

Libraries and the WTO

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Before discussing recent developments with the World Trade Organization (WTO) including the Seattle Ministerial meeting, I would like to begin with a few general comments on the organization.

The WTO is unique as a multinational body in that it has binding dispute mechanisms as an inherent part of its operations. These dispute mechanisms include the strongest enforcement procedures of any international agreement currently in place. The common element to the opposition against the WTO is the loss of local (ie national) decision making which can result from its panel rulings.

Perhaps the most controversial rulings have related to the overturning of domestic environmental initiatives which were judged by the WTO to unduly impede international commerce. However there have been an increasing number of rulings which have relevance for libraries. These include rulings in the area of cultural products (the Canada - US split-run magazine dispute) and even a recent ruling on copyright exceptions (the EU - US "homestyle" broadcasting dispute). For an analysis of the broad implications of these rulings see Steven Shrybman's article on the commodification of information which will be published in the upcoming Jerusalem Conference issue of the IFLA Journal.

I had the privilege of representing IFLA at the December 1999 Seattle WTO Ministerial meeting. Heading into the Seattle meeting it was evident that the key areas of concern for the negotiators (and the protestors) were:

- core labour standards (issues such as child labour)
- food safety, biotechnology (genetically modified organisms) and agricultural subsidies
- environmental standards
- transparency, the WTO term used to describe the need for a more open and inclusive negotiating process

How do libraries fit into all of this? I have already mentioned the WTO rulings on cultural products and copyright. It is clear that these areas have the potential to directly effect the content in library collections and how libraries and library users can use this content. Of greater immediate concern is The General Agreement on Trade in Services (GATS) which prior to the Seattle meeting was already scheduled for implementation in 2000. GATS places all government services (ie federal, state or provincial, and local), which are also commercially available, on the table for review by the WTO. The GATS agreement is complex but it is clear that a major WTO concern is both undue restrictions on accessing service markets in member states and unfair competition arising from government subsidy. It was made clear by key negotiators in Seattle that all services are subject to GATS review, including education, health care and, yes, libraries, archives and museums. While European Union and Canadian negotiators were quick to state that they would not agree to changes in specific sectors, there is no assurance that trade-offs will not occur as part of developing "packages" for settlement during negotiations. Simply put, hard choices will have to be made and they may include the sacrifice of some sectors to protect others.

Prior to the Seattle Ministerial, IFLA approved a position paper which had three key elements:

- a broad statement of support for the public sector
- support for special status for culture and cultural organizations in WTO agreements
- urging the exclusion of libraries from the GATS

As you are all no doubt aware, the Seattle Ministerial did not result in agreement on a new round of WTO implementation. A critical mass of opposition to the WTO assembled in Seattle and seriously disrupted the proceedings and managed to direct attention to their diverse concerns with the WTO. The organizations which gathered to protest ranged from the highly credible to those motivated by self-interest and even to those whose positions were dangerously xenophobic.

The only word which can adequately describe the streets of Seattle on the Tuesday when the WTO formally opened, is surreal. The diversity of the protestors was evident in what I encountered on a short walk from my hotel on the Tuesday morning:

- a park full of adherents of Falong Gong
- a rally of Tibetan ex-patriots (WTO = We Tibetans Oppose ...)
- a 60s style folk sing-along organized by the Sierra Club
- a rally of people dressed in sea turtle costumes protesting a WTO ruling on fishing nets harmful to sea turtles

And, of course, there were tens of thousands of ordinary citizens marching and effectively paralyzing the entire downtown core.

It is important to note that while many agendas were disrupted and the logistics of contacting people in some instances were insurmountable, the formal WTO sessions did proceed, albeit with delays and difficulty. The failure to reach agreement on the text to initiate the next WTO round was a result of deep divisions among the negotiating countries which, protestors or not, could not be resolved in the time available.

It is safe to say after the week in Seattle that libraries are not on the WTO's agenda. I only heard one mention of libraries from a WTO delegate. A Mexican trade representative stated during a presentation to an assembly of non-governmental organizations (NGOs), "we cannot compete until we have schools, libraries, roads ..." The lack of awareness of libraries within the WTO and national delegations should not be taken as meaning that libraries will not be effected.

At the time, ALA appeared to have downplayed the potential impact of GATS on libraries as it was seen to be targeted at government involvement in direct commercial activity. With the increasing commodification of information, the importance of information for e-commerce, and the recent unprecedented transnational corporate mergers of content owners and deliverers, it is no longer assured that some of the services of public, education and even national libraries might not be seen to be in competition with the private sector. ALA correctly asserted that a negative impact on libraries by GATS was not intended by its drafters. It is safe to say, as I have already alluded, they never think of libraries. What has to be of concern are the potential GATS **unintended consequences** for libraries and other public sector institutions.

If libraries were not specifically discussed in Seattle, there was considerable debate and maneuvering over the issue of cultural diversity. The IFLA position paper acknowledges that publically funded libraries are part of the cultural sector. It also advocates for cultural diversity and the encouragement of multiple voices rather than homogenized and globalized cultural products which dominate by virtue of financial or corporate strength.

It became clear very quickly in Seattle that "culture" meant audio-visual for many of the pro-culture NGOs and government representatives. When intellectual property was raised, it was almost always in the context of genetically modified seeds or drug patents. With recent dramatic changes in the delivery of cultural content through transnational corporate mergers (AOL/Time Warner and Seagram/Vivendi being the two most important) and legal challenges to the digital delivery of copyrighted content (Napster), it is clear that there will be increased WTO involvement in this area.

It is imperative that library organizations support the emerging movement advocating for the preservation and encouragement of cultural identity and diversity. Canada, France and a number of other EU countries are in the forefront of this movement.

The Canadian delegation in Seattle fought to have the following text included in the preamble to the Ministerial statement:

Given the important role that cultural goods and services play in the diversity of societies and the lives of individuals, members will maintain the ability to preserve, develop, and implement their cultural policies in sectors such as audio-visual, publishing and new media, for the purpose of strengthening cultural diversity.

While one senior trade negotiator characterized this text as “words, just words”, it is likely that such a statement in the preamble would serve as a useful statement of intent for future panel rulings, especially if the agreement itself was ambiguous on whatever cultural issue was under review.

The debate about the spread of “monoculture”, best epitomized for its critics by Hollywood and Jack Valenti, will not be easily won by the proponents of diversity. There is a school of thought, perhaps more widespread among Internet savvy youth, that this doesn’t really matter. This point of view is well represented by the young writer Dave Eggers in his deconstruction of the verso of the title page in his bestseller **A Heartbreaking Work of Staggering Genius**. This is how Eggers describes his publisher:

Published in the United States by Simon & Schuster, a division of a larger and more powerful company called Viacom Inc., which is wealthier and more populous than eighteen of the fifty states of America, all of Central America, and all of the former Soviet Republics combined and tripled. That said, no matter how big such companies are, and how many things they own, or how much money they have or make or control, their influence of the daily lives and hearts of individuals, and thus, like ninety-nine percent of what is done by official people in cities like Washington, or Moscow, or São Paulo or Auckland, their effect on the short, fraught lives of human beings who limp around and sleep and dream of flying through bloodstreams, who love the smell of rubber cement and thing of space travel while having intercourse, is very very small, and so hardly worth worrying about. (1)

I would have to disagree with Mr. Eggers’ conclusion and I can only assume, given the billions of dollars invested in extending the reach of transnational content providers, that they believe that they have a significant influence on individuals.

Canadian writer and activist Susan Crean and B. Laurie Edwards provide an eloquent and persuasive argument for the importance of place in the development of diversity of expression:

Cultural policy finds itself between a rock and a hard place. But as one Canadian artist who does his most creative work in war zones has been heard to say, there is always a hole in the sky through which it is possible to escape the world of unbearable contradiction. In the case of culture, the escape route is to be found in the first principles of expression. A book, a painting, a song, even boiling water begins as a bubble somewhere. The first bubble appears at a specific site. A book starts as a single line written somewhere - in a notebook, on a desk, in a room, in a community. Some where. Thus policy must look to place, not to ideas or abstractions. Policy makers must make sure the hole in the sky is not closed, which is to say they must ensure that governments retain the power to support diversity of expression which proceeds always from diversity of place. They must be able to subsidize or otherwise assist creators and in situ producers. (2)

Libraries have a central role to play in ensuring that the full range of cultural expression is accessible. A lessening of cultural diversity weakens library collections. The best outcome is open markets for cultural products with governments able to sustain domestic culture through support programmes for creators, producers, distributors and public sector cultural institutions such as libraries.

Where do we go from here? GATS discussions are underway in Geneva. Library associations need to be aware of the progress of these discussions and ensure that their national representatives to the WTO are aware of the concerns of librarians. Effective advocacy is dependent upon working with groups sharing our concerns for the public sector and cultural diversity. Effective communication among library activists and associations is imperative if we are to have any influence on the international agenda. Perhaps even more important, is to ensure that our library users have access to the information necessary for them to understand the forces at work which may fundamentally alter public institutions such as libraries.

Footnotes

- (1) Eggers, Dave, A Heartbreaking Work of Staggering Genius, Simon and Schuster, New York, 2000, verso of title page
- (1) Crean, Susan and Edwards, B. Laurie, "Sizing up the Electronic Mall - Artists, Intellectual Property and the Global Trade Agenda", LKYS Seminar, Stockholm, Sweden, October 1999.