

Mapping the resistance against bilateral free trade and investment agreements

This paper maps the spread of bilateral free trade and investment agreements (FTAs) in the wake of the breakdown of multilateral (WTO) and regional (e.g. FTAA) negotiations, and the rise in social movement analysis and activism against these agreements. By comparison with interest in “global justice” campaigns against the WTO, NAFTA and the FTAA relatively little attention has been paid to newer movements against bilateral free trade and investment agreements (FTAs). Yet, in a number of countries, particularly in Latin America and Asia, these agreements have elicited large movements and mobilizations. Noting that bilateral FTAs are frequently used as instruments of divide-and-rule, the paper highlights the challenges to building cross-border solidarities among opposition movements contesting FTAs at national levels. Drawing on examples mainly from the Asia-Pacific and the Americas, this paper dispels the assumption that bilateral free trade and investment agreements are less of a threat than multilateral agreements. Drawing from the author’s extensive engagement in activist research and struggles against FTAs, it suggests that there has frequently been a disconnect between major mobilizations against FTAs which have often brought together diverse sectors of societies, including small farmers, organised labour, people living with HIV/AIDS, and artists on the one hand, and international NGO and trade union networks on globalization on the other which have generally been slow to react or address the bilateral deals. This paper highlights some challenges to educating for mobilization against these agreements, and shares some insights that arise from grounded struggles against FTAs, outlining growing connections and collaborations for resistance between movements opposing FTAs.

Keywords: global justice movement; free trade and investment agreements; social movements; trade unions; globalization

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Introduction

Tens of thousands of Korean workers belonging to the Korean Confederation of Trade Unions (KCTU) took part in a ‘Nationwide Workers Rally’ on 13 November 2011, along with farmers, and others drawn from many sectors of Korean society taking to the streets once again to oppose the ratification of the US-South Korea free trade agreement (FTA) by Korean lawmakers after US Congress approved it a month earlier (Hankyoreh, 14 November 2011). The agreement, which some view as the most far-reaching agreement of its kind to be signed since the North American Free Trade Agreement (NAFTA), was finally passed in the Korean National Assembly later that month, amidst continuing protests.

Yet despite major mass mobilizations sustained over several years by Korean social movements, in which organized labour, led by the KCTU, had played a major role, there was rather little awareness of this movement in North America and Europe in media or activist networks associated with the “global justice movement” which had emerged over the past two decades from rising opposition to free trade and investment agreements. As a Korean activist noted five years earlier, it seemed that “for the World Trade Organization (WTO) resistance, it is easier to gather people across countries to mobilize together. But with FTAs, we are struggling on our own” (participant, Fighting FTAs international strategy workshop, July 2006, Bangkok, bilaterals.org, BIOTHAI and GRAIN, 2008).

This article critically discusses the spread of FTAs in the wake of the breakdown of multilateral (WTO) and regional (e.g., FTAA) negotiations, and the rise in social movement activism against these agreements. In doing so, it considers the role of trade unions and other social movement actors in a number of these struggles. A considerable body of scholarship (e.g., Bandy & Smith, 2005; Day, 2005; Goodman, 2002; McNally, 2002; Polet and CETRI, 2004; Starr, 2000) has investigated recent popular struggles against capitalist globalization, including campaigns against the World Bank, the International Monetary Fund (IMF), the WTO and the Free Trade Area of the Americas (FTAA) which are generally viewed as the global justice movement. Yet relatively little attention has been paid to mass movements against bilateral free trade and investment agreements (FTAs) which have emerged in the past decade at the national level, at least.

Moreover, despite a multitude of such movements and mobilizations against these agreements, particularly (though not exclusively) in the Third World, the transnational NGO/trade union activist networks that have actively contested the WTO and FTAA have largely failed to connect such struggles with each other, and have been slow to support anti-FTA activism. There has been a disconnect between major mobilizations against FTAs and established NGO networks on globalization, which have generally been slow to react or seriously address the bilateral deals.

On the contrary, some of these NGOs have issued triumphalist statements responding to the state of WTO talks which have suggested that neoliberalism is on the defensive, thus overlooking the commitments being made in bilateral free trade negotiations (e.g., IATP, 2008; Menotti, 2008).

The responses of organized labour to specific bilateral free trade and investment agreements have varied. As with lobbying in relation to the WTO, the focus of some (usually, though not

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always, Northern) union efforts have continued to insist upon the insertion of wording on labour standards or social clauses in free trade and investment agreements (see Greven, 2005). In a number of struggles against FTAs, national and local labour unions have played an important role in opposition movements and coalitions opposed to FTAs, and have articulated positions which directly confront the comprehensive and deeper threats posed by these agreements, and eschew the reformist approach to trade liberalization which has tended to characterize the majority of official platforms and positions (e.g. KCTU, 2011, PAMANTIK-KMU, 2007 for the former positions, and ITUC-ETUC, 2008; ITUC, 2009 for the latter). Like international NGO networks, regional and international union confederations were somewhat slow to shift from a focus on multilateral negotiations at the WTO or at regional level and the challenges posed by FTAs. In terms of bilateral solidarity, besides issuing statements and government lobbying on FTAs there has often been little sustained mobilization of membership, as Bailey (2008) notes in relation to the Australia-US FTA where. Australian Council of Trade Unions and the AFL-CIO issued joint media statements critical of the Australia-US FTA (AFL-CIO/ACTU, 2001, ACTU/AFL-CIO, 2003). although a number of Australian unions were active in opposition to the FTA on the ground. Nonetheless, trade unions have played major roles in national-level opposition movements to FTAs in, to name a few examples, Korea, the Philippines and Costa Rica.

