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# Sand in the wheels

Weekly newsletter - n°99 – Wednesday 10 October 2001.

## BUILDING MOBILIZATIONS

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We are happy to announce the launching of a website on Qatar WTO Ministerial mobilizations. You can find it at <http://attac.org/nonewround>

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*Information about these international struggles is vital, but news updates from workers around the globe can leave a U.S. worker wondering how she could support a fight halfway across the world. A video presentation made by a Kentucky Jobs with Justice group demonstrated one strategy for building bridges between workers.*

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*The WTO Dispute Settlement Body came in for severe criticism at the annual session of the UN sub-committee on human rights; injustices in the TRIPS and GATS agreements were also pointed out. India loses its suit against Rice Tec on Basmati rice labelling. On GMOs: Sri Lanka shelves its plan for restrictions under WTO pressure, while the US strongly criticizes EU labelling regulations.*

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*The corporate-government partnership on WTO issues is not just for the benefit of industry - it goes two ways. Transatlantic business consensus is used by the EU and US to overcome differences in their own WTO negotiating positions. The result is that large corporations are able to effectively pre-cook the outcome of WTO negotiations, taking advantage of unequal power relations within the WTO, an organisation dominated by the large Northern trade blocs.*

#### 5- Meeting ATTAC worldwide

#### Signs of the Times

by Naomi Klein

As shocking as this must be to New Yorkers, in Toronto, the city where I live, lampposts and mailboxes are plastered with posters advertising a plan by antipoverty activists to "shut down" the business district on October 16. Some of the posters (those put up before September 11) even have a picture of skyscrapers outlined in red--the perimeters of the designated direct-action zone. Many have argued that O16 should be canceled, as other protests and demonstrations have been, in deference to the mood of mourning--and out of

fear of stepped-up police violence. But the shutdown is going ahead. In the end, the events of September 11 don't change the fact that the nights are getting colder and the recession is looming. They don't change the fact that in a city that used to be described as "safe" and, well, "maybe a little boring," many will die on the streets this winter, as they did last winter, and the one before that, unless more beds are found immediately.

And yet there is no disputing that the event, its militant tone and its choice of target will provoke terrible memories and associations. Many political campaigns face a similar, and sudden, shift. Post-September 11, tactics that rely on attacking--even



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peacefully--powerful symbols of capitalism find themselves in an utterly transformed semiotic landscape. After all, the attacks were acts of very real and horrifying terror, but they were also acts of symbolic warfare, and instantly understood as such. As Tom Brokaw and so many others put it, the towers were not just any buildings, they were "symbols of American capitalism."

As someone whose life is thoroughly entwined with what some people call "the antiglobalization movement," others call "anticapitalism" (and I tend to just sloppily call "the movement"), I find it difficult to avoid discussions about symbolism these days. About all the anticorporate signs and signifiers--the culture-jammed logos, the guerrilla-warfare stylings, the choices of brand name and political targets--that make up the movement's dominant metaphors.

Many political opponents of anticorporate activism are using the symbolism of the World Trade Center and Pentagon attacks to argue that young activists, playing at guerrilla war, have now been caught out by a real war. The obituaries are already appearing in newspapers around the world: "Anti-Globalization Is So Yesterday," reads a typical headline. It is, according to the Boston Globe, "in tatters." Is it true? Our activism has been declared dead before. Indeed, it is declared dead with ritualistic regularity before and after every mass demonstration: our strategies apparently discredited, our coalitions divided, our arguments misguided. And yet those demonstrations have kept growing larger, from 50,000 in Seattle to 300,000, by some estimates, in Genoa.

At the same time, it would be foolish to pretend that nothing has changed since September 11. This struck me recently, looking at a slide show I had been pulling together before the attacks. It is about how anticorporate imagery is increasingly being absorbed by corporate marketing. One slide shows a group of activists spray-painting the window of a Gap outlet during the anti-WTO protests in Seattle. The next shows The Gap's recent window displays featuring its own prefab graffiti--words like "Independence" sprayed in black. And the next is a frame from Sony PlayStation's "State of Emergency" game featuring cool-haired anarchists throwing rocks at evil riot cops protecting the fictitious American Trade Organization. When I first looked at these images beside each other, I was amazed by the speed of corporate co-optation. Now all I can see is how these snapshots from the corporate versus

anticorporate image wars have been instantly overshadowed, blown away by September 11 like so many toy cars and action figures on a disaster movie set.

Despite the altered landscape--or because of it--it bears remembering why this movement chose to wage symbolic struggles in the first place. The Ontario Coalition Against Poverty's decision to "shut down" the business district came from a set of very specific and still relevant circumstances. Like so many others trying to get issues of economic inequality on the political agenda, the people the group represents felt that they had been discarded, left outside the paradigm, disappeared and reconstituted as a panhandling or squeegee problem requiring tough new legislation. They realized that what they had to confront was just not a local political enemy or even a particular trade law but an economic system--the broken promise of deregulated, trickle-down capitalism. Thus the modern activist challenge: How do you organize against an ideology so vast, it has no edges; so everywhere, it seems nowhere? Where is the site of resistance for those with no workplaces to shut down, whose communities are constantly being uprooted? What do we hold on to when so much that is powerful is virtual--currency trades, stock prices, intellectual property and arcane trade agreements?

The short answer, at least before September 11, was that you grab anything you can get your hands on: the brand image of a famous multinational, a stock exchange, a meeting of world leaders, a single trade agreement or, in the case of the Toronto group, the banks and corporate headquarters that are the engines that power this agenda. Anything that, even fleetingly, makes the intangible actual, the vastness somehow human-scale. In short, you find symbols and you hope they become metaphors for change.

For instance, when the United States launched a trade war against France for daring to ban hormone-laced beef, Jose Bove and the French Farmers' Confederation didn't get the world's attention by screaming about import duties on Roquefort cheese. They did it by "strategically dismantling" a McDonald's. Nike, ExxonMobil, Monsanto, Shell, Chevron, Pfizer, Sodexo, Marriott, Kellogg's, Starbucks, The Gap, Rio Tinto, British Petroleum, General Electric, Wal-Mart, Home Depot, Citigroup, Taco Bell--all have found their gleaming brands used to shine light on everything from bovine growth hormone in milk to human rights in the Niger Delta; from labor



abuses of Mexican tomato farmworkers in Florida to war-financing of oil pipelines in Chad and Cameroon; from global warming to sweatshops.

