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STOP corporate globalization.

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Contact: Deborah James +12024416917, djames@cepr.net
Melinda St. Louis, +12024417579, mstlouis@citizen.org

Public Interest Legal Experts Warn of Dangers of WTO Proposals on E-commerce, Domestic Regulation Disciplines, Investment Facilitation and Micro, Small and Medium Enterprises (MSMEs)

BUENOS AIRES, ARGENTINA--- Legal experts, who have closely studied the various WTO proposals on new issues, explained the real-life implications of these proposals for development and the public interest. The panel discussed proposals on:

- Ecommerce, including implications: for using data as a resource and on different areas of regulation, as well as how the proposed rules are actually: stronger intellectual property protection (TRIPS+), investment rules (TRIMS+), liberalisation of government procurement etc.
- Domestic regulation disciplines in services, including implications for regulatory and policy space.
- Investment facilitation proposals, including implications for regulations.
- MSMEs, including implications for ecommerce.

Watch a facebook live video of December 11, 2017, 10:15-11:45 am panel:

<https://www.facebook.com/owinfs/videos/1866865360293448/>

Quotes from legal experts:

Jane Kelsey, law professor, University of Auckland, **New Zealand**

“This ministerial has become a battleground for whose agenda drives the WTO in the future. All roads lead to the ‘new issues’ at the expense of the global South and the right of people everywhere to decide their own future. Adopting the proposals on e-commerce, so-called investment facilitation for development, domestic regulation disciplines, or MSMEs would all expand the WTO’s role as a global rule-setter in ways that intrude deeply into the regulatory sovereignty of Member states. Old objections in the Uruguay Round that a World Trade Organization has no business guaranteeing monopoly rights on intellectual property or locking domestic services open to foreign firms apply just as strongly to these new issues. This time they are couched in terms of development, facilitation, supporting small business. A closer look reveals they are a Trojan Horse for the familiar interests of powerful states and their corporations.”

Renata Avila, intellectual property and human rights lawyer, advisor for digital rights organisations, **Guatemala**

“Companies and governments are rushing to connect the next billion people to the internet. And there is no shortage of proposals for how Big Tech can improve the lives of the poor across the Global South, in fact there is a tendency to experiment with new technologies on marginalised or vulnerable communities, supposedly for their own good. But now, the next step, it seems, is to experiment with entire economies, forcing them into a global regulatory regime they are not ready to negotiate. While big companies preach about the universality of Internet, there are increasing inequalities in access but also inequalities in rights we can no longer hide. There is no political compromise to treat all netizens equally, affording everyone the same level of trust, privacy and security, regardless of nationality or economic circumstance. And without such compromise, there will be no wins, only further erosion of rights.”

Dr Burcu Kilic, Legal and Policy Director, Access to Medicines and Knowledge Program, Public Citizen, USA

The political economy of data evidences that the stakes are high for Big Tech companies. Pretending to offer opportunities to grow, they want to deploy and concentrate their platforms, systems and content everywhere in the world. In the WTO, we are not simply discussing e-commerce rules and liberalizing online services - the hidden agenda goes far beyond that. Big Tech wants to make sure that no domestic regulation, competition laws, privacy or consumer protections would interfere with their plans.

This is not the time to be rushing through fundamental changes to global trade rules that are likely to have far reaching consequences for the future global economy and relationships between consumers, businesses and governments, especially when the benefits to the have not been clearly demonstrated.

Sally Burch, an Ecuador national who was accredited through Derechos Digitales, was one of OWINFS key civil society advocates, and would have provided her expertise on the implications of e-commerce issues, but was deported from the Buenos Aires airport after her accreditation was revoked without cause.

“I have participated in many UN meetings over the years, either as a journalist or communication rights activist, always with a constructive perspective. I have never expressed disruptive attitudes, much less advocated violence. Therefore, the only explanation I can find for my deportation from Argentina is that the government finds my opinions and analysis “disruptive” (to use the term employed by a member of the foreign ministry) of its neoliberal and pro-corporate agenda. Some of these ideas might include:

- That issues of grave importance for humanity, with implications for human rights, development, freedom of expression or the environment, should not be decided behind closed doors, between big governments and big corporations, with no participation of civil society nor democratic process, such as often occurs in the WTO;
- That the proposals tabled for e-commerce negotiations in the WTO serve the interests of the big transnational internet corporations, and not those of the people or of developing countries.
- That proposals for “free flow of data” mean that everyone’s personal data become a commodity for the big corporations to exploit, with no personal benefit and no privacy rights;
- That the present model of the Internet and artificial intelligence, concentrated in the hands of big corporations, runs contrary to the public interest and presents serious threats to democracy. The e-commerce negotiations, as presented, would tend to strengthen this model.

In any case, if it is true that this is the reason, it would be a very serious matter to exclude participation on the basis of opinions, and all the more serious for the WTO if they admit that.”

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Contact information for these and other OWINFS civil society experts can be found at:
www.ourworldisnotforsale.net.