The 1999 mobilizations in Seattle and the failure of the Seattle WTO Ministerial meeting to launch a new round of trade negotiations was viewed by many in the global North as the birth of the global justice movement. Direct action-oriented groups and people's movements such as Peoples' Global Action (PGA) (Wood, 2005), the international small and peasant farmers' movement network La Via Campesina (Desmarais, 2007), trade union networks and

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confederations, and the NGO-dominated Our World is Not for Sale network arose during the 1990s or the start of this century to coordinate and network transnational¹ opposition to the WTO. Yet claims of newness surrounding ‘globalization’ and ‘anti-globalization’ obfuscated the fact that in many contexts, particularly in the Third World, there had been long and ongoing resistance to neoliberalism in its different manifestations spanning several decades (McNally, 2002; Choudry, 2008; Flusty, 2004) including opposition to free trade agreements.

This article is informed by Bevington and Dixon’s (2005) notion of “movement-relevant research”, as well as the author’s engagement in activism, education and research in struggles against bilateral FTAs. Bevington and Dixon note that just as few activists read social movement theory, important debates inside movement networks often do not enter the scholarly literature about social movements. They contend that social movement scholars do not have a monopoly on theory about movements. They call for recognition of existing movement-generated theory and of dynamic reciprocal engagement by theorists and movement activists in formulating, producing, refining and applying research. They hold that: “[m]ovement participants produce theory as well, although much of it may not be recognizable to conventional social movement studies. This kind of theory both ranges and traverses through multiple levels of abstraction, from everyday organizing to broad analysis” (p. 195). In situating my analysis in this way, I concur with Flacks (2004) and Bevington and Dixon’s (2005) critiques of the shortcomings of much social movement theory as being driven by attempts to define and refine theoretical concepts which are likely to be “irrelevant or obvious to organizers” (Flacks, 2004, p. 147). In his work on knowledge and learning in social activism, Holst (2002) uses the term “pedagogy of mobilization” to describe

the learning inherent in the building and maintaining of a social movement and its organizations. Through participation in a social movement, people learn numerous skills and ways of thinking analytically and strategically as they struggle to understand their movement in motion;....Moreover, as coalitions are formed people's understanding of the interconnectedness of relations within a social totality become increasingly sophisticated (pp.87-88).

Many scholarly, NGO and activist accounts pay inadequate attention to the significance of low-key, long-haul political education and community organizing work, which goes on underneath the radar, as it were. Yet, as I will argue, the knowledge being produced in social movements resisting bilateral free trade and investment agreements constitutes an important conceptual resource for contemporary and future struggles for social and economic justice.

Challenges for opponents of bilateral free trade agreements

Mobilizations against bilateral FTAs have taken place in many countries, yet the relatively well-known transnational NGO/activist networks which have formed around the WTO such as Our World Is Not For Sale, and regional civil society networks such as the Hemispheric Social Alliance (in the Americas), and international trade union alliances have not played significant roles in these. Indeed, for the most part, there appears to be a knowledge, strategic, and action disconnect between these networks and recent/current struggles against FTAs. The trajectory of transnational networks contesting free trade that has accompanied mobilizations against the WTO operates on a different track from the locally grounded struggles against FTAs, which are often quite isolated from each other. In spite of commonalities of these agreements, and the fact that activists in, for example, Thailand, South Korea and Colombia have been simultaneously

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campaigning against deals with the US, there has been little opportunity to learn from each other's struggles. Given the fact that the US essentially modifies its deals from a template, and yet the specifics of these deals are shrouded in secrecy during negotiations, analysis of the texts of other already concluded FTAs has been important in order to generate critical analysis of the exact nature of the disciplines in current FTA negotiations. Because of their very nature, bilateral deals pose some specific challenges for educating, sharing knowledge and mobilizing transnational networks and alliances against capitalist globalization. This article will also outline specific challenges for education, knowledge production/sharing and mobilization campaigns against bilateral free trade and investment agreements by comparison to activism targeting more established global agreements and institutions such as the WTO, the World Bank and the IMF.