In the weeks since September 11, we have been reminded many times that Americans aren't particularly informed about the world outside their borders. That may be true, but many activists have learned over the past decade that this blind spot for international affairs can be overcome by linking campaigns to famous brands--an effective, if often problematic, weapon against parochialism. These corporate campaigns have, in turn, opened back doors into the arcane world of international trade and finance, to the World Trade Organization, the World Bank and, for some, to a questioning of capitalism itself.

But these tactics have also proven to be an easy target in turn. After September 11, politicians and pundits around the world instantly began spinning the terrorist attacks as part of a continuum of anti-American and anticorporate violence: first the Starbucks window, then, presumably, the WTC. New Republic editor Peter Beinart seized on an obscure post to an anticorporate Internet chat room that asked if the attacks were committed by "one of us." Beinart concluded that "the anti-globalization movement...is, in part, a movement motivated by hatred of the United States"--immoral with the United States under attack.

In a sane world, rather than fueling such a backlash the terrorist attacks would raise questions about why US intelligence agencies were spending so much time spying on environmentalists and Independent Media Centers instead of on the terrorist networks plotting mass murder. Unfortunately, it seems clear that the crackdown on activism that predated September 11 will only intensify, with heightened surveillance, infiltration and police violence. It's also likely that the anonymity that has been a hallmark of anticapitalism--masks, bandannas and pseudonyms--will become more suspect in a culture searching for clandestine operatives in its midst.

But the attacks will cost us more than our civil liberties. They could well, I fear, cost us our few political victories. Funds committed to the AIDS crisis in Africa are disappearing, and commitments to expand debt cancellation will likely follow. Defending the rights of immigrants and refugees was becoming a major focus for the direct-action crowd in Australia, Europe and, slowly, the United

States. This too is threatened by the rising tide of racism and xenophobia.

And free trade, long facing a public relations crisis, is fast being rebranded, like shopping and baseball, as a patriotic duty. According to US Trade Representative Robert Zoellick (who is frantically trying to get fast-track negotiating power pushed through in this moment of jingoistic groupthink), trade "promotes the values at the heart of this protracted struggle." Michael Lewis makes a similar conflation between freedom fighting and free trading when he explains, in an essay in *The New York Times Magazine*, that the traders who died were targeted as "not merely symbols but also practitioners of liberty.... They work hard, if unintentionally, to free others from constraints. This makes them, almost by default, the spiritual antithesis of the religious fundamentalist, whose business depends on a denial of personal liberty in the name of some putatively higher power."

The battle lines leading up to next month's WTO negotiations in Qatar are: Trade equals freedom, antitrade equals fascism. Never mind that Osama bin Laden is a multimillionaire with a rather impressive global export network stretching from cash-crop agriculture to oil pipelines. And never mind that this fight will take place in Qatar, that bastion of liberty, which is refusing foreign visas for demonstrators but where bin Laden practically has his own TV show on the state-subsidized network Al-Jazeera.

Our civil liberties, our modest victories, our usual strategies--all are now in question. But this crisis also opens up new possibilities. As many have pointed out, the challenge for social justice movements is to connect economic inequality with the security concerns that now grip us all--insisting that justice and equality are the most sustainable strategies against violence and fundamentalism.

But we cannot be naive, as if the very real and ongoing threat of more slaughtering of innocents will disappear through political reform alone. There needs to be social justice, but there also needs to be justice for the victims of these attacks and immediate, practical prevention of future ones. Terrorism is indeed an international threat, and it did not begin with the attacks in the United States. As Bush invites the world to join America's war, sidelining the United Nations and the international courts, we need to become passionate defenders of true multilateralism,



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rejecting once and for all the label "antiglobalization." Bush's "coalition" does not represent a genuinely global response to terrorism but the internationalization of one country's foreign policy objectives--the trademark of US international relations, from the WTO negotiating table to Kyoto: You are free to play by our rules or get shut out completely. We can make these connections not as "anti-Americans" but as true internationalists.

We can also refuse to engage in a calculus of suffering. Some on the left have implied that the outpouring of compassion and grief post-September 11 is disproportionate, even vaguely racist, compared with responses to greater atrocities. Surely the job of those who claim to abhor injustice and suffering is not to stingily parcel out compassion as if it were a finite commodity. Surely the challenge is to attempt to increase the global reserves of compassion, rather than parsimoniously police them.

Besides, is the outpouring of mutual aid and support that this tragedy has elicited so different from the humanitarian goals to which this movement aspires? The street slogans--PEOPLE BEFORE PROFIT, THE WORLD IS NOT FOR SALE--have become self-evident and viscerally felt truths for many in the wake of the attacks. There is outrage in the face of profiteering. There are questions being raised about the wisdom of leaving crucial services like airport security to private companies, about why there are bailouts for airlines but not for the workers losing their jobs. There is a groundswell of appreciation for public-sector workers of all kinds. In short, "the commons"--the public sphere, the public good, the noncorporate, what we have been defending, what is on the negotiating table in Qatar--is undergoing something of a rediscovery in the United States.

Instead of assuming that Americans can care about each other only when they are getting ready to kill a common enemy, those concerned with changing minds (and not simply winning arguments) should seize this moment to connect these humane reactions to the many other arenas in which human needs must take precedence over corporate profits, from AIDS treatment to homelessness. As Paul Loeb, author of *Soul of a Citizen*, puts it, despite the warmongering and coexisting with the xenophobia, "People seem careful, vulnerable, and extraordinarily kind to each other. These events just might be able to break us away from our gated communities of the heart."

This would require a dramatic change in activist strategy, one based much more on substance than on symbols. Then again, for more than a year, the largely symbolic activism outside summits and against individual corporations has already been challenged within movement circles. There is much that is unsatisfying about fighting a war of symbols: The glass shatters in the McDonald's window, the meetings are driven to ever more remote locations--but so what? It's still only symbols, facades, representations.

Before September 11, a new mood of impatience was already taking hold, an insistence on putting forward social and economic alternatives that address the roots of injustice as well as its symptoms, from land reform to slavery reparations. Now seems like a good time to challenge the forces of both nihilism and nostalgia within our own ranks, while making more room for the voices--coming from Chiapas, Porto Alegre, Kerala--showing that it is indeed possible to challenge imperialism while embracing plurality, progress and deep democracy. Our task, never more pressing, is to point out that there are more than two worlds available, to expose all the invisible worlds between the economic fundamentalism of "McWorld" and the religious fundamentalism of "Jihad."

