



## **Towards a Rights-Based Multilateralism for the World Food System**

The current world food system is inherently unsustainable and socially unjust. It is a system which every day leaves more than 840 million people hungry and thus violates the right of all to adequate nutrition. Among those living in hunger are tens of millions of agricultural and food workers whose labour is exploited for the production of food. It is a system that generates US\$545 billion in agricultural exports every year, while 8 million people die each year of hunger and hunger-related diseases. The current world food system promotes methods of production that poison 3 to 4 million rural workers with pesticides every year, and kills an average 3,300 agricultural workers every month. And it is a system that is rapidly destroying the very ecology that it depends on.

Environmental issues are therefore an integral part of the global agenda of agricultural and food workers' unions, which have a vital interest in supporting the creation and enforcement of multilateral environmental agreements (MEAs) as part of the struggle for a just and sustainable world food system. Effectively enforced MEAs not only play a critical role in ensuring the sustainability of the world food system, but also are potentially useful tools for agricultural and food workers to improve long-term job security and their working and living environment. Currently existing MEAs may be improved and enforced to effectively integrate occupational safety and health with improved food safety and hygiene and environmental protection. And the principles and rights embodied in MEAs can potentially be used to challenge corporate domination of the food chain and reorient the world food system to one based on fulfillment of the right to safe – and sustainable – production, processing and distribution of food. Together with ILO and UN human rights Conventions, MEAs must be recognized as an integral part of the struggle for decent work in agriculture and the realization of the right to good, safe food.

While the building blocks of a new rights-based multilateralism already exist in the form of UN and ILO Conventions and MEAs, weaknesses in enforcement clearly remain a major challenge for workers. The challenge consists of systematic efforts to undermine and weaken the UN-based system over the past five decades – an assault that has intensified over the past two decades of neoliberalism. As a global agency of neoliberalism, the WTO consolidates this attack by systematically undermining the principles and rights embodied in UN multilateral treaties, particularly the Conventions on workers and trade union rights, human rights and the environment. The challenge of enforcement must therefore include efforts to restrain the impact of corporate-driven free trade deals and to compel national governments to respect – and not undermine - UN multilateralism. If the existing UN multilateral treaties are enforced and expanded, they can play a vital role in combining sustainability, social justice and decent work in food and agriculture with the social regulation of international trade and investment.

## **The Cartagena Protocol on Biosafety: Making Multilateralism Work for Workers**

An important example of an MEA that requires the effective support of agricultural and food workers' unions is the Cartagena Protocol on Biosafety to the UN Convention on Biological Diversity (CBD). The Biosafety Protocol is a legally binding agreement that recognizes the sovereign right of countries to refuse imports or environmental releases of Living Modified Organisms (LMOs), or what are more commonly known as genetically modified organisms (GMOs).<sup>1</sup> The Biosafety Protocol entered into force on Sept. 11, 2003, 90 days after it received its fiftieth ratification. *As the first legally binding global agreement that reaffirms the right of countries to reject GMOs on the basis of the precautionary principle, the Biosafety Protocol offers a strategic opportunity for agricultural and food workers unions to use MEAs as concrete elements of a UN-based trading system that offers a necessary alternative to the WTO.*

The precautionary principle is an important element of MEAs because it gives worker and consumer health and safety, the environment and common sense precedence over corporate profit. Under WTO rules, goods or processes must first be proven to be harmful before they can be restricted. But according to the precautionary principle, so long as there is no evidence that a product or process (whether GMOs or toxic chemicals) is safe for the environment or human health, governments have the right to ban it. This shifts the debate away from proving something is harmful (effectively subjecting people and the environment to an ongoing experiment), to a position that says that until it is proven safe it cannot be used.<sup>2</sup> It is this kind of common sense that unions can and should use in promoting a new multilateralism, thereby challenging the corporate-driven agenda of the WTO.