The September 11, 2001 attacks and the subsequent 'war on terror' have been used to justify renewed militarization and war, as well as various forms of domestic state intervention in the US economy. Meanwhile, repressive domestic national security and immigration legislation is being ratcheted up in many countries, North and South (Boron, 2005; Mathew, 2005; Petras & Veltmeyer, 2003; Thobani, 2007; Tujan, Gaughran & Mollett, 2004, Flesher Fominaya & Wood, 2011). A number of major political and economic figures, such as former US Trade Representative (now World Bank President) Robert Zoellick (2001) disingenuously suggested intellectual connections between "terrorists" and opposition movements against neoliberalism, while insisting that further trade and investment liberalization (by the USA's trading partners, at least) was the most effective way to fight 'terror'. This has had worldwide consequences for the political space in which NGOs, and 'global justice' movements exist, including organized labour. Some NGOs urged people to abandon direct action tactics and more confrontational

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positions. Debates within networks in North America and Europe regarding ‘diversity of tactics’ and the parameters of direct action in mobilizations continued, but often with an air of caution and self-censorship after 9/11 (McNally, 2002, Kinsman, 2006; Petras & Veltmeyer, 2003). In June 2010, this dynamic once again played out in relation to the major mobilizations and state crackdown around the Toronto G-20 protests. The momentum behind major mobilizations against meetings of the World Bank/IMF, G8, WTO, the Summit of the Americasⁱⁱ, the World Economic Forum and other conferences of economic and political elites, mainly in the North, that carried from Seattle into late 2001 faltered somewhat after 9/11. For Petras and Veltmeyer (2003), after 9/11, the divisions between NGOs and labour unions calling for moderate reform of the system, and anti-capitalists or anti-imperialists seeking radical changes “seriously deepened, creating a fundamental rift within the [antiglobalization movement], with an increasing intolerance for radical change and confrontationalist politics” (p. 228). I will return to these divisions below. Nonetheless, such mobilizations – and the cycle of ‘alternative’ NGO/civil society summits have continued, often on a smaller scale, as have questions as to how connected these mobilizations were with mass social movements or everyday resistance against capitalist exploitation, and just how representative they were of the most marginalized voices of the societies for whom they sometimes claimed to speak (Hewson, 2005; Martinez, 2000; Prashad, 2003). In the North, much of the momentum and focus directed against the institutions (and their cyclical meetings) most closely identified with the promotion and maintenance of capitalist globalization has been channelled into anti-war movements (Solnit, 2004; Wood, 2004).

Beyond ‘trade’: FTAs, geopolitics, and global capitalism

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While attempts to link commitments to further advance economic liberalization under the WTO with support for the “war on terror” failed to translate into tangible results in that arena since 2001, the bilateral FTA strategies, in particular, those of the US and EU, have clearly been as geopolitically driven as they have been motivated by narrow economic concerns. The US has been using FTAs with Middle Eastern countries to undermine social and political opposition to Israel, and wants to merge these agreements into a regional Middle East Free Trade Area (MEFTA). The EU is pursuing its own regional agreement through FTAs with North African and Middle Eastern governments. The US FTA with Morocco was supposed to signal Washington’s support for “open, optimistic and tolerant Islamic societies” (USTR, 2004). The EU’s current FTAs based on the 2006 ‘Global Europe’ vision insists that parties (e.g., India, Korea and ASEAN) sign a Political Cooperation Agreement before an FTA. FTAs often have relatively little to do with trade and much to do with securing spheres of political influence and control. Access to ‘natural resources’ such as oil, gas, agrofuels, minerals and biodiversity can be seen as significant in terms of both economic aspects as well as their geopolitical implications. Energy security is emerging as an important element in the FTA strategies of countries like Japan, China, the EU and the USA, with separate chapters of FTAs between Japan and Indonesia and Japan and Brunei guaranteeing the Japanese government a supply of gas and oil, for example.

As Sidney Weintraub (2003), of the Centre for Strategic and International Studies in Washington, D.C., puts it:

The sense that is now being conveyed around the world is that US policy is to sign free trade agreements with other countries only if they are prepared to adhere to US foreign policy positions. An FTA, in other words, is not necessarily an agreement in which all parties

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benefit from trade expansion, but rather a favor to be bestowed based on support of US foreign policy.”

There are few signs that the current US Administration is taking a substantively different direction on trade policy. The latest global economic crisis has led many people – perhaps most recently symbolized by the Occupy movement/mobilizations of 2011/2012 - to question the claimed benefits of free market capitalism.

Initially seen as a default for slow-moving WTO negotiations, observers and activists came to see the bilateral free trade and investment strategy as a preferred option. Transnational capital has always forum-shopped to get what it wants in terms of international regulatory frameworks enforcing protection of investment and property rights (Kelsey, 1999). Through these deals, it is possible to isolate and divide governments outside of a forum where they could on some level bond together to resist demands of Northern governments within the WTO. Bilateral deals conveniently had far lower profiles than WTO negotiations and so came under the radar of many activists and popular mobilizations against capitalist globalization.

Critics often suggest that the FTA process is more of an imposition by a larger power than a real ‘negotiation’. Like WTO agreements, and given their lower profile, perhaps even more so, they are negotiated in virtual secrecy, with negotiating texts routinely unavailable for public scrutiny in either country until it is much too late – or, in some cases, not even available for a significant period of time after the agreement has taken effect. Smaller countries face negotiations fatigue when overstretched and under-resourced officials have to deal with agreements with multiple countries, bilaterally, regionally and multilaterally.