Maybe the image wars are coming to a close. A year ago, I visited the University of Oregon to do a story on antisweatshop activism at the campus that is nicknamed Nike U. There I met student activist Sarah Jacobson. Nike, she told me, was not the target of her activism, but a tool, a way to access a vast and often amorphous economic system. "It's a gateway drug," she said cheerfully.

For years, we in this movement have fed off our opponents' symbols--their brands, their office towers, their photo-opportunity summits. We have used them as rallying cries, as focal points, as popular education tools. But these symbols were never the real targets; they were the levers, the handles. They were what allowed us, as British writer Katharine Ainger recently put it, "to open a crack in history."

The symbols were only ever doorways. It's time to walk through them.

Naomi Klein.

### **Building Social Movement Unionism**



by Sonya Huber and Stephanie Luce

With about 850 people in attendance, this year's Jobs with Justice conference in Cleveland September 6-9 was the biggest and the best yet. For many participants, this was their first time attending a national Jobs with Justice event. Almost everyone seemed to share a sense of excitement that such a diverse and enthusiastic crowd could be brought together in the fight for social justice.

At the same time, JwJ's shortcomings, in particular its relative lack of rank and file union participants, were also evident.

Jobs with Justice was founded in 1987, in an effort to bring together trade unionists and their allies in a national campaign for workers rights. This seemed the natural terrain of the official labor movement, but most U.S. unions had not promoted large-scale social movement unionism for many decades.

According to founding members Steve Early and Larry Cohen of CWA, a number of top officers and staff from a dozen or so unions joined forces with national church organizations, Citizen Action, and the United States Students Association to fill the void left by the AFL-CIO and labor councils in the fight against union-busting and plant closings.

The organization has grown steadily over the years, despite the view of some that it could be dismantled after the "New Voices" slate was elected to the AFL-CIO leadership in 1995. Today, there are 47 Jobs with Justice coalitions in place across the country.

#### STRENGTHS ON DISPLAY

This year's annual conference highlighted the strengths of the organization. Jobs with Justice, not tied down to the bureaucratic structures of the formal labor movement, has a sense of momentum not felt in many other places. Able to make decisions quickly, the organization has responded to the opportunities for organizing posed by the anti-corporate globalization movement.

JwJ chapters in Boston and Portland, Oregon, for example, have been in the forefront of organizing unionists and community activists for demonstrations, teach-ins, and conferences around globalization.

JwJ's internationalism was evident at the conference. Main plenaries focused on struggles in Brazil and South Africa, the repression of labor organizations in Haiti, and the recent successes of workers at the Kuk Dong factory in Mexico. Workers drew the connection between their own fights and the effects of global capitalism.

Information about these international struggles is vital, but news updates from workers around the globe can leave a U.S. worker wondering how she could support a fight halfway across the world. A video presentation made by a Kentucky Jobs with Justice group demonstrated one strategy for building bridges between workers.

When a plant was closed in Kentucky and moved to the maquiladora zone in Mexico, the Kentucky workers' first reaction was to blame the Mexican workers for "stealing our jobs." But the Kentucky JwJ set up a Kentucky-Sonora Worker Exchange and took a number of U.S. workers down to the new plant to see how the workers lived. And, according to the video, seeing the conditions of the Mexican workers living in poverty changed their minds about who was the culprit.

Workers saw that the company would likely move again to wherever it could find cheaper labor, and that the only solution was for workers to build a common struggle.

JwJ's other main strength, evident in Cleveland, is its ability to draw in a diverse group of supporters. Participants showed a range of ages, races, cities of origin, and areas of activism.

On the other hand, a weakness is the lack of strong formal support from the labor movement. Other than CWA, no national union contributes significant resources, and none channels large numbers of rank and file members to JwJ activism. This means that the bulk of conference attendees are active supporters of labor struggles, not the workers directly involved in those struggles themselves.

#### SOME CONTROVERSIES AVOIDED

In order to maintain the cohesiveness of such an eclectic group, workshops are sometimes pitched at the "least common denominator." Controversial issues that could divide the group, such as internal union politics, union democracy, or electoral politics—Nader vs. Gore, for example—are left aside. Of course, with such a wide range of experiences brought to the JwJ table, the





common vocabulary for addressing controversial internal union issues may not yet be available to many participants.

Thus in this realm, all unions are equal—whether they share the perspective that unions should fight for social justice, or not. Beneficial for holding a new and sometimes fragile coalition together, this approach can often leave out debates necessary for building a political movement.

Yet JwJ has not shied away from other issues controversial to the labor movement. At the conference, the need for a radical alternative to the current economic system and the need to build international labor solidarity were presented as a given.

Jobs with Justice continues to push the envelope of the labor movement by bringing young radical activists in contact with mainstream unions, by promoting a natural fit between religious organizations and the labor movement, and by bringing much-needed attention to the plight of non-organized workers, as with its campaign to win better conditions for day laborers in Chicago. Two actions during the four-day conference—one at a shopping mall as part of UNITE's Global Justice for Garment Workers campaign and another at Case Western Reserve University in support of cafeteria workers organizing through HERE--both demonstrated the way that Jobs with Justice emphasizes the creative protest strategies of young organizers. A pre-conference meeting was organized by Art & Revolution, a network that trains activists to make art for direct action and popular education. There participants created massive puppets and props that were used during the university protest.

#### SUPPORTERS FOR WORKERS

The attendance at the conference is perhaps a reflection of the reality of the labor movement today. Many young people who come to JwJ through groups like United Students Against Sweatshops are enthusiastic about getting involved in the labor movement. But it's not easy to get a union job these days, and it's not easy to organize your own workplace.

Other labor supporters—clergy members, community activists, academics—themselves aren't usually unionized. JwJ offers the perfect opportunity for people like this to join the labor

movement even if they might not be a trade unionist.

This is a strength and weakness both of JwJ and of the labor movement itself: many allies, few active rank and file unionists. Having allies to lead labor struggles can take away some of workers' fears of retaliation, but unions are at their best when workers self-organize and are at the front of the fight.

