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A Brief History Of The Anti-Globalization Movement

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A Brief History of the Anti-Globalization Movement

*Adam Warden**

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If globalization works only for the benefit of the few, it will fail . . . the test of any decent society is not the contentment of the wealthy and strong but the commitment to the poor and weak.—Tony Blair¹

I. Introduction

In the mid 1990s, economists and politicians everywhere were proclaiming the dawn of a new age for humanity. As information technology seemed to shrink the globe and the rapidly integrating world economy eroded national borders, “globalization” was widely accepted as the new world order. The United States, the only remaining world superpower, was the driving force behind globalization, as its corporate behemoths merged with foreign companies to form even larger multinational corporations. The synergies that emerged seemed, at times, almost counterintuitive: one can observe the fact that while many American cars are built in Japan, Japanese cars are assembled in such exotic locales as Alabama and South Carolina. With a Starbucks on every corner and a cell phone in every ear, the world was a far different place than the antiquated 1980s.

The era of globalization has been the result of a unique combination of events, from the end of the Cold War, to the rapid advances in technology and communications (especially the Internet), to the rise of supranational bodies like the World Trade Organization

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¹ CHARLES DERBER, PEOPLE BEFORE PROFIT 14 (2002).

(WTO). While definitions of globalization tend to vary, as I will discuss in Part II, several themes tend to underlie any discussion of the topic: the integration of national economies and the expansion of world trade, the emphasis on profit motive (especially under America's leadership), and the values of consumerism promoted by transnational corporations.² Few will debate whether technology and global corporations have made important contributions to the world population. New medicines, improvements in communications networks, more efficient distribution of essential goods and services, and the creation of millions of jobs are but a few of the benefits provided by these entities.³

Yet the accelerated pace of globalization has also proven to be a destructive force to millions, perhaps billions, of people the world over. Some staggering statistics are illustrative: two billion people live on less than \$2 a day, while three billion people live on less than \$3 a day.⁴ "Between 1960 and 1980, average per capita growth in all countries of the world grew 83 percent, while in the globalization era (1980-2000), it fell to 33 percent. . . . In sub-Saharan Africa, per capita growth was 36 percent between 1960 to 1980, and then it collapsed completely under globalization, actually falling 15 percent between 1980 and 1998."⁵ The gap between rich and poor continues to grow, as "458 billionaires possess more wealth than do half of humanity."⁶ In the face of these dramatic inequalities, a reactionary movement against the forces of globalization was inevitable.

In November 1999, a series of WTO meetings convened in Seattle, Washington. The goal: further integration of the world's economies through reductions in trade barriers and other liberal economic measures. Yet the meetings in Seattle would go down in history not for any advances in world trade, but for the presence of 40,000 protestors marching, chanting, and occasionally rioting against the WTO. As a new millennium approached, a new protest movement was born: the antiglobalization movement. Though most of the protestors marched peacefully for causes such as the environment and fair labor standards, violent anarchists smashed windows and clashed with police, bringing publicity to a movement opposed to the capitalistic excesses of the modern era.

² *Id.* at 15.

³ *Id.* at 6.

⁴ *Id.* at 5.

⁵ *Id.* at 86-87.

⁶ *Id.* at 5.

The antiglobalization movement is a faction the likes of which the world has never seen. Its followers come from all walks of life: rich, poor, young, old, white-collar, blue-collar, male, female, black, white, American, and European. The Seattle demonstrations, along with subsequent protests, have included people from dozens of nations. Ironically, the first truly global movement may be the *antiglobalization* movement.⁷ The myriad themes encompassed in the term “antiglobalization” also make this group unique. Instead of marching for, say, civil rights or women’s rights, antiglobalists include people marching for the environment, the protection of American jobs, religious freedom for Tibet, debt relief for third world countries, and countless other causes. As Charles Derber wrote, “Many see the [protestors] as political groupies who follow financial and political elites from city to city the way addicted fans follow rock stars. Except these groupies hate the stars and want to shut down their concert.”⁸

Perhaps the greatest weapon in the antiglobalists’ arsenal is the Internet’s ability to spread messages. Peter Fitzgerald, writing on the growing power of Internet advocacy, stated, “Ironically, the same tools that create these worldwide opportunities for businesses are also revitalizing an old strain of anti-corporate and anti-colonial sentiment while providing the ability to present these concerns in new ways.”⁹ As I will show later, the Internet provides the antiglobalists a forum for posting literature and news stories on the movement and for communicating and organizing the protest events. Without the Internet, the antiglobalization movement may never have been born.