Former EU trade commissioner and current Director-General of the WTO, Pascal Lamy said of EU trade policy: “We always use bilateral FTAs to move negotiations beyond WTO standards. By definition, a bilateral trade agreement is ‘WTO plus’. Whether it’s about investment, intellectual property rights, tariff structure or trade instrument, in each bilateral FTA we have the ‘WTO plus’ provision” (Jakarta Post, 2004). Bilateral agreements typically allow for deeper and faster levels of liberalization and deregulation than could be achieved in the WTO, (‘WTO-plus’ provisions) and specific measures and policies could be targeted. FTAs often break new ground. As governments commit to standards of liberalization that go further than the WTO through FTAs, this has implications for negotiating positions in multilateral trade talks should WTO talks get more momentum: countries will not be able to stand up to demands from Northern governments for WTO expansion when they have already signed onto WTO-plus commitments bilaterally. Bilaterally, it is sometimes easier to set precedents on a range of issues which can then at some point be taken into multilateral arena. For example, when the US negotiates a bilateral agreement with a WTO developing member country, the most-favoured nation principle of the WTO - whereby any privilege granted to one WTO member has to apply to all others – assures the EU that it gains the benefit of the standards that the US obtains. For all practical purposes then, these WTO-plus standards may become the “new minimum standards from which any future WTO trade round will have to proceed” (Drahos, undated).

Compliance with WTO agreements has been hard for many countries, but bilateral deals with WTO-plus provisions are even tougher. Through FTAs and bilateral investment treaties (BITs), EU and US trade negotiators push governments into going further and faster in adopting what are essentially corporate wish lists on areas such as intellectual property (further endangering access

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to treatment to millions of people living with HIV/AIDS and other life-threatening diseases, undermining traditional agriculture by imposing agribusiness monopoly rights on areas such as seeds, and expanding patent protection over all life forms), financial liberalization, and issues (e.g., government procurement and investment) which have been kept out of WTO negotiations or severely limited in their scope due to Third World governments' opposition to industrialized government demands. US agribusiness and pharmaceutical corporations are both the scripters and cheerleaders of TRIPs-plus provisions. For example, Monsanto urged US trade negotiators to seek an end to Thailand's moratorium on large-scale field trials of genetically-modified crops either "in a parallel fashion with the FTA negotiations or directly within the context of the negotiations. A Monsanto document (2004) argued that

in the current context of free trade...it is imperative that the US work with Thailand to eliminate the current barriers to biotechnology-improved crops and establish a science-based regulatory system – including field trials of new crops – consistent with their international trade obligations in order to bring the benefits of these products to market in Thailand and to further promote consistent access to American agricultural technologies and products.

Former Thai Prime Minister Thaksin Shinawatra announced his intention to reverse Thailand's moratorium on GM field trials (which came into effect after pressure from farmers and consumer groups in April 2001). While he and his Cabinet were forced to uphold the moratorium after Thai farmers, Buddhist organizations, consumers and anti-GMO activists protested, US and Monsanto officials – who seek to make Thailand its regional base for GM Roundup-Ready corn and Bt corn – continue to have the moratorium in their sights in the context of on-again, off-again FTA talks.

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The Secretariat of the US-Thailand FTA Business Coalition comprises the US-ASEAN Business Council, representing US corporations with interests in ASEAN, and National Association of Manufacturers (NAM), the USA's largest industrial trade lobby group. NAM boasts: "Our voice is not compromised by non-industry interests"(NAM website, undated). Business lobbies view unions, NGOs, communities as 'special interests', which should be subordinated to the interests of the corporate sector in relation to trade and economic policymaking processesⁱⁱⁱ. BusinessEurope (formerly the Union of Industrial and Employers' Federations of Europe – UNICE) states:

Given the increasingly important role of services in EU exports, all future FTAs must ensure comprehensive liberalization of key sectors including financial services, telecommunications, professional and business services and express delivery services...The EU has a comparative advantage across the board in services and needs to ensure that this advantage is pressed home in future FTAs. (UNICE, 2006)

Carte blanche for capital: Movements resisting new 'investment' threats

As South Korean activists and commentators have noted, a major concern for the newly-minted US-Korea FTA is its investor-state dispute system. Many FTAs and BITs contain broad definitions of 'investment' which throw the door wide open for disgruntled corporations based in one signatory country to take a case against the other signatory government to a binding disputes tribunal. Such disputes are fought out behind closed doors in arbitration proceedings at the World Bank's International Centre for the Settlement of Investment Disputes (ICSID). Thus far, these have often related to conflicts after the privatization of state-owned enterprises and public utilities such as water, but could extend to include almost anything. These have already become flashpoints for popular resistance.

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Azurix, a former subsidiary of Enron won a bid to run the privatized water and sewage system for 2.5 million people in parts of Buenos Aires province, Argentina, in May 1999. Bahia Blanca residents complained that their water smelt bad and looked brown, while regulators considered sanctions against Azurix for very low water pressure. After the water supply was found to be contaminated, health authorities warned people not to drink or bathe in the water. The local regulating agency forced the company to deliver free bottled water to all those affected, not to charge for a period when the water was of poor quality, and also fined Azurix for breach of contract. In October 2001, Azurix stated that it would withdraw from the contract, complaining that the province would not let it charge rates according to the tariff specified in the contract and would not deliver infrastructure. The province rejected the termination notice. Then, under a 1991 US-Argentina bilateral investment treaty, Azurix sued Argentina's bankrupt government for US \$550 million. Azurix said that the authorities' actions amount to interference with its investment. In July 2006, ICSID awarded Azurix US \$165 million against Argentina, although the government has thus far refused to pay.