Strong local coalitions can be built using the Jobs with Justice model, and concrete and impressive wins have been achieved. But the ability to take and use power in a workplace is an experience that non-unionized Jobs with Justice activists will go through only vicariously. Therefore, the labor movement promise of democratically accessible power might become more attractive to community activists--and who knows, maybe more union organizing will result from that cross-pollination.

Ultimately, beyond the solidarity and support for labor, the Jobs with Justice model offers labor the opportunity for higher visibility and more opportunities to organize in local areas. It also offers a way to bridge the two cultures of "activist-academic-youth" and labor, and has set about re-educating a generation of activists who have not learned about the labor movement any other way. But all of these benefits will only be fully realized if union members themselves are won to JwJ's social movement unionism.

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#### WTO Tidbits



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by the Attac work group on International Treaties, Marseille

1) The UN Sub-Committee Report on the Promotion and Protection of Human Rights (53rd annual session) is severely critical of the practices of the WTO Dispute Settlement Body.

In its conclusion, the Sub-Committee establishes that the dispute settlement procedures of the DSB flagrantly breach basic human rights principles such as equality, impartiality and independence before the law. It also calls upon the WTO to give more consideration to human rights where globalization, liberalization of services and intellectual property are concerned.

In March, 2001, out of 228 complaints lodged with the DSB, only 59 came from developing countries, and none at all from least developed countries (LDCs).

The fact that it is "the developed countries which are the main actors and protagonists in the trade arena" is made even more marked by "the current tendency to name government officials as members of panels", a practice which "seriously erodes the credibility of the DSB" because these officials are generally from developed countries, these being the only ones that can afford to pay them. Besides, appointing state officials to an organ of the judiciary infringes the fundamental principles of law and of the separation of powers.

Concerning transparency, the report criticizes both the hearings, which are held behind closed doors, and the fact that panel members express their opinions anonymously.

Considering the high cost of legal firms specializing in international law, poor countries are debarred from using the WTO system of rulings. Although Art.27.2 requires the WTO Secretariat to provide legal counsel for developing countries, this assistance is judged inadequate, because "to provide such services is in contradiction with the principle of neutrality to which WTO personnel must conform." Besides, this assistance can only be laid on when proceedings have been started, not before.

The WTO, once more, rejects the criticisms of which it is the object. It claims that if there is imbalance between the number of complaints lodged by developed and developing countries, this corresponds to different levels of participation in world trade. The WTO reminded its critics that

when a developing country has a dispute with a developed country, at least one of the panel members must be from the developing world, as provided for in the Dispute Code (Art.8.10).

The Sub-Committee reaffirms that the application of TRIPS runs counter to vital rights like self-determination, food, lodging, work, health and education, and also to the transfer of technologies to developing countries. Traditional lore and the cultural values of indigenous peoples must be protected against bio-pirating and the limitation of access to their own cultural and genetic values.

Concerning GATS, the Sub-Committee stresses the importance of the availability and quality of essential services like health, education and other social services. States should include human rights considerations in their national legislation on intellectual property, and take care that the implementation of the TRIPS and GATS agreements do not put human rights in jeopardy.

2) India loses its suit against Rice Tec on the trade name "Basmati rice".

The US Patents Office gave Rice Tec a patent on three new lines of rice which, it claims, are "similar or superior" to traditional Basmati rice grown in the Himalayan highlands of India and Pakistan. Although not permitted to use the word "Basmati" as a trade mark, Rice Tec can now sell its product as "Bas 867" and label it as a "superior Basmati rice". This is despite the fact that India has been able to prove that not only the grain but also the seeds and plants come from, and were originally cultivated in, India and Pakistan. The Indian government fears that now Rice Tec will be technically able to block Indian exports of original Basmati rice on the grounds of infringement of patent rights.

For Indians campaigning for food safety, "this is a flagrant case of bio-piracy, threatening genetic material, biological resources and peasant farming innovations the world over."

Besides, they consider that this case incontestably breaches the TRIPS 5Art.22 clause on geographical indications. Under Art.23, only wines and spirits are accorded substantial protection, although Art.24 (1) does offer the possibility of re-negotiating Art.23 to extend its application to other geographical indications. However, according to food safety experts, an extension to products like Basmati rice or Darjeeling tea "has



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up to now encountered opposition from the developed countries."

### 3) GMOs

Sri Lanka has announced an indefinite postponement of its plan to restrict GMOs. This plan was suspended on May 1st, when under orders from the WTO a 60-day delay of application was imposed.

The US has severely criticized the EU Commission's proposals on the labelling and traceability of GMOs, which would cause Americans to lose 4 billion dollars in exports yearly. Soya oil would be labelled GMO-based, while European wines and cheeses made using biotechnological enzymes would not be affected. Concerning the threshold of 1 % to allow for the accidental presence of GMOs - also attacked by the US - the Commission replied : "We think it's a good text, which can serve as a solid basis for promoting acceptance of GMOs and consumer confidence." (Beate Gminder, speaking for the Commission).

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## TABD in Troubled Water

by Corporate Europe Observatory

Following the terrorist attacks of September 11th, the Transatlantic Business Dialogue (TABD) has de facto cancelled its annual 'CEO Summit', scheduled to take place in Stockholm October 11-12. Instead of the planned gathering of around 300 business leaders and some 100 high-level government representatives from the EU and the US, only the 12-person TABD Leadership Team will meet with a small number of officials in Washington D.C.. In a recent announcement, the TABD stated that it intends to "move forward" and "ensure that its recommendations are incorporated into the trade policy agenda," and in a stunning example of corporate newspeak, described itself as "an important element of our democratic system."

The Stockholm Conference would have been the sixth major annual TABD event, and was gearing up to provide new momentum to the TABD process. This has been characterized by the downward harmonization of EU and US regulations to the most business-friendly common denominator, through a close working relationship

between business and government. However, despite the continued far-reaching commitment and involvement of the European Commission and the US government, the TABD's 'success rate' has diminished in recent years. Among the reasons for the loss of momentum is the growing opposition against key TABD goals such as free trade in genetically modified organisms (GMOs) and a new round of trade and investment deregulation talks in the World Trade Organisation (WTO).