Two-thirds of the signatories of the Protocol are from developing countries, and the largest regional grouping is from Africa. This refutes the myth that MEAs are a form of "protectionism" based on environmental standards imposed by developed countries on the developing world. It demonstrates that the sovereign right to ban GMO imports is linked to national development goals and – potentially – can be used in the reform of agriculture. The Protocol offers an important opportunity for agricultural workers' unions in developing countries to use biosafety protection as an integral part of the struggle for their collective rights in a sustainable agricultural system characterized by decent work.

The positive role played by developing countries in moving the Biosafety Protocol from principle to enactment also lays the basis for a strategy of

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<sup>1</sup> The Biosafety Protocol uses the term Living Modified Organisms (LMOs) instead of GMOs.

<sup>2</sup> The precautionary principle is applied in situations where there is a potentially harmful or irreversible risk to human health and/or the environment and where action is required to prevent such risks until it is proven not to be harmful. This means that the lack of scientific certainty cannot be used to justify the lack of preventative measures concerning these risks. The precautionary approach encourages more extensive scientific research and analysis of the risks, as well as allowing for the consideration of broader social and cultural dimensions to any risk assessment.

containing the growing corporate control of agriculture. The reality is that most countries lack the technical capacity to monitor, regulate and test GMO imports. Key elements of the Protocol concerning the actual import of GMOs after import consent is granted therefore cannot be carried out. This means that *the governments of countries that have ratified the Protocol can and should exercise the right to impose an indefinite moratorium on all international trade in GMOs. Unions should use this as an opportunity to seek a ban on GMOs that has a legitimate legal basis under international law, while rejecting attempts by the US government to use the WTO to force open markets to GMOs.*

European unions that have supported the EU's selective or de facto moratorium on commercial authorizations of GMOs, whether due to environmental and health and safety concerns, or because of fears of job losses stemming from consumer rejection, or both, should also welcome the legitimacy in international law which the Protocol now gives. The EU has ratified the Protocol and is thus bound by its requirements concerning GMO exports, but lacks a legal basis for prohibiting GMO imports. Some two dozen requests for commercial GMO authorizations are currently pending before the European Commission, with more to follow. The WTO attacks on labeling requirements, and the EU biotech industry's own hostility to the moratorium, require a firmer defense of GMO-free agriculture. *The Biosafety Protocol, which has the status of international treaty law, is the alternative to an endangered moratorium which the EU's own Agriculture Commissioner has been working to eliminate.* It should also serve to encourage greater debate in the North American labour movement.

### **Closing the Loopholes**

The Biosafety Protocol in its current form suffers a number of weaknesses as a result of deliberate policy by the governments of a handful of GMO-exporting countries acting on behalf of the biotech corporations.<sup>3</sup> A concerted effort by unions, NGOs and environmental organizations is therefore needed to force governments to close loopholes and strengthen the Protocol. An immediate area of concern is the Protocol's distinction between GMOs intended for environmental release (used as seed in commercial growing) and GMOs intended for food, feed or processing. While this distinction serves corporate interests, especially in the animal feed export industry, it does not reflect the biological facts concerning GMOs. *Any GMO grain is a seed, regardless of its intended use.* Seed spillage during transportation and storage, deliberate or accidental planting of imported grain, etc, are among the numerous uncontrollable factors that turn GMO grains into GMO crops that can cross-pollinate with non-GMO crops.

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<sup>3</sup> The 'Miami Group' consisting of the US, Canada, Argentina, Australia, Chile and Uruguay was formed to oppose the creation of a comprehensive Biosafety Protocol incorporating the precautionary principle. Notably, just two countries - the US and Argentina - account for over 90% of all GMO crops produced in the world. Together with Canada and China, the US and Argentina account for 99% of the global area planted with GMOs.

In Mexico - the cradle of maize - GMO contamination of native varieties has been detected in 33 communities in nine states despite the Mexican government's moratorium on planting GM maize. The probable source of the contamination is the import of GMO maize from the United States, which under NAFTA has flooded over the border at prices below the cost of production, devastating rural workers and their communities.