In tracing the history of the globalization movement, I have divided this paper into several parts. Following this Introduction, Part II provides a definition of the terms “globalization” and “antiglobalization”, along with a description of the WTO. Part III forms the bulk of the paper, as I trace the history of the movement, with a chronology that spans from the first Zapatista uprising of 1994 to the Free Trade Area of the Americas (FTAA) Summit Meetings in Miami in November 2003. In Part IV, I compare the antiglobalization movement to the other post-World War II American protest movements. In Part V, I provide a brief description of the role of technology in the movement.

⁷ *Id.* at 202.

⁸ *Id.* at 207.

⁹ Peter L. Fitzgerald, *Massachusetts, Burma, and the World Trade Organization: A Commentary on Blacklisting, Federalism, and Internet Advocacy in the Global Trading Era*, 34 CORNELL INT’L L.J. 1, 3 (2001).

II. Definitions

The term “globalization” is relatively new, first appearing in print in a 1983 article in *The Harvard Business Review*.¹⁰ The process of globalization, however, dates back much further, arguably to the predecessors of Marco Polo and Christopher Columbus.¹¹ Briefly defined, globalization is “the process of integrating nations and peoples—politically, economically, and culturally—into larger communities.”¹² A more advanced definition emphasizes that “contemporary globalization is a complex, controversial, and synergistic process in which improvements in technology (especially in communications and transportation) combine with the deregulation of markets and open borders to bring about vastly expanded flows of people, money, goods, services, and information.”¹³ Most economists today are quick to espouse the virtues of free trade and private enterprise, all of which are said to promote efficiency and economic growth.¹⁴ When these forces combine with the time- and space-compressing power of technology, the result “is a single global market in which money, capital, and skilled workers move rapidly across national borders in response to impersonal decisions made by large global corporations and financiers.”¹⁵ Many believe that the nation-state as we know it will soon be a thing of the past.¹⁶

With the end of the Cold War and the collapse of communism as a viable alternative to capitalism, globalization blossomed in the 1990s. The sheer numbers are staggering: “At the beginning of the 1980s world foreign direct investment totaled about \$40 billion. By 2000 the total was hovering around \$1 trillion.”¹⁷ And yet, the enormous increase in global investment also highlighted the destructive force capitalism can wreak on the economies of the world. Throughout the 1990s, stories of post-North American Free Trade Agreement (NAFTA) job flight from

¹⁰ ALFRED E. ECKES, JR. & THOMAS W. ZEILER, *GLOBALIZATION AND THE AMERICAN CENTURY 1* (Cambridge University Press 2003). The article’s author was Professor Theodore Levitt, a marketing professor at the Harvard Business School.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 5.

¹⁶ *See id.* at 7.

¹⁷ JEREMIAH J. SULLIVAN, *THE FUTURE OF CORPORATE GLOBALIZATION: FROM THE EXTENDED ORDER TO THE GLOBAL VILLAGE 2* (2002).

the United States to Mexico, worker exploitation in Asian sweatshops, and even the proliferation of Starbucks coffee shops across America forced millions to take a second look at globalization and its potential downside. Thus, globalization begat antiglobalization.

It is important to note that antiglobalists are not “necessarily . . . against trade or global economic integration,” nor do they “dismiss all gains that even the current forms of globalization have provided.”¹⁸ Many will concede the benefits of the digital era, especially the Internet as a forum for political discussion. Similarly, increases in foreign trade has led to more choice for consumers. Perhaps the one common theme in the antiglobalization movement is the desire for an alternative to the corporate-dominated world system¹⁹ and a redirection of integration toward a more democratic spirit.²⁰

One of the primary targets of the antiglobalization protesters, most notably in Seattle, is the WTO. The WTO is a relatively new supranational organization, emerging from the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) negotiations, occurring between 1986 and 1994.²¹

The WTO (1994) established a comprehensive regime of rights and duties related to trade policy. To gain the benefits of the various agreements, including market access, nations must become members of the WTO. To do so, nations undertake accession procedures whereby they offer to change their domestic legislation as a “price” for entry. The underlying idea is that a new WTO member receives tariff benefits immediately, under the most-favored-nation rule, and therefore must reciprocate in advance.²²

The WTO, being designed and dominated by the United States, further entrenches “principles of deregulation and privatization in all sectors of the global economy.”²³ Perhaps most troubling to protestors is the fact that “[t]he WTO has no mandate to make or enforce human rights laws

¹⁸ DERBER, *supra* note 1, at 16.