The popular struggle against the privatized water system of Bolivia's third largest city, Cochabamba, is a symbol of the fight back against neoliberalism and privatization. This followed Aguas del Tunari (an affiliate of US water corporation Bechtel) sharply increasing prices. But after the privatization was reversed, the water system handed back to the public and it was forced to leave Bolivia, Aguas del Tunari/Bechtel lodged a “request for arbitration” against Bolivia at ICSID. It sought US \$50 million, claiming as “expropriated investment” the millions of dollars in potential profits it had hoped to make. (For the same amount, 125,000 Bolivian families without access to water could be connected.) The company turned to a 1992 BIT between Holland and Bolivia. While it was establishing its operations in Cochabamba, Bechtel was filing

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papers to shift its subsidiary's corporate registration to Holland from the Cayman Islands. After international protests and pressure, at the end of 2005, Bechtel abandoned its claim against Bolivia.

Bilateralism: Challenges for movement-building

Despite the fact that these bilateral deals are being signed and implemented in many countries, the focus of many international NGO and trade union networks critical of free trade has been slow to shift from the multilateral talks at the WTO that have failed to advance very much to this newer patchwork of FTAs. There has been some focus on EPAs between the EU and African, Caribbean and Pacific countries among European and Australasian NGOs and unions (ITUC/ETUC, 2008) but relatively few connections have been made with local grassroots struggles against these agreements (Canterbury, 2010). Certainly a number of statements and declarations have been issued by regional confederations or alliances of unions critical of bilateral FTAs (e.g., ITUC/ETUC, 2008, It has been difficult to coordinate national-level opposition to EU EPAs, and much of the international campaign work on this has been driven by Northern-based NGOs which have had varying levels of connection with social movements in the countries affected. Conceptually, this weakness can partly be attributed to these organizations' overemphasis on the WTO, and a failure to take a clear stance against neoliberal capitalism, with a spectrum of platforms calling for anything between mild reform to complete rejection, coupled with funding and institutional focus on these institutions which were traditional targets of mobilizations.

While many of the stronger campaigns against FTAs build upon and draw from mobilization against the WTO, FTAA, other neoliberal reforms at international and domestic levels, the lower profile of these deals has allowed negotiations to take place well under the radar of many activist

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movements and organizations. Some of the largest and most militant mobilizations against capitalist globalization in recent years have been anti-FTA protests, for example in Korea, where street protests against the recently concluded FTA with the US numbered in the tens of thousands regularly and sometimes more in Seoul, in CAFTA (US-Dominican Republic -Central American Free Trade Agreement) countries (for example, 200,000 demonstrated in San Jose, Costa Rica on 26 February 2007 against CAFTA). And yet in spite of the growth of the ‘global justice’ network, these mobilizations have attracted relatively little awareness or solidarity in North America. The question is often asked how to maximize leverage/opposition against these agreements by cooperating with activists in the other signatory country, but there has been very little sustained joint activism in this regard, notwithstanding the scale and political impact of anti-FTA movements outside of Europe and North America.

In at least two cases, in Ecuador (Gutierrez) and Thailand (Thaksin Shinawatra), anti-FTA movements and sentiments have contributed to the overthrow of governments. Subsequently, after popular pressure led to the cancellation of Occidental Petroleum’s oil extraction contract in Ecuador, the proposed FTA with the US was effectively scuttled. The geopolitical aspects of these deals, such as the US-Korea FTA, become mobilization targets in themselves. In Korea, opposition was also related to older struggles (and the knowledge/conceptual resources which they generated) against US domination and military bases. By comparison with multilateral talks, such aspects have been in clearer focus in bilateral FTA struggles because of the close attention paid to other aspects of foreign affairs linkages with the other signatory government.

FTA Struggles in Korea

In many ways popular resistance to the Chile-Korea FTA set the stage for an even larger phase of mobilization against Korea’s FTA with the US. Even before the fight against the Chile and US

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FTAs, Korean social movements had mobilized against the imposition of neoliberal reforms since the 1980s, whether imposed by Seoul, or, after the 1997-1998 economic crisis, by the IMF. Korea-Chile FTA negotiations began in 1998 and a deal was eventually concluded in 2003. Although the agreement was quite comprehensive (including services, investment and other areas), it was its agriculture provisions – and particularly the implications for Korea's domestic fruit growers – that were the focus of opposition in Korea. Protests were frequently met with police violence, but helped to delay the ratification of the deal several times. While over 50% of Korea's lawmakers promised that they would oppose the FTA, they ratified the agreement. From this experience, the farmers' movement, the Korean Peasant League (KPL) drew two lessons for future FTA fights: firstly, a struggle by small farmers alone (10% of Korea's population) would not lead to victory. The majority of the population were made to believe that sacrifice of the farmers was a necessary evil to achieve economic growth. Secondly, one cannot rely solely on parliamentarians – despite all the mobilizations, the government ratified the deal anyway. So KPL learnt that it is vital to build a mass struggle with other sectors to defeat current and future FTAs. Korean farmers, unsurprisingly, were at the forefront of struggles against the FTA with the USA.