Together with transport workers, food and agricultural workers have frontline experience in the handling and packaging of grains and can use this knowledge to challenge the false distinction between GMO seeds intended for planting and GMO grain intended for use in food and feed.<sup>4</sup> *Agricultural and food workers' unions can therefore play an active role in challenging this distinction in the Protocol and securing national legislation that treats all GMO grain imports as environmental releases.* Ultimately, the only way of ensuring that GMO grain does not contaminate conventional seed stocks or crops is to ban the import of GMOs altogether.

### **GMOs and the Environment**

The spread of GMOs through commercial planting or through contamination of conventional crops has created new challenges for agricultural workers. The transfer of the herbicide resistance of GMO crops like Monsanto's Roundup Ready soybeans to weeds has led to herbicide-resistant weeds. The response is increased use of toxic herbicides. Similarly, insect resistance to the biological pesticide Bt is rising as a result of overexposure to the Bt contained in Bt corn. Recent studies in the US have shown that pesticide use has increased as a result of the widespread commercial growing of Bt corn and Roundup Ready soybeans. In Argentina – the second largest producer of Roundup Ready soybeans after the US – the resistance of weeds to Monsanto's Roundup herbicide (glyphosate) has reached such levels that undiluted herbicide is being applied. This has serious and lasting effects on the health of agricultural workers and their communities.

*Used in tandem with the International Convention 184 on Safety and Health in Agriculture (2001), the Biosafety Protocol is an important international tool that agricultural workers' unions can use to fight against GMO contamination, reduce the spread of GMO crops and thereby contribute to the ongoing struggle against ever-increasing exposure to pesticides and resulting injury and death.*

### **Eliminating Unnecessary Risks**

The contamination of conventional crops by GMOs should not be viewed as a narrow environmental issue. As consumers, workers face unknown health risks. The long-term health effects of GMOs are unknown, and existing feeding studies on animals are not sufficient grounds to declare GMOs safe

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<sup>4</sup> From an environmental perspective, see Greenpeace International, *How to Implement Article 18 of the Cartagena Protocol on Biosafety on Handling, Transport, Packaging and Identification of Living Modified Organisms*, February 2004. Clearly there is a need for a union perspective that strengthens the enforcement of Article 18 of the Protocol.

for humans. In the US, the largest producer and consumer of GMOs, there is no comprehensive food safety assessment of GMO food products. The US Food & Drug Administration (FDA) relies on the incomplete data voluntarily provided by biotech corporations and conducts no studies of its own. The US FDA only confirms that the company responsible for the GMO crop believes that it is safe for human consumption. There is no other safety assessment and there is no post-market assessment once GMO food products are on supermarket shelves. This lack of safety assessment has become the norm in several countries around the world, and the US government is attempting to make this the global norm through the WTO.

The Biosafety Protocol provides a basis in international law to protect consumers against GMOs and to ensure the right to know through labeling and restrictions on GMO contamination levels. As consumers, workers benefit from these regulations. With labeling, there is growing consumer rejection of GMOs. This in turn directly affects food and agricultural workers. In this sense, GMOs are not only an environmental and health risk, but are an economic risk for workers employed in companies growing or using GMOs in food production. In this context, the Biosafety Protocol provides an important opportunity for food workers' unions to negotiate a GMO-free policy in the workplace, thereby eliminating the job insecurity associated with consumer rejection of GMOs.

Italian agrofood unions have already begun this process of negotiating GMO-free production with major companies in the food sector. This collective negotiation process constitutes an important act of solidarity with all working people as consumers. For example, the recent national agreement with the Italian pasta and baked goods manufacturer Barilla includes the following clause: "With respect to GMOs, Barilla has chosen to apply precaution and has decided not to use genetically modified ingredients. In order to guarantee their total absence in the company's products, rigorous procedures are applied to suppliers and verified by external certification agencies." The collective agreement with the transnational canned fruit and vegetable and fruit juice maker Conserve Italia goes even further: "With respect to GMOs, Conserve Italia has decided not to use ingredients and raw materials that contain GMOs. To guarantee their absence, supply-chain management procedures or inspection of high-risk materials (soya and maize and their derivatives) will be carried out by suppliers. Conserve Italia will perform random specimen checks in its own laboratories accredited for GMO analysis." The Italian unions have also negotiated a GMO-free clause in their agreement with the brewer Peroni - a subsidiary of the transnational SABMiller.