### Public-private Partnership in Transatlantic Policy-making

Established in 1995, the TABD is undoubtedly the most far-reaching international corporate-state alliance. With a mandate from the US government and the European Commission, the 150 large corporations that make up the TABD work meticulously to identify "barriers to transatlantic trade." In effect, this means any regulation or policy proposal that does not fit the corporate agenda on either side of the Atlantic. While the TABD's demands closely resemble those of corporate lobby groups, it is far more than just another industry group seeking political influence for its member corporations. The deep engagement of the US government and the European Commission in the TABD process sets it apart - and makes it dangerous. Says Lisa Schroeter, Executive Director of the TABD US, "The TABD is a unique process, based on the personal involvement of CEOs working with officials from the highest levels of EU and US government." These high-level government officials are active participants at the TABD's major events - the annual CEO Summit and the Mid-Year Meeting - and officials cooperate with the TABD's many working groups on a daily basis to implement their demands.

This is why academic scholars describe the TABD as a new form of governance: a "public-private partnership" in decision-making. US academic Maria Green-Cowles points out that "the TABD blurs the traditional distinction between public and private governance, with businessmen effectively negotiating in quadrilateral forums alongside their governmental counterparts." The TABD's immensely privileged position as an integrated part of the EU-US negotiating process on trade and regulatory policies pays off. According to Cowles, the TABD "has been highly influential, shaping the agenda, participating in official negotiations, and keeping governments accountable for the effective implementation of agreements." These meetings take place behind





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closed doors and many essential documents are not made available to the public. Earlier this month, European Ombudsman Jacob Söderman decided to look into a complaint by Corporate Europe Observatory against the secrecy surrounding the European Commission's involvement in the Transatlantic Business Dialogue (TABD). Söderman has asked Commission President Prodi to respond to the critique before the end of November.

The TABD operates in the framework of the 1995 New Transatlantic Agenda and the 1998 Transatlantic Economic Partnership, both highly neoliberal policy documents focusing on constructing an integrated EU-US market. Major TABD successes were booked in the first 3-4 years of its existence, including the 1997 EU-US Mutual Recognition Agreement (allowing corporations to market a wide range of products in both the EU and the US if they have been tested on either side of the Atlantic). Other successes include, the WTO's 1997 Information Technology Agreement (ITA) and the EU-US Early Warning System (a structure to converge conflicting EU-US regulations before they emerge as visible trade conflicts). US Vice President Al Gore at the TABD's 1998 CEO Summit stated that "I know that you are proud of the fact that of the 129 recommendations TABD has made in the past three years, over 50 percent have been implemented into law. I wish we had that same level of success with Congress!"

After the wave of early successes, the TABD's main impact in the last few years seems to have been "defensive" - delaying, weakening or even dismantling a wide range of existing and proposed regulations, most of which aimed to protect the environment, consumers and workers. A recent example is the planned EU ban on marketing of animal-tested cosmetic products, which the TABD has opposed since its 1999 Berlin Conference. The TABD brought the proposal into the EU-US Early Warning system, claiming that a ban would violate WTO rules. The European Commission first decided to postpone the ban until June 2002, and then proposed to replace it with a reduced testing ban only within the EU. This would mean that cosmetics that are tested on animals in countries outside the EU could still be marketed within the EU. The European Parliament is meanwhile trying to defend a combined testing and marketing ban. The TABD has also successfully pressurised the European Commission into watering down a draft directive on Electrical and Electronic Equipment that has now entered the final stages of EU

decision-making. Mirroring demands of Brussels industry lobbyists, the TABD wants to reduce the scope of proposed bans on toxic materials as well as to limit producer's responsibilities for take-back and recycling of products.

"Of course we know what business wants. That's our job. What's so sinister about that? Maybe our members have more power than some. But we're only one among many. We're a non-governmental organisation, an NGO. I really can't see what the fuss is about." Chris Duffy, former TABD EU director

"We are not a lobby group, but invited advisors. That contributes to the fact that the TABD has made great progress and in the course of the years has succeeded in pushing many of our priorities into practical policy." Michael Treschow, TABD co-chair 2001

#### Faithful Governments

While the TABD enjoyed full support from the Clinton government (which co-initiated the body), the arrival of the even more business-biased Bush administration has presented further opportunities to reach their targets. New US chair James J. Schiro of PriceWaterhouseCoopers commented in early 2001: "We believe they are very interested in working very closely with business on the Transatlantic corporate agenda." A few months later, when attending the TABD's Mid-Year Meeting, US Secretary of Commerce Donald Evans confirmed his commitment to the TABD process and to implementing the business dialogues recommendations. "To achieve our mutual goals", said Evans, "the Bush Administration and the TABD have common interests... We should approach trade and commercial policy from the same perspective... that is, as an extension of a business plan," he explained.

During the EU-US Summit in June 2001, the two TABD-chair persons met President Bush, Swedish Prime Minister Persson and EU Commission President Prodi. The main demand of three outlined by Schiro and European co-chair Michael Treschow (Electrolux) at the meetings was for the launch of a new WTO round at the Qatar Ministerial Meeting in November. The TABD leaders also demanded a more effective system to prevent transatlantic trade wars "in a more business-like manner" and called for harmonising anti-trust procedures. Afterwards, a jubilant Treschow commented, "We are as happy as can be. We got confirmation that we are doing an

important job and the top leaders support us in promoting the right issues. We could not have achieved more."

The TABD has a particularly faithful supporter in European Trade Commissioner Lamy, himself a former TABD participant. At a TABD dinner speech last year, Lamy assured the industrialists that the Commission was "pressing on with the work to implement your recommendations in the framework of the Transatlantic Economic Partnership." Lamy continued to list issues where the TABD wants existing or proposed government regulations postponed, watered down or removed. "Good progress has been made on the precautionary principle, biotechnology, the animal testing ban for cosmetics, recreational marine and refrigerants." As an example of the EC-TABD partnership, Lamy highlighted the TABD's role in shaping the EU's negotiations with China on WTO membership saying, "you can never have too much confidence-building and information-sharing between business or governments. That's how we got a good deal on China, and that's what the TABD is all about." The example illustrates how the EC works in tandem with the business dialogue to promote their joint trade agenda, with the corporations assisting the EC through lobbying directed at national governments. "A good deal", in Lamy's view, does not mean achievements in human rights or social progress for the most vulnerable people in China. It means far-reaching concessions from the Chinese government for high-speed opening of hitherto sealed off markets to ultra-competitive EU-based corporations, which is likely to have serious social impacts.