The Korean resistance against the US-Korea FTA has been a major multi-sectoral struggle, illustrating the importance of strong national movements in the context of cross/binational networks against a deal. Korean trade unions have long been active in challenging the downward pressure on wages and conditions brought about by neoliberal restructuring (Chun, 2009). Among many labour actions, the Korean Metal Workers Union organized a two day strike against the KORUS FTA in June 2007, claiming over 110000 workers participated in stopping production and joining regional rallies against the agreement

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<http://bilaterals.org/spip.php?article8914> While there has been a strong movement in Korea, there has been far less social movement activism in the US. There were some joint actions and statements by Korean and US unions against the FTA (see AFL-CIO/KCTU/CTW, 2008), and Korean protest expeditions to the USA during negotiating rounds, but little sustained focus or significant mobilization in the US. Closer to the ratification dates by the two respective governments, there was some campaigning in the US, including by progressive Korean-Americans, to stop the agreement, but no major movement mobilizations as had been seen in opposition to NAFTA, the FTAA or the WTO. Similarly a small symbolic protest action in Brussels was held against the EU-Korea FTA,

Indeed, the KCTU is a notable example of a major national union confederation taking a militant position against an FTA, sustained over several years by mobilizations and articulated through statements such as its 17 August 2011 position paper “Why We Oppose the KORUS FTA” where it states: “We believe that the analysis that FTAs are bad for some industries while good for others is a somewhat narrow perspective. This is because they reduce or greatly remove the ability of governments from relatively less developed countries to pursue independent policies to meet economic and social needs and sustainable social and economic development. In addition while the provisions of FTAs systematically strengthen the rights and privileges of corporations they do not include provisions which support the democratic control of foreign investors.”

Tensions over mobilizing opposition to FTAs

Just as there is a great diversity in positions, ideologies, perspectives and tactics among opposition movements against the WTO, so too, we can find among opposition to bilateral FTAs those who call for reform of these agreements (for example, major international trade union

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confederations and Northern NGOs) and those who reject these agreements altogether. NGO technical policy analyses of these agreements, along with the Bretton Woods institutions and other processes are often detached from political economy/geopolitical factors, and lack a systemic critique of capitalism and imperialism which views that all of these institutions, agreements and processes – global regional, sub regional, bilateral, national and subnational (i.e. state/province/municipal level) necessitate oppositional responses.

Compartmentalized approaches to addressing capitalist globalization which do not confront the systemic nature of capitalism – including the dangers posed by further financial liberalisation in FTAs - can only be of limited effectiveness. For many NGO and international union campaigns, this compartmentalization occurs around issues (e.g. agriculture, services), sectors (women, workers, farmers, Indigenous Peoples) and institutions and agreements (WTO, FTAA, etc.) without a broader underlying framework of analysis necessarily informing action against global capitalism per se. This tends towards a rather fragmented analysis. Certainly, in some anti-FTA struggles, particular aspects of these agreements attract more attention than others, such as intellectual property provisions of the US-Thailand agreement, and the toxic waste dumping provisions of the Japan-Philippines Economic Partnership Agreement, but many of the most vibrant and sustained anti-FTA mobilizations have seen broad fronts of opposition grow through an understanding of the comprehensive threats posed by these agreements. For example, movements of people living with HIV/AIDS in Thailand found common cause and forged alliances with farmers because of the intellectual property chapter in the proposed US-Thai FTA. Meanwhile, the Korean government's removal of the film quota (to promote Korean films) as part of FTA negotiations, and commitments to further liberalize Korean agriculture brought film

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actors, directors and producers together with farmers and trade unionists in the streets against the US-Korea FTA.

On the other hand, in most North American and European campaigns on FTAs, there is relatively little mass mobilization. Although a somewhat more broadly-framed NGO/trade union campaign against the Canada-EU Comprehensive Economic and Trade Agreement (CETA) picked up some momentum in 2011, positions of NGOs and trade unions have tended to focus on rather narrow platforms such as the Canadian Autoworkers Union focus against the proposed Canada-Korea FTA because of threats to the Ontario auto assembly sector and Canadian labour/NGO framings of the Canada-Colombia FTA agreement around human rights situation in Colombia. Such conceptualizations of these agreements run the risk of obscuring broader and deeper instruments of neoliberalism which impact the lives of peoples in both signatory countries.

It is interesting to contrast the differences between continued calls for trade union input into negotiations and social and environmental clauses or chapters within free trade and investment agreements emerging from international and regional confederations such as ITUC and ETUC which stop short of outright opposition to the FTAs, with more oppositional positioning from national union centres and confederations such as the KCTU, (Korea) the KMU (Philippines and Zenroren (Japan) which have been actively mobilizing against these agreements on the ground as part of broader coalitions of opposition against the agreements. For example, in opposition to the Japan-Philippines Economic Partnership Agreement (JPEPA), the Southern Tagalog regional trade union centre of the Philippines militant union centre, Kilusang Mayo Uno (PAMANTIK-KMU) asserted: “All FTAs, even in the language of GATT-WTO, include provisions on the

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respect for workers rights to make it appear humane to most Third World countries involved in such agreements. That goes the same with JPEPA. The Philippine government's anti-labor mechanisms attuned to its foreign investment policies are enough proof that such provisions are worthless in practice." (2007, p.9). In Japan, Zenroren (National Confederation of Trade Unions) has also mobilized in opposition to the Trans-Pacific Partnership (TPP) which is under negotiation and articulates a strongly oppositional position to this agreement and Japan's membership of it, constructed through a web of bilateral FTAs (Zenroren, 2010, 2011).