### **Facing Financial Liability**

The Biosafety Protocol provides for the creation of a comprehensive liability and redress regime within four years of the first meeting of the parties to the protocol (which took place in February 2004). This regime, which is expected to be ready for implementation in 2007, includes compensation for losses or damage caused by GMO contamination. This emphasis on financial liability of companies in countries exporting GMOs is of critical importance to food and agricultural workers' unions. By exporting GMOs to other countries,

agribusiness and food companies are taking a serious financial risk as well putting the environment and public health at risk. This in turn threatens the job security of food and agricultural workers, since the financial liability incurred by GMO contamination could translate into wage cuts, job losses or corporate insolvency.

After a series of major GMO contamination scandals, a growing number of insurance companies have declared that they will not cover losses or damage caused by GMO crops. According to a report on insurance and the genetic engineering industry published in 2003, the world's second largest re-insurance company, SwissRe, has already declared that it will not provide insurance coverage to agricultural biotech corporations and will not cover losses related to GMOs.<sup>5</sup>

The environmental risk of GMOs is no longer a matter of speculation. When GMOs are released into the environment – even as grain exported for use in food products or animal feed – contamination is inevitable and irreversible.<sup>6</sup> Thus the promotion and use of GMOs only adds to the existing insecurity and vulnerability faced by food and agricultural workers, and undermines the long-term viability of the agri-food industry. The common sense option is for agri-food companies to avoid these risks by rejecting GMOs in their food supply systems, food products and exports. This is a position that food and agricultural workers' unions must force companies to adopt.

### **Union Involvement in Monitoring & Compliance**

The Biosafety Protocol provides for the establishment of a Compliance Committee to be elected by countries that have ratified the Protocol. The role of the Compliance Committee is to monitor the implementation of the Biosafety Protocol, investigate non-compliance and resolve disputes concerning non-compliance. This is a critical mechanism for ensuring that the protection of biosafety is effectively implemented among all the countries concerned.

Environmental groups have already supported the creation of a Compliance Committee and have called for NGOs to be recognized as a source of relevant information by the Committee when considering non-compliance issues.<sup>7</sup> It is important for agricultural and food workers to support this position and ensure that unions – as a source of frontline knowledge and information

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<sup>5</sup> T. Epprecht, *Genetic Engineering and Liability Insurance: The Controversy on GMOs Continues*, 2003:

[http://www.saveourseeds.org/downloads/Epprecht\\_GEinsurance\\_07\\_03.pdf](http://www.saveourseeds.org/downloads/Epprecht_GEinsurance_07_03.pdf)

<sup>6</sup> In January 2003, an international conference of over 250 scientists and researchers organized by the European Science Foundation recognized that GMO contamination caused by outcrossing between GMO crops and wild species is increasingly common. Conference participants also recognized the need for 'global risk assessment' in the face of seed contamination. Proceedings of the Conference organized by the European Science Foundation. *Assessing the Impact of Genetically Modified Plants (GMP): Introgression from Genetically Modified Plants (GMP) into Wild Relatives and its Consequences*, 21-24 January, 2003, University of Amsterdam, The Netherlands.

<sup>7</sup> Greenpeace International, *Recommendations to the First Meeting of the Parties of the Cartagena Protocol*, Kuala Lumpur, 23-27 February 2004.

on the realities of agriculture and food processing – will be consulted by the Compliance Committee. *Together with environmental groups, consumer organizations and NGOs, agricultural and food workers' unions can play a role in making the Biosafety Protocol work, while at the same time ensure that a workers' perspective on GMO contamination is included in the monitoring process.*

### **The WTO Threat to UN-based Multilateralism**

The Biosafety Protocol is an example of the way in which the corporate-driven agenda of the WTO systematically undermines multilateral UN treaties that seek to preserve universally applicable social and environmental rights. The conflict between the WTO and the Biosafety Protocol was heightened by the fact that the Protocol came into force on the second day of the 5<sup>th</sup> WTO Ministerial in Cancun (September 11, 2003).