Partly on advice from within the EC, the new TABD leadership has embarked on a restructuring of the business dialogue. When Schiro and Treschow took over as CEO chairs in January 2001 they decided to focus on a smaller set of priority issues that would be "actionable within the year." This means issues, "where something can be accomplished at the TABD CEO conference, where CEOs can meet with government officials to bring policy initiatives to a successful closure." Work on these issues is coordinated by a leadership team of 12 CEOs. Among them are Paolo Fresco of Fiat and Harry Kraemer of US-based Baxter Health Care, who are responsible for TABD demands regarding Regulatory Policies. Jean-Pierre Rodier of French aluminium producer Pechiney coordinates the TABD's WTO-related demands. Although the information on the TABD website is not complete, it seems that many of the over 45 issue groups that had emerged in the last six

years of TABD work have been eliminated, their issues being bundled into a new 'Experts Group'.

#### What is at Stake?

While the agenda of the scaled-down TABD event in Washington D.C., has not been fully revealed, many of the main issues are known. In May, the TABD held its annual Mid-Year Meeting in Washington D.C., attended by TABD managers as well as high-level government officials. The conference aimed to "assess the progress made on the CEO Recommendations" from the November 2000 Cincinnati Conference as well as to set new priorities for 2001. Top of the agenda was the call for the EU and US to agree on strategies for launching a new WTO round of trade liberalisation measures. The TABD warned of "a serious risk of back-sliding on global trade liberalisation" if a new round is not launched at the WTO Ministerial in Doha.

Other "CEO Priority Issues" include the resolution of outstanding EU-US trade disputes, including disagreements over the EU ban on hormone-treated beef and US tax rules subsidising US-based exporters. The TABD calls for increased and more effective use of the Early Warning system, in which officials negotiate changes in proposed rules and regulations in order to prevent new open trade conflicts from arising. Issues that the TABD has brought into the Early Warning system include restrictions on EU market access for genetically modified agricultural products, and the plans for phase-out of HFCs (greenhouse gas used in refrigerators) as well as the aforementioned ban on animal testing for cosmetics and the proposed EU legislation on recycling of electronic and electric waste. To further tighten corporate control, the TABD demands that trade interests are further 'upstreamed' in the decision making process, for instance through 'trade impact assessments' for all new regulatory and legislative proposals.

The TABD's call for a beefed-up Early Warning system has strong support in the US government, which in June proposed to turn the existing mechanism into a full-blown 'dispute management procedure'. Instead of bringing conflicts to the WTO dispute settlement system, which more often than not leads to open trade wars (beef-hormone, bananas, etc.), the US wants a "bilateral, pre-WTO" system in place in the transatlantic arena. Certainly a second layer of WTO-style 'dispute settlement mechanism' would strike a blow against progress on environmental and social



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issues. Lamy welcomed the proposal, but also warned against too high expectations, reflecting the EU's desire to avoid new controversial proposals that could further trouble the run-up to the next WTO Ministerial Conference in early November in Doha, Qatar. The EU- US summit statement eventually only made a reference to a desire to "improve the WTO dispute settlement mechanism."

#### More TABD Targets

The 2001 Mid-Year Report, which was the basis of the May talks in Washington D.C., also calls on governments to speed up the approval process for Transatlantic and global mergers. While anti-trust investigations are hardly a luxury in the light of the flood of mega-mergers, the TABD finds these "too time- consuming". The report moreover demands a "closer integration of capital markets", including removal of US restrictions on funds buying foreign shares and what the TABD considers discriminatory tax rules favoring investment in national companies in the EU. The TABD also demands the end of the EU ban on advertising for pharmaceutical products, arguing that such advertising is allowed in the US and that EU consumers "should have the same access to health information." Based on experiences in the US, Health Action International calls the industry demands "a major threat to global public health."

The TABD also planned to use the CEO Summit to demonstrate to EU and US officials its concerns over plans to limit corporate tax evasion. Progress in talks within the OECD on narrowing the possibilities of using so-called tax havens to escape paying corporate taxes is painstakingly slow, but the TABD is nonetheless worried. "Tax competition should be preserved as a useful counterweight to political pressure for more government spending and excessive taxation", the TABD insists.

While the TABD wants to focus on priority issues, the most recent Mid-Year Report is no less bulky than previous years. It reiterates a long list of 'old' TABD demands targeting consumer and environment protection. Since the 1999 Berlin conference, the TABD has put pressure on the EU to limit its definition of the 'precautionary principle'. The TABD wants to reduce the use of this principle and the corresponding regulatory action designed to protect people and the environment. At last year's summit in Cincinnati, the TABD called for a transatlantic regulatory framework for dietary supplements (vitamins,

etc.), which would, in effect, mean less stringent criteria for determining a product's safety.

Another priority is to block efforts made to phase out hydrofluorocarbons (HFCs), one of the most potent greenhouse gasses, used in refrigerators. The Danish government has decided to implement a ban that will take effect in 2006, preceded by a tax to encourage earlier phase-out. The TABD fears that other EU Member States will follow the Danish example. The business dialogue already established a special working group to obstruct or at least postpone the decision in 1999, when plans for phasing out HFC gasses were in an early phase. The TABD brought the issue into the Early Warning system, describing it as "a potential trade barrier that will restrict the free flow of trade." At last year's Cincinnati conference, a special "break-out session" of the TABD Refrigerants Group took place. "For nearly two hours, the Refrigerants Group briefed Peter Horrocks, the EU's Environment Head of Sector, and Gerhard Lohan, the EU's Enterprise Head of Unit, on the merits of long-term HFC use," writes an industry observer.

#### Biotech Breakdown?

Despite its privileged role in transatlantic policy relations, there are fortunately real limits to the TABD's powers. This has become clear for instance in the case of biotechnology. Market access for genetically modified products has been top of the TABD's agenda since the start in 1995, but despite continued support from the EC and US government the business dialogue has failed to find an effective response to snowballing consumer opposition.

