter of Obligations