In the lead-up to Cancun, the US government took a more aggressive stance against restrictions on GMOs around the world, resorting to the WTO as a political means to force open these markets. Agribusiness giants such as Monsanto are concerned that growing resistance to GMOs worldwide is closing markets and cutting into profits. Acting in the interests of Monsanto and other agro-chemical corporations with vested interests in promoting farmers' dependence on GMO crops, the US government, together with the governments of Canada and Argentina, filed a formal complaint in the WTO against the EU's *de facto* moratorium on GMOs on May 13, 2003. Although the moratorium was due to be lifted within months, the US pursued the WTO complaint as a means to deter other countries around the world from imposing such restrictions.

This WTO complaint was also a response to agribusiness concern that new MEAs may provide a legal basis for restricting and even banning GMOs and thereby constrain the corporate takeover of agriculture. Together with the governments of Canada and Argentina, the US government has actively opposed the Biosafety Protocol for more than a decade and imposed demands that seriously weakened the original proposal. Even today the US, Canada and Argentina have refused to ratify the Protocol. The current US action against the EU in the WTO is designed both to undermine support for the Biosafety Protocol and to subordinate it to the corporate agenda of the WTO. The US government is therefore using the WTO to undermine the legitimacy of the Biosafety Protocol and break a growing global consensus on biosafety.

*The use of the WTO to attack the UN's Biosafety Protocol shows how multilateralism geared towards social and environmental protection is aggressively attacked and undermined by the kind of corporate-driven 'multilateralism' represented by the WTO. This ongoing aggression is precisely why an alternative multilateralism - a rights-based multilateralism which could work for workers and serve as an instrument for democratic and sustainable development - often appears impractical or difficult to imagine.*

It appears this way only because it has been systematically undermined by the forces nurtured within the "multilateral" institutions established at Bretton

Woods which culminated in the establishment of today's WTO. The elements of an alternative multilateralism are already at hand, because two contradictory developments occurred in the half century following the establishment of the multilateral lending agencies (IMF, World Bank) and the global trade negotiations eventually leading to the WTO. On the one hand, there was an unparalleled development of international human rights law, previously restricted largely to the rules of war. This includes the further development and elaboration of ILO Conventions, the international Declarations, Charters and Conventions on fundamental human rights, and the multilateral environmental agreements, among other valuable instruments. On the other hand, this period also saw the rise to dominance of global capital, including the transnational agribusiness corporations now seeking to consolidate their control over the entire food chain through, among other means, GMOs. *The conflict between the two opposed sets of forces - human rights versus the "rights" of corporations and transnational investors - can be seen as a clash of rival multilateralisms.*

In 1947, for example, the UN Economic and Social Council recognized the need for state regulation of markets. This included the use of price stabilization mechanisms embodied in International Commodity Agreements (ICAs) to assist exporting countries to overcome the social and economic impact of short-term price volatility on world markets, particularly in agricultural commodities such as coffee, sugar and wheat. These ICAs came under increasing pressure from proponents of the "free market", and the neoliberal assault on state regulation of capital and markets and social protection in the 1980s and 1990s included dismantling ICAs and other price stabilization mechanisms. As an UNCTAD research report on economic dependence on commodities demonstrates, the end of ICAs occurred "...just as world commodity markets changed from excessive short-term price volatility to a sharp downturn in real commodity prices. If anything, commodity exporting countries needed greater support, not less, from the international community during this period." Yet neoliberalism prevailed: "The 1990s thus opened with no effective market-stabilizing mechanisms in place..."<sup>8</sup> This free market determination of agricultural commodity process meant a free fall in prices – which translated directly into falling incomes for small farmers and an even greater decline in agricultural workers' wages.

*There was nothing inevitable about this process: political and social mobilization can - indeed must - again place the social regulation of commodity markets back on the agenda. We must act to ensure that it is our vision of a rights-based multilateral trading system which establishes social regulation of the world food system.*

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<sup>8</sup> Alfred Maizels, *Economic Dependence on Commodities*, UNCTAD X High-level Round Table on Trade and Development: Directions for the Twenty-First Century, Bangkok, February 12, 2000, pp.4-5.