¹⁹ *Id.* at 205.

²⁰ *Id.* at 16.

²¹ *Id.* at 118.

²² STEVE CHARNOVITZ, TRADE LAW AND GLOBAL GOVERNANCE 42-43 (2002).

²³ DERBER, *supra* note 1, at 118.

protecting labor, the environment, or women and children. Its sole purview has been to make global rules and judge national laws based on their safeguarding of property."²⁴

III. Chronology

A. Pre-Seattle Anti-Globalization Protests

Prior to the "Battle in Seattle" in December 1999, most people were unfamiliar with the activities and arguments of antiglobalization protesters. Earlier antiglobalization protests were far different than the Seattle 1999 protest. Seattle drew a great amount of media attention because of the nature of the event, the huge number of protesters, their clashes with police, and occasional violence. One may view the birth of the antiglobalization movement by looking at the handful of disparate protests, social movements, and politically-charged events in the mid to late-1990s.

Perhaps the earliest antiglobalization movement can be traced to the Zapatista uprising in southern Mexico, which began on January 1, 1994.²⁵ Timing their revolt to coincide with the implementation of NAFTA, these indigenous Mexican Indians seized control of at least four cities and half-a-dozen villages in the impoverished southern Mexican state of Chiapas.²⁶ Clashes between the newly formed Zapatista National Liberation Army, named for Mexican revolutionary leader Emiliano Zapata,²⁷ and the Mexican army lasted for weeks and resulted in the deaths of 150 people.²⁸ The Zapatistas, clad in light green and wearing ski masks,²⁹ had many legitimate grievances. The recent economic reforms by Mexican President Carlos Salinas de Gortari had only increased the economic inequalities in Mexico. The "dwindling share of arable land, unequal distribution of public resources and general feeling that Indians lack government representation" left the indigenous village

²⁴ *Id.* at 121.

²⁵ Raghu Krishnan, *December 1995: "The First Revolt Against Globalization"*, MONTHLY REV. May 1996, at 1.

²⁶ Tod Robberson, *55 Killed in Fighting in Southern Mexico; Army Surprised by Indian Force's Attack*, WASH. POST, Jan. 3, 1994, at A1.

²⁷ *Id.*

²⁸ Tod Robberson, *Troops Leave Restive Mexican State; Townspeople Welcome Dispersal of Rebels After Bloodless Takeover*, WASH. POST, Dec. 22, 1994, at A33.

²⁹ *Id.*

people feeling marginalized.³⁰ Furthermore, NAFTA would require Mexico to phase out subsidies on the main cash crops grown in Chiapas—corn, sugar, and coffee.³¹ Considering that typical farm incomes, with subsidies, barely exceeded \$1,500 a year,³² native farmers were in a vulnerable position indeed. The Mexican army eventually quelled the uprising, but sporadic clashes and other acts of rebellion would keep the Zapatistas in the news throughout the 1990s and into the new century. A new voice in the dialogue on free trade had been born, and many people outside of Mexico would adopt the cause of the Zapatistas as their own.