In the TABD's Agri-Food Biotechnology group, US and EU industry has been united in striving for ways to overcome restrictions imposed by European governments. While often described as a battle between US and Europe, the real struggle is between the transatlantic business-friendly elite, and consumers in Europe and in the US. Together, the EC and the US government, with the biotech industry, have been working to find ways around hostile public opinion. Throughout the process, EU and US officials have adopted many of the TABD's proposals, such as the pilot project on biotechnology approvals (a step-by-step process, starting with harmonised EU and US data requirements for new GM products). The results, however, have been rather limited.

As US academics Pollack and Shaffer point out in their analysis of EU-US talks on GMOs, a "panoply



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of transatlantic biotech working groups have been spawned. Yet the disputes over regulatory approval of genetically modified varieties and mandatory labeling of genetically modified products have moved beyond the control of intergovernmental political elites and more technocratic transgovernmental networks." The TABD's latest attempt to turn the tide on biotech is to demand an "Early Warning System for new regulatory requirements for individual product approvals." The long-term objective remains "centralised and compatible approval procedures on both sides of the Atlantic". In the TABD's new organisational structure, the Agri-Biotech Working Group seems to have been disbanded, suggesting that the corporate ambitions on biotech are not "actionable within the year".

Until now, the US government has decided not to bring the EU's restrictions on trade in GM products to the WTO's system, despite the fact that the WTO's corporate-biased rules would almost certainly lead to a US government victory in the matter. If however the US did win a WTO case on GMOs, Pollack and Shaffer point out, "the EU, for domestic political reasons, would surely refuse to comply with the decision, once more triggering US retaliation and further undermining the WTO rule-based system." Apart from dealing a blow to the already bruised image of the WTO, the case would further politicise the debate and strengthen public opinion against GMOs, also in the US itself.

There are now, however, signs of a more hard-line stance by the new US government. In the summer of 2001, the Bush government formally protested against the EU's new draft rules on GM products, which include limited 'traceability' and labeling requirements. The Bush administration threatened to take the EU to the WTO's dispute settlement panel to enforce market access for US GMO products. According to media reports, "every effort is being made to lobby European governments and the EU institutions to block the proposal." President Bush personally raised the issue at the G8 meeting in Genoa in July. The depth of the gap between US and EU political realities is illustrated by the rejection, by the European environmental movement, of the EU's new draft rules for being too weak. The new rules will for the first time allow food with traces of unauthorised GMOs to enter EU markets. They were watered down after intervention by Trade Commissioner Lamy, who opposed stricter regulation, arguing that it could further damage trade relations with the US.

## Together for a New WTO Round

Earlier this year, the TABD announced the planned Stockholm meeting as "an excellent opportunity to present a consensus business agenda in preparation for Qatar". The TABD's main demand is for the launch of a broad new round of talks on trade and investment deregulation. Meeting for two days with top trade officials (including Commissioner Lamy, his US counterpart Zoellick and possibly WTO Director-General Mike Moore) less than a month before this crucial WTO event, the industrialists would have been in a perfect position for fine-tuning EU and US negotiating positions. Despite the scaling down of the meeting, Qatar remains a top priority and the TABD will make the most of its meeting with government officials in Washington D.C.. Commenting on the reformatted annual event, TABD spokesperson Marija Borenus said that "the most important thing is not to have a conference, but to make sure the politicians get the recommendations as a background to the WTO meeting in Qatar.

The corporate-government partnership on WTO issues is not just for the benefit of industry - it goes two ways. Transatlantic business consensus is used by the EU and US to overcome differences in their own WTO negotiating positions. The result is that large corporations are able to effectively pre-cook the outcome of WTO negotiations, taking advantage of unequal power relations within the WTO, an organisation dominated by the large Northern trade blocs. As the EU's External Relations Commissioner Chris Patten said in May 2001: "When the US and the EU work together, we set the international agenda. If we are divided, the opportunity for international progress is often lost." Seattle showed that more self-confident Southern negotiators could challenge this undemocratic model of pre-cooked and Northern-dominated trade negotiations. For the EU, however, old habits seem very hard to break.

At the November 1999 TABD conference in Berlin, governments and business tried to settle strategic differences of opinion before the Seattle Ministerial a few weeks later. The attempts were only partly successful and the EU and US went to Seattle split on whether a new WTO round should continue until a package deal on all issues had been achieved or whether deals could be completed on separate issues when the chance was there (the "early harvest" approach promoted by the US government and business). The European Commission and EU business did not manage to



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convince their US counterparts that a new round should include controversial new issues like investment deregulation.

These and other EU-US splits were an important part of the failure of the Seattle Ministerial Meeting. However, compared to the situation at the time of the Seattle Ministerial, differences between the US government and the EU now seem to be narrowing rapidly. Commerce Secretary Zoellick is clearly warming up to negotiations on investment deregulation and the round approach in general. Lamy was particularly pleased with the joint statement from the EU-US Summit in June 2001, which he said "went further than any previous one as it put an emphasis on the kind of comprehensive round the EU has campaigned for." Differences do remain over issues like eco-labeling and the precautionary principle, but in recent months the EU has signaled that it will be flexible in its demands on these 'soft' issues during the Doha talks. As well as the Bush government's general support for a new WTO round, the personal friendship between Lamy and Zoellick plays a role in the growing consensus. Despite their different political affiliations (a member of the French Socialist party and Republican free-trader), the two have been friends from the early 1990s when they served as advisors to Bush senior and Jacques Delors respectively.

The TABD's demands for Doha are an entirely predictable fusion of well-known EU and US business positions. For instance, in the ongoing talks on services (GATS) the TABD calls for "maximum liberalisation... across the widest possible range of services, as soon as possible." The TABD fiercely opposes any attempt to correct the unbalanced, corporate- biased WTO agreements that came out of the Uruguay Round. As part of talks on implementation, numerous Southern governments insist on changes to make the agreements fairer. The TABD calls on the EU and US "to resist such tendencies." The TABD is similarly inflexible on the issue of any weakening of the WTO's controversial intellectual property rules (TRIPS). Southern governments demand a more flexible system that could, for instance, allow them to ensure access to essential medicines at affordable prices. The TABD will also be present in Doha during the WTO Ministerial itself, where they are likely to take an influential position in the process. In Seattle they appear to have played a coordinating role for European and US business, with daily meetings in a downtown hotel.

## The Other Dialogues

When replying to a critique of the influence of the TABD over EU and US trade and regulatory policies, officials tend to refer to the existence of other civil society dialogues: the Transatlantic Labour, Consumer and Environmental dialogues. The reality however is that these dialogues in no way counter-balance the impact of the TABD, which enjoys a tremendously privileged position.