## Conclusion

The IUF report *The WTO and the World Food System* (2002)<sup>9</sup> developed a framework for trade union strategy based on an *integrated rights-based approach*. An integrated approach is necessary not only due to the broad range of challenges posed to workers by the world food system, but also because of the nature of the food chain itself, where the rights and interests of small farmers, agricultural workers, food workers and consumers are inextricably tied. This approach treated a set of rights as inseparable not only in principle but in practice. This is important because one set of rights cannot be realized without the other. Since the problems we face are broad and multi-faceted, we require an integrated approach that is able to respond to a multiple range of issues.

The integrated rights that form the basis of a new multilateralism incorporate food sovereignty with food security and a key set of rights of working people as waged workers, small and subsistence farmers and consumers:

- The right to adequate, nutritious and safe food
- The right to food security and food sovereignty
- The right to organize and bargain collectively and freedom of association
- The right to a safe working and living environment
- The right to livelihood protection

A new multilateral framework for regulating the world food system must protect and advance this integrated set of collective rights. There is a concrete basis for arguing that existing human rights treaties – such as the MEAs and ILO Conventions guaranteeing basic trade union and worker rights and the rights of agricultural workers - must be enforced *over and above* the WTO regime and all bilateral and regional free trade and investment regimes.

As a first concrete step, unions should campaign for the ratification and implementation of MEAs such as the Biosafety Protocol, and demand the passage of laws and legally binding measures to recognize the primacy of MEAs - together with ILO Conventions – over and above free trade regimes such as the WTO. Unions must include in their demands the compliance of national and sub-national laws with these MEAs and Conventions as the minimum standard. This should have the effect of reversing the ‘risk assessment’ process that imposes conformity with WTO rules on all national and sub-national laws. Instead, *these demands set in motion a positive harmonization process that ensures conformity with international Conventions on rights*.

This focus on rights emphasizes the role of national governments. It is at the national and sub-national level that these rights can be guaranteed institutionally and enforced. International human rights law not only gives states the *right* to enforce their provisions. It also establishes their *obligation* to do so.

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<sup>9</sup> Available as a booklet from the IUF secretariat or electronically in pdf format at <http://www.iuf.org.uk/images/documents/wto-e.pdf>

At the same time, the struggle to enforce these universal rights is inseparable from the process of transforming the existing architecture of multilateral institutions to assure the primacy of human rights over commercial gain.

An important recent paper by the UN Commission on Human Rights examining "Human rights, trade and investment" clearly identifies the gaps and contradictions in the current multilateral system: "While national protection systems [*against human rights violations - IUF*] differ between countries, international mechanisms to deal with individual complaints of human rights violations are uneven. The Human Rights Committee has the authority to hear individual complaints in relation to civil and political rights while the Committee on the Elimination of Discrimination against Women (CEDAW) has the authority to consider individual complaints of women in relation to discrimination in the exercise of their human rights, including economic social and cultural rights. The ILO has a series of mechanisms such as the Committee on Freedom of Association and its Fact-Finding and Conciliation Committee to consider complaints in relation to certain labour rights; however, these do not allow individual complaints nor do they address the interdependence of human rights owing to their focusing solely on labour standards. However, there is currently no international mechanism to consider complaints on all aspects of economic, social and cultural rights. On the other hand, under investment agreements investors have recourse to international redress against States and States have redress against other States."<sup>10</sup> This observation applies equally to the investment rules of the WTO as embodied in the TRIMS agreement.

The evident contradiction - enforceable corporate rights, backed by sanctions, at the WTO and in regional and bilateral trade and investment agreements, versus international human rights instruments lacking adequate enforcement procedures - is sometimes referred to as "incoherence". It would be more accurate to speak of a "coherent" hierarchy of rights: at present, the rules of the WTO and regional/bilateral trade agreements trump the enforcement and application of international human rights instruments. It is this hierarchy which can and must be reversed.