In stark contrast to the uprisings in Mexico, a three-week strike of rail and public transportation workers in France in December of 1995 was proclaimed by the French newspaper *Le Monde* to be “the first revolt against globalization.”³³ The strike was caused by the French government’s announcement that railworkers’ pensions would be cut and that a “restructuring” of rail service to accommodate the closing of 6,000 kilometers of railway line would threaten jobs.³⁴ What set this demonstration apart from the perennial strikes of the past was the level of popular support for the workers.³⁵ The protest quickly became a generalized revolt against the right-wing government’s social and economic plans and against the media and academic elites that supported those plans.³⁶ As one writer described, “The private sector didn’t strike en masse, but supported the strikers in ways that they could. They found alternative ways to get to work, for example. Paris was full of bicyclists, hitchhikers, rollerbladers, pedestrians, and carpoolers. One of the surprising features of this movement was how good-natured the citizenry was about it.”³⁷ Private sector workers showed their support by attending demonstrations across France.³⁸ More than two-million people took to the streets on a single day, and it became clear that these

³⁰ *Id.*

³¹ Tod Robberson, *How Mexico Brewed a Rebellion; Economic ‘Progress’ Trampled Indian Farms; State Quashed Protests*, WASH. POST, Jan. 9, 1994, at A31.

³² *Id.*

³³ Krishnan, *supra* note 25, at 1.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* at 4.

³⁸ *Id.* at 5.

protesters were not composed solely of the stereotypical middle-aged, blue-collar, white-male trade union members.³⁹ Hospital workers, government office workers, central bank workers, garbage collectors, teachers, airline staff, autoworkers, black people, white people, young and old were all represented.⁴⁰

The protesters linked the government's agenda to the demands of the Maastricht Treaty, a seminal document in the establishment of the European Union (EU) and in the history of globalization itself. In an effort to create a single currency and level the playing field among countries seeking membership in the EU, the Maastricht Treaty required each nation to maintain high interest rates, slash government deficits, dismantle public services, and align central banking policies.⁴¹ The result was a leveling downwards within the Union, with the most lucrative national programs being privatized, including, health, postal service, telecommunications, electricity, and the aforementioned pensions and public transport.⁴² In turn, these newly privatized industries, now far less accountable to the government, slashed services, budgets, and jobs. The broad support for the protesters signaled the existence of a working class that occupied a clear majority position within France.⁴³ The complaints of French workers have been adopted by millions of other disempowered workers throughout the world.

The effects of privatization follow a familiar and predictable pattern: when authority shifts from the public sector to the private, the newly fattened corporations in turn gain a tremendous amount of power over their weakened workers. Combine that power with a liberalized trade policy (in France's case, the EU policy), and the result is a working class with very little job security and a high degree of antipathy for the governments and corporations that have brought about their predicament. It should come as no surprise that in a September 1992 referendum, the Maastricht Treaty was approved by only a slim margin of French voters.⁴⁴

Throughout the late 1990s, Europe saw a number of other worker-organized protests directed at the effects of globalization, though few workers would frame their complaints explicitly in globalization

³⁹ *Id.* at 2.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at 6.

⁴³ *Id.* at 2.

⁴⁴ *Id.*

terms. In early 1997, Renault directed plant closings in Belgium, France and Spain, which caused a number of cross-border strikes; French medical interns protested budget cutbacks; 300,000 Italian workers called on the government to create more jobs; and Germans protested over vanishing coal subsidies and the precarious state of the steel industry.⁴⁵ To meet the challenges of globalization, many companies across Europe reduced their work forces to become more competitive with their Asian and American rivals.⁴⁶ The result: unemployment grew to record or near-record levels.⁴⁷

In 1998, a birthday party was held in Geneva to commemorate the 50th anniversary of the General Agreement on Tariffs and Trade (GATT), the predecessor of the WTO.⁴⁸ Demonstrators at this event were among the first anti-WTO protestors. One banner read, "God is dead. The WTO has replaced Him."⁴⁹ Most of the protesters were peaceful, but some threw stones and bottles.⁵⁰ Eventually cars were overturned and set ablaze.⁵¹

The United States remained fairly immune to globalization critics throughout much of the 1990s. As the most powerful economy in the world steamed along, academics and economists credited much of America's phenomenal growth to its increasingly liberalized trade policies. With the implementation of NAFTA, goods produced by US corporations spanned the continent, free from all trade barriers. Customers in Canada and Mexico began buying American products at lower prices. Corporate profits soared as NAFTA also indirectly lowered labor costs for companies. Indeed, globalization's harshest American critics assail the effects on American workers that free trade has wrought. With the deregulation of markets and opening of borders, countless American corporations moved their factories to Mexico, where hourly wages hover at but a tiny fraction above the American minimum wage.⁵² The newly economically-liberated companies chalk up their

⁴⁵ Alan Friedman, *European Workers Angry; Downsizing, Spending Cuts Sparking Street Protests*, WASH. POST, Mar. 25, 1997, at C3.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Time for Another Round*, ECONOMIST, Oct. 3, 1998, at S3.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² See Brenda Lloyd, *Textile Industry Moving South of the Border*, DAILY NEWS REC., July 12, 1999, at 10.

profits to the wonders of globalization and our lawmakers' new, more global economic vision. Meanwhile, the laid-off American laborer must look for new, lower paying work, if he can find work at all. Repercussions from America's quest for even more free trade were inevitable.