The strongest of the three is the Transatlantic Consumer Dialogue (TACD), established in September 1998 and involving consumer groups from the EU and the US. To some extent mimicking the TABD, the Consumer Dialogue holds annual meetings and formulates recommendations to the governments. The TACD has made strong statements defending European restrictions on marketing of GMOs. The annual TACD conferences were attended by EC and US government delegations. The number of officials, and the extent of their participation has been much lower than in the TABD, reflecting the difference in government commitment. The US and EU have promised to take the TACD's recommendations into account, but concrete examples of this are very hard to find. As academic scholars Bignami and Charnovitz conclude: "the promise of a formal role for consumers in the transatlantic policy-making process has been largely unfulfilled." The history of the Transatlantic Environment Dialogue (TAED), established in May 1999, is very similar to the TACD, but is short-lived. In late 2000, the TAED suspended its activities after the US government failed to renew its financial support for the body, due to a block by the Republican majority in Congress.

The unequal status of the dialogues shows clearly during the bi- annual EU-US Summits. The TACD and TAED were not invited to the June 1999 Summit, whereas the TABD chairs met with US and EU leaders and were photographed with them. Since the WTO Ministerial in Seattle, governments have invited both TACD and TAED to present their demands at EU-US summits several times, starting with the December 1999 meeting. At this event, the TAED sharply criticized governments for their lack in progress in "addressing critical environmental issues." At the last EU-US summit in June 2001, it was again only the TABD that was represented. The TACD protested in an open letter, pointing out that "once again, while





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business was present at the summit, there was no representative of the civil society."

The Transatlantic Labor Dialogue, finally, is the weakest of the three challengers to the TABD. TALD has no staff and the handful of meetings that have taken place have been in combination with international labour conferences that happened anyway. According to academics Knaus and Trubek, "the dialogue has had no discernible influence on EU or US policy." The problem, Knaus and Trubek conclude, lies in the fundamental neoliberal premise of the New Transatlantic Agenda (NTA). "That a TALD exists does not imply any serious attention to labour issues in the NTA (or any real progress in moderating its neoliberal tendencies). Real energy in the process is dedicated only to negative integration, through deregulation of markets, further lowering of tariffs, and reduction of alleged non-tariff barriers."

A similar conclusion seems appropriate for the environment and consumer dialogues. The virtual absence of concrete influence achieved by the civil society dialogues reflects the fact that the mandate given to the TABD is of an entirely different order. The EC and the US government have supported the civil society dialogues in order to give the impression of a more balanced transatlantic process, but without changing the neoliberal agenda that is the fundament. At the same time, it is clear that establishing civil society dialogues consisting of leaders of EU and US NGOs is hardly an effective way to mend the democratic abyss in EU-US relations. Many of the NGOs involved are international umbrella organizations, which only in a very abstract manner represent the members of the groups affiliated. Very few grassroots consumer, environment or labour activists will be aware of the existence of Transatlantic citizens dialogues speaking on their behalf. Both national and European parliamentarians, whose powers are being systematically undermined by the corporate-technocratic complex operating through the TABD, with few exceptions, remain more or less silent.

#### Cincinnati: the TABD Meets its 'Seattle'

While the civil society dialogues have hitherto not been able to effectively challenge the TABD's influence, mobilisation by activist groups has caused the TABD serious legitimacy problems. Protests against the TABD's CEO Meeting in Cincinnati last November resulted in a serious PR defeat for the business dialogue.

Before and during the Cincinnati Summit, NGOs and grassroots groups held demonstrations, teach-ins and other counter-events to protest against corporate-led globalisation. The protests, organised by the Coalition for a Humane Economy (CHE), Public Citizen and the Cincinnati Direct Action Collective, to mention a few, attracted world-wide media coverage. The 200 CEOs and government representatives inside a luxurious hotel were surrounded by large contingents of riot police throughout the meeting. Forty-seven protesters were arrested during the non-violent demonstrations.

"The protests have clearly rattled the confidence of both political and business leaders", the Financial Times concluded afterwards. The Cincinnati protests may also have had a direct impact on EU-US relations, for instance further delaying the Mutual Recognition Agreement. According to an European official, US hesitancy on implementing the agreement "is heavily influenced by the opponents of further trade liberalisation. 'They are terrified of the NGOs, they are terrified of Public Citizen'." "We have a selling job," Pascal Lamy reacted after Cincinnati, and "we need to find new ways of getting across the benefits of globalisation."

The TABD has not forgotten the Cincinnati experience. At their first meeting after taking over in January 2001, the new TABD Chairs "expressed concern about ongoing NGO demonstrations against international trade-related activities" and decided that the Stockholm summit would "discuss how business leaders could address this." Also in response to the growing movement against corporate globalisation, Swedish employers' organisation Svenkt Näringsliv, which was the host of the planned TABD summit in Stockholm, has recently started an information campaign on globalisation, targeting Swedish high-school students.

#### Cutting the Ties

While it is hardly surprising that large corporations remain enthusiastic about the TABD process, it is remarkable that the political support for the business dialogue remains largely unchallenged. The European Commission, which has embarked on a charm offensive since Seattle and claims to want to "harness globalisation" and give it a "human face", continues to empower the TABD, working to implement its recommendations. It refuses to see that shaping its regulatory and



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international trade policies around corporate priorities is fundamentally at odds with environmental and social progress, let alone democratisation of decision-making.

Despite the continued support from the European Commission, the TABD's future looks uncertain. Widespread opposition to GM food is only one example of the enormous potential of grassroots activism to interfere with the corporate trade agenda. As campaign groups pursue progress in social, environmental and consumer protection and defend their achievements against corporate counter-campaigns, government officials will be increasingly unable to respond to the TABD's calls for implementation of business demands. The

effect will be to further slow down the TABD's momentum and effectively undermine the process. Activist groups mobilising against the Cincinnati conference last year showed the effectiveness of directly challenging the legitimacy of this disturbing corporate- government alliance. The time has come for a consistent effort by progressive grassroots groups, NGOs and critical parliamentarians to strip the TABD of its undemocratic privileges and powers.

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Original document :

<http://www.xs4all.nl/~ceo/tabd/troubled.html>

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