Sharing knowledge, strategy and resources among movements against FTAs

Given the challenges to organizing cross-nationally on bilateral free trade and investment agreements, a major concern among some opponents of FTAs has been how to facilitate the sharing of knowledge, research, analysis and experience with each other around struggles against FTAs. In 2004, a number of organizations^{iv} initiated a collaborative website to support peoples' struggles against bilateral free trade and investment agreements <http://www.bilaterals.org>. Behind the establishment of the website was a concern that in the celebration of the stalling of the WTO and FTAA negotiations, there was little focus on the bilateral free trade and investment agreements actually being signed.

[bilaterals.org](http://www.bilaterals.org) is an open-publishing site where people fighting bilateral trade and investment agreements exchange information and analysis and build cooperation. Those campaigning against bilateral deals had found it hard to link up with others around the world to share analysis and develop broader and complementary strategies. By early 2008, the site was attracting around 200, 000 hits a month. It has been used to leak draft negotiating texts which have otherwise not been made public, such as a draft IPR chapter of the US-Thailand FTA (The Nation, 2006). It is

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also a forum for activists to directly alert others about developments in their struggles, not least during intense periods of mobilization and state repression in Korea and Costa Rica in 2007 and 2008, more recent mass mobilizations in Peru against proposed FTAs with the EU and the USA, and a wave of anti-FTA protests in India in 2009-2010.

People's movements to stop FTAs are often isolated from each other, a direct reflection of the 'divide and conquer' strategy that bilateralism thrives on. A number of anti-FTA movements have made it a priority to break the isolation and link with others fighting such agreements in order to share analysis and learning's from each other's struggles. The Thai anti-FTA movement has been quite proactive in this respect, organizing several events which have brought activists from different countries together to strategize on FTAs (Similar collaboration has also taken place in Latin America among movements fighting bilateral deals). FTA Watch, a Thai coalition, invited bilaterals.org, GRAIN and the Bangkok office of Médecins Sans Frontières to help co-organize a global strategy meeting of anti-FTA movements. The three-day 'Fighting FTAs' workshop was held at the end of July 2006 in Bangkok, bringing together around 60 social movement activists from 20 countries of Africa, the Americas and the Asia-Pacific region to share experiences in grassroots struggles against FTAs and to build international strategies and cooperation. For many participants, it was the first time they had been able to physically sit down with other movement activists fighting FTAs and discuss strategy and experiences. In February 2008, GRAIN, bilaterals.org and BIOTHAI (Biodiversity Action Thailand) produced a collaborative publication and launched a multimedia website called "Fighting FTAs: the growing resistance to bilateral free trade and investment agreements" which provides both a global overview of the spread of FTAs and maps the growing resistance and learning's from people's

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experiences of fighting FTAs¹. This resource was merged into a relaunched and redesigned bilaterals.org website in 2009 which is continuously updated.

Spreading resistance against bilateral free trade agreements

Several significant international movement networks have drawn attention to the importance of opposing bilateral free trade and investment agreements. In November 2006, the Asian Peasant Coalition (APC) issued a critique of the Japan-Philippines Economic Partnership Agreement (JPEPA) which denounced the Philippines' first bilateral free trade pact as "a very onerous deal ... worse than the impositions by the WTO itself", and called upon the Philippine government to scrap it. Predicting that Filipino farmers would be hardest hit by the deal, the statement predicted that JPEPA would "further sink the Philippines into being a beggar state" (Asian Peasant Coalition, 2006). Starting in October 2006, militant Filipino farmers, led by the Kilusang Magbubukid ng Pilipinas (KMP), launched several protest actions at the Japanese embassy. Members of the APC have joined Filipino farmers in protest actions against JPEPA.

La Via Campesina has also made a number of statements explicitly opposing bilateral FTAs. A number of its member organizations, particularly in Central America, Korea and Africa are engaged in struggles against (mainly) US and EU-driven FTAs. For example, in a statement issued from a meeting in Dijon, France, on January 13 2008, entitled "No to Free-Trade Agreements, Yes to Food Sovereignty and People's Rights!" Via Campesina members from Asia, Europe, Africa and Latin America stated that

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all bilateral and bi-regional free-trade agreements, be they called “Tratados de libre-comercio” (TLC), “Free-trade agreements” (FTA) or “Economic Partnership Agreements” (EPAs), are of the same nature. They lead to the plundering of natural resources and only serve transnational companies at the expense of all the world's peoples and environment. These are not partnership agreements but Economic Plundering Agreements (Via Campesina, 2008).

The organizations demanded “that governments not sign or withdraw from these agreements”. In a statement by the Asian regional conference on “Informalization of Work Through Free Trade Agreements: Eroding Labour Rights”, organized by the Committee for Asian Women, in Bangkok in June 2008 delegates declared:

We strongly urge sovereign governments to resist the pressure from international corporations and international financial institutions to sign onto FTAs on dubious promises of growth, development and poverty reduction.

We demand a moratorium on existing trade agreements and reject any new unequal bilateral and regional trade agreements, particularly in view of climate change and rising energy prices which are incompatible with international transport of goods (Committee for Asian Women, 2008).

Conclusion

McNally, (2002; 2010); Petras and Veltmeyer (2003, 2005), Boron (2005), Desmarais (2007) and bilaterals.org, BIOTHAI and GRAIN (2008) illustrate that people’s struggles against neoliberalism, particularly peasant movements, Indigenous Peoples, and militant trade unionists in Latin America and Asia, have continued to vigorously challenge states and transnational

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capital, notwithstanding increasing militarization and the use of anti-terror legislation against activists and communities of resistance. The past decade has seen major sustained popular struggles against bilateral free trade and investment agreements in several countries throughout the Asia-Pacific, Latin America and Africa (bilaterals.org, BIOTHAI and GRAIN, 2008). With few exceptions, (often lobbying campaigns by NGOs such as those on EPAs in Europe, for example, Dür and De Bièvre, 2007; Del Felice, 2011; Trommer, 2011) there has been relatively little activism addressing these agreements in the North. The responses of movements to bilateral FTAs in the post-9/11 climate illustrate a growing disconnect between anti-neoliberal activism in the North and South. While in many Northern activist networks, campaign focuses around the connections between war and links to questions of political economy and neoliberal capitalism has often been limited to articulating US oil interests in the Middle East with the invasion of Iraq. Yet for many on the frontlines against FTAs in Colombia, for example, South Korea or the Philippines, and in the daily struggles of Indigenous Peoples and immigrant communities in the North, these links are often identified and articulated in a far more sophisticated manner (bilaterals.org, BIOTHAI and GRAIN, 2008; Choudry, 2009, 2010; Mathew, 2005; McNally, 2002; Petras & Veltmeyer, 2003).

The current wave of bilateral free trade and investment agreements represent an intensification of capitalist globalization. The comprehensiveness of many FTAs has engendered the building of common fronts of struggle at national levels in many countries, but these have largely been outside of North America and Europe. Internationally, however, there is a tendency of NGO and international union campaigns to be compartmentalized around individual institutions, and ‘issues’ (agriculture, human rights intellectual property rights, labour, women, etc). The ‘WTO-plus’ nature of FTAs challenges movements to go beyond such narrow

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approaches to grapple with the comprehensive nature of these newer agreements and the deeper levels of commitments to liberalization and deregulation that they impose.

There is another tendency for a rather standard formulation or platform of opposition to be mounted against the WTO, the IMF and the World Bank but still relatively little focus placed on FTAs although these arguably impose more immediate threats. There remains a reticence to reconceptualize 'globalization' to include threats outside of the global institutions such as the WTO, World Bank and IMF, and to see dangers inherent in apparently smaller deals. The question remains how to conceptualize capitalist globalization equally driven by a web of smaller agreements and to target this process in a concerted manner. In understanding the significance of many of these anti-FTA movements, the question of their success may hinge on whether they can build long-term alliances against neoliberalism rather than stopping an FTA, and sustain a critique of capitalist globalization in whatever form it may take - and as we can see with NAFTA, the US-Korea FTA and other agreements, the social struggle does not necessarily end when the deal is signed. As McNally (2002) and Katsiaficas (2002) contend, within 'anti-globalization' networks, a disproportionate focus and awareness about the modalities of mobilizations and activism in North America and Europe lends itself to overlooking what are often far more complex, mass-based and sustained forms of resistance to capitalism and colonialism in the Third World, including new fronts of struggle against bilateral free trade and investment agreements. Since most of these mobilizations have taken place in Asia and Latin America, and with little sustained major mobilization against such deals in Northern countries, these struggles have also escaped attention in both activist and broader public circles, and scholarly attention. The extent to which scholarship will attend to, arise from, and/or engage these movements and mobilizations is unclear; yet it seems probable that, with little sign of a

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substantive change in today's international trade and investment policy-making to prioritize bilateral over multilateral agreements, many more such struggles will emerge.

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ⁱ See <http://www.ourworldisnotforsale.org>

ⁱⁱ Initiated in 1994, the Summit of the Americas has met a number of times to lay the groundwork for a (stalled) US-led proposal for a free trade and investment agreement covering all the nations in the Americas except for Cuba – known as the Free Trade Area of the Americas.

ⁱⁱⁱ To cite one more example of the corporate machinery behind FTAs, FedEx, General Electric Company, New York Life, Time Warner and Unocal are US-Thailand FTA Business Coalition corporate chairs. Steering Committee members include: AIG, Cargill, Caterpillar,

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Citigroup, Corn Refiners Association, CSI, Dow Chemical, Ford, National Pork Producers Council, PhRMA, PricewaterhouseCoopers, SIA, UPS and the US Chamber of Commerce.

^{iv} The initiators included the [Asia-Pacific Research Network](#), [GATT Watchdog](#) (New Zealand), [Global Justice Ecology Project](#) (USA), [GRAIN](#), IBON Foundation (Philippines), XminY Solidariteitsfond (Netherlands).