Though the most obvious signs of a movement against globalization were the violent street protests in Europe, other events in the United States indicated a growing domestic backlash. The first sign of dissent against the liberalized American trade agenda of the 1990s was the defeat of fast-track trade legislation in November 1997.⁵³ To speed the process of negotiating trade deals between the United States and other nations, fast-track authority would prevent Congress from amending the agreements negotiated by the President, allowing Congresspersons to vote only "yea" or "nay."⁵⁴ The odds of granting the executive branch fast-track trade authority were high in the 1990s, with President Clinton at the height of his popularity and the economy growing at a torrid pace.⁵⁵ The President was supported by the Republican leadership in Congress, the Business Roundtable (an association of chief executive officers of leading U.S. corporations with a global free-trade agenda), countless pundits and editorialists, and the usual big-ticket political contributors.⁵⁶ Yet, with the mobilization of labor unions, environmentalists, and consumer and church groups, fast-track was defeated.⁵⁷

The President suffered a devastating loss, barely able to win even one-fourth of the votes of his own party.⁵⁸ *The Nation*, commenting on Clinton's ineffectiveness, stated, "No doubt his evasions and treacheries over the years—particularly the false promises used to sell NAFTA—came back to haunt him. Even a majority of the New Democrats, the self-proclaimed pro-business acolytes in the party, turned against him, despite the corporate fulminations of their parent, the Democratic Leadership Council."⁵⁹ Through the defeat of fast-track,

⁵³ See *Fast-Track Backtrack; The Unexpected Defeat of the Fast-Track Trade Legislation, Thanks to the Efforts of Labor Unions, Consumer Groups, Church Groups, and Environmentalists*, NATION, Dec. 1, 1997, 3.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

American progressives gained political legitimacy in the dialogue against globalization. In these pre-Battle in Seattle days, the vote against fast-track was seen as “a necessary first step toward saving global capital from its own excesses.”⁶⁰ Despite the traditional academic view that decreasing barriers to trade leads to economic growth, many Americans now recognized the reality that cheap foreign labor and goods are a dangerous combination for the American worker.

As the new century approached, all seemed relatively quiet on the American political front. The economy continued to grow, and unemployment was low. This period of tranquility proved to be short lived, however. In November 1999, one of the largest acts of civil disobedience in recent U.S. history would shut down the city of Seattle for four days and focus the world’s attention on a new protest movement, the likes of which had never been seen before.

B. The Battle in Seattle

What’s really surprising is that the people who don’t like free trade—the Pat Buchanans and Ross Perots, the unions, the environmentalists, the freaks, the randomly angry people—were somehow able to stand one another’s presence long enough to organize a massive protest.—Joel Achenbach⁶¹

The World Trade Organization convened in Seattle, Washington, on November 30, 1999, to begin four days of talks aimed at opening a new round of trade negotiations.⁶² There were plenty of warning signs of the impending protests. Indeed, cyberspace had been active for months with plans to disrupt the proceedings.⁶³ Yet the sheer scale of the demonstrations was shocking.⁶⁴ Between 40,000 and 50,000 protesters took to the streets of Seattle, trapping delegates in the streets and in their

⁶⁰ *Id.*

⁶¹ Joel Achenbach, *Hell, No! We Won’t WTO!*, WASH. POST, Dec. 2, 1999, at C1.

⁶² John Burgess & Steven Pearlstein, *Protests Delay WTO Opening; Seattle Police Use Tear Gas; Mayor Declares a Curfew*, WASH. POST, Dec. 1, 1999, at A1.