By combining the existing ILO Conventions on worker and trade union rights with UN human rights treaties and MEAs, the move towards an ecologically sustainable global food system is concurrently a move towards a more socially equitable and sustainable system. *As central pillars of a new UN-based trading system, these universally applicable principles and rights will ensure that the production, processing, distribution and consumption of food is based not on corporate profits but human needs – needs which are to be respected as fundamental human rights.*

There is nothing utopian about this program. The union campaigns around the Biosafety Protocol we have proposed offer a concrete basis in international law for action to defend the environment, biodiversity and the rights of agricultural workers, cultivators and consumers. Action around the TRIPS

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<sup>10</sup> Human rights, trade and investment, Report of the High Commissioner for Human Rights, July 2, 2003, page 4. Available online at [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/9b2b4fed82c88ee2c1256d7b002e47da/\\$FILE/G0314847.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/9b2b4fed82c88ee2c1256d7b002e47da/$FILE/G0314847.pdf)

Agreement is another concrete vehicle for union action. Developing countries were pressured into signing on to the TRIPS deal as part of the 1994 Marrakech Agreement which gave birth to the WTO. They agreed on condition that the provisions on patenting life forms (the basis for commercializing GMOs) were reviewed before they came into force in developing countries in 2000. This review has been systematically obstructed. In the meantime, the TRIPS Agreement is being used by states acting on behalf of the biotech corporations to establish a new international patent regime to enforce the patenting of life forms. Unions can actively support the demand of the Least Developed Countries and the Africa Group at the WTO to scrap Article 27.3(b) in the TRIPS, which elevates the rights of corporate patent holders over the environment, food security and worker rights. On the basis of existing human rights treaties, it can be demonstrated that this part (among others) of the TRIPS is in fact illegal under international law and must be abolished.

Food and agricultural unions can and should actively support campaigns by public sector workers and their international union federation PSI to keep water in public hands and exclude it from the GATS negotiations. At the same time we can begin mobilizing to keep agricultural and environmental services from the expanded GATS negotiations, because the corporatization of water, agricultural and environmental services poses a direct threat to sustainable agriculture and the living and working conditions of agricultural workers. Like the TRIPS Agreement, the GATS contains a public review procedure which has never been implemented. Together with public sector unions and civil society groups which share our perspective, we can demand a full public review - with trade union participation - of the impact of previous GATS arrangements as a precondition for any further negotiations as well as the renegotiation of previous GATS deals which have damaged workers and the public interest.

In all these cases, we are far from proposing a utopia or reinventing the wheel. We are using existing international rights instruments and supporting existing movements of resistance to the corporate unilateralism of the WTO. What we have outlined, however, is a strategy of embedding the rules of the WTO in the framework of multilateral rights instruments to blunt the edge of the corporate offensive. Ultimately, unions must offer a coherent strategy for placing the rules governing global trade and investment firmly under the auspices of the international body which is best placed to ensure that global trade becomes an instrument of democratic development rather than a means of undermining or eliminating the global rights which are fundamental to the goals and methods of the labour movement. That body, we would suggest, is a democratized Economic and Social Council of the United Nations empowered to effectively exercise its mandate as defined under Chapter 9 of the United Nations Charter, i.e. *to promote higher standards of living, full employment, and economic and social progress and encourage universal respect for human rights and fundamental freedoms*. Restoring this mandate to the United Nations, and giving it the tools to do so, offers a real opportunity to make multilateralism work for workers everywhere.

Multilateral agreements such as UN human rights charters, ILO conventions and MEAs are vital mechanisms for the creation of a sustainable world food

system and the concrete realization of internationalism among working people. However, it should be clear that international labour solidarity must continue to be expressed directly by workers and their unions through collective action and union strength. In this sense, the aim to build a UN multilateralism that exercises social regulation of global trade and investment involves the incorporation of the goals of labour internationalism, but does not – and cannot - replace it. For social regulation to work, and for egalitarian goals and collective workers' rights to be realized, international labour solidarity must continue to act as a source of external pressure on national governments and UN agencies to ensure that the exercise of national sovereignty is genuinely democratic and premised on the fulfillment of the rights and interests of working people globally.