⁶³ Michael Elliot, *Lessons from the Battle in Seattle*, NEWSWEEK, Dec. 13, 1999, at 36.

⁶⁴ *Id.*

hotels, including U.N. Secretary General Kofi Annan.⁶⁵ The opening ceremonies were scheduled for 10 a.m., but were quickly cancelled when a human chain surrounded the building.⁶⁶ The “Battle in Seattle” had begun. Despite the turmoil outside, the first joint session of the conference began at 3 p.m. under heavy police protection.⁶⁷ WTO Director-General Michael Moore remained optimistic, proclaiming, “This conference will be a success. The issues are far too important to be ignored.”⁶⁸ He also acknowledged the protesters: “We know we can improve our [organization] and that our critics are not always wrong.”⁶⁹ While the Director-General’s optimism encouraged the negotiations to continue, the critics of the conference ensured that the WTO meetings in Seattle would end well short of its goals.⁷⁰

The individual protesters were a widely assorted mix. Organized labor formed the largest contingent, with an estimated thirty-thousand union members present.⁷¹ Working men and women from across the country traveled to Seattle. Bob Gorman, who coordinated organizing efforts for the union march, said:

I don’t think the WTO realized when they planned this for Seattle that they were setting down in one of the most heavily unionized cities in the United States. There are 120,000 union members in Seattle and more than 400,000 AFL-CIO members in Washington State. Add to that members of non-affiliated unions like the teachers, who are backing us, and close to 80,000 retirees, and you’re talking about a real base to work from.⁷²

⁶⁵ Burgess & Pearlstein, *supra* note 62, at A1. See also Achenbach, *supra* note 61, at C1.

⁶⁶ Burgess & Pearlstein, *supra* note 62, at A1.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² John Nichols, *Raising a Ruckus; Protest at the World Trade Organization Meeting in Seattle in 1999*, NATION, Dec. 6, 1999, at 18. The American Federation of Labor—Congress of Industrial Organizations (AFL-CIO) is the voluntary federation of American unions. For more information, see <http://www.aflcio.org>. (last visited Dec. 26, 2004)

Politics often produces strange bedfellows, as demonstrated by the next largest group of protesters: environmentalists opposed to the lax or non-existent environmental standards in trade agreements and third-world manufacturing countries. The media was quick to dub Seattle the gathering of “teamsters and turtles.”⁷³ Indeed, there was a

spectacular panorama of protesters. There were women’s groups, and students from universities around the country. There were animal rights groups and small business associations. There were Marxists and anarchists, Democrats and Republicans, internationalists and bioregionalists, liberals and conservatives, white-collar and blue-collar, gays and straights. There were people from rich countries and poor countries around the world⁷⁴

African Americans and other ethnic minorities, however, were far underrepresented at the gathering.⁷⁵

Though only composing a tiny segment of the demonstrators, the most visible and highly publicized group was the anarchists. On the first day of protests, a group of violent protesters wearing black clothes and ski masks smashed windows at several downtown stores, including Niketown, McDonalds, and Starbucks.⁷⁶ Some protesters were caught with smoke grenades and Molotov cocktails, while a few pelted officers with rocks and bottles.⁷⁷ At times, police fired tear gas, pepper spray, and rubber bullets into the crowd. About twenty arrests were made the first day.⁷⁸ Seattle Mayor Paul Schell declared a civil emergency and imposed a downtown curfew from 7 p.m. to 7:30 a.m.⁷⁹ To help police

⁷³ DERBER, *supra* note 1, at 201.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ See Burgess & Pearlstein, *supra* note 62, at A1. These stores were far from random targets. Nike was faulted for its use of sweatshops, Starbucks for its mass produced, mediocre coffee, and McDonalds for its ubiquitous global presence and its encouragement of meat consumption.

⁷⁷ John Burgess & Steven Pearlstein, *WTO Ends Conference Well Short Of Goals; Ministers May Resume Talks Early Next Year*, WASH. POST, Dec. 4, 1999, at A1.

⁷⁸ Burgess & Pearlstein, *supra* note 62, at A1.

⁷⁹ *Id.*

clear the streets, Governor Gary Locke sent in two-hundred unarmed National Guard units.⁸⁰ Arrests and sporadic violence continued throughout the week.

Despite the impression that the Seattle protest was entirely disorganized and anarchic, a series of alternate protest events was planned for each day the WTO was in session.⁸¹ On November 29th, the environment and health were the focus; on November 30th, labor and human rights; on December 1st, women, democracy, and development; and on December 2nd, food and agriculture policy.⁸² Additional events included a Fair Trade Fair, mass prayer meetings at local churches, teach-ins, a free-trade debate with Ralph Nader taking on free-trade supporters, and a number of other rallies, marches and events.⁸³

The world's attention was focused on Seattle throughout the week. Reporters and curious spectators flocked to the city. The additional publicity served to only complicate the already muddled negotiating process. On the final night of the WTO conference, December 3, 1999, trade ministers and delegates broke off efforts to launch a new round of negotiations. The Battle in Seattle was over, with the antiglobalization protesters emerging as the clear victors. President Clinton's National Security Advisor, Sandy Berger, attributed the breakdown to unforeseen disorganization of the negotiating process:

The major trading blocs didn't want to compromise on the big issues; the trade ministers don't know how to deal with labor and environmental issues, although . . . they will eventually have to be incorporated into the global system; the protests altered the mood of the meeting and reduced the time available for negotiations.⁸⁴

Though Berger doubted the demonstrations forced the outcome, Lori Wallach of Global Trade Watch, one of Ralph Nader's consumer groups, thought differently: "History has been made in Seattle. The allegedly inevitable force of globalization has met the immovable object of grass-

⁸⁰ *Id.*

⁸¹ Nichols, *supra* note 72.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Robert G. Kaiser & John Burgess, *A Seattle Primer: How Not to Hold WTO Talks*, WASH. POST., Dec. 12, 1999, at A40.

roots democracy.”⁸⁵ In her view, the protests of the activist groups created a dynamic that made it more difficult for international leaders to press ahead with their global trade agenda. Berger called the participation of the interest groups engaged in trade issues a “democratization” of the negotiation process, though he warned that this participation may complicate negotiations in the future.⁸⁶

Not only did the protesters’ actions undoubtedly contribute to the WTO’s failure in Seattle, but a number of substantive “sticking points” also deadlocked the negotiations.⁸⁷ Perhaps the biggest issue was farm trade, with the United States pressing Europe to eliminate its subsidies for farm exports.⁸⁸ Europe resisted, arguing that the subsidies help support “a rural way of life on the continent.”⁸⁹ Antiglobalists argue that this European position is a dramatic illustration of a non-trade, non-economic factor that should be considered in setting trade policy.⁹⁰ Another contentious issue was biotechnology. The United States sought the creation of a “working group” on genetically altered goods, hoping to protect the ability to trade these products.⁹¹ Europe, on the other hand, was reluctant to make such concessions, arguing that the safety of these goods had not been proven.⁹² Other sticking points included information technology, investment and competition, dumping, WTO openness, labor standards, and extensions for the implementation of trade laws.⁹³

In fact, the growing international criticism of the WTO became a proxy for criticism of the United States in general. As the *Washington Post* reported, “President Clinton had infuriated many delegations from developing countries with a newspaper interview this week in which he foresaw a future system in which countries violating international labor

⁸⁵ Burgess & Pearlstein, *supra* note 77, at A1.

⁸⁶ Kaiser & Burgess, *supra* note 84, at A40.

⁸⁷ *See id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ The term “linkage” has been adopted by international legal scholars to describe the linking of subjects other than trade to the WTO and other trade agreements. CHARNOVITZ, *supra* note 22, at 9. For a more detailed discussion of linkage and the WTO, see Sara Dillon, *A Farewell to “Linkage”*: *International Trade Law and Global Sustainability Indicators*, 55 RUTGERS L. REV. 87.

⁹¹ Kaiser & Burgess, *supra* note 84, at A40.

⁹² *Id.*

⁹³ *Id.*

standards would face sanctions.”⁹⁴ Clinton’s statements were viewed by those third world delegates as being a new form of protectionism coming from the world’s richest country.⁹⁵ Moreover, a common European view equates open trade with the United States and, in turn, with unfettered capitalism.⁹⁶ Protests timed to coincide with the Battle in Seattle sprouted up across Europe.⁹⁷ On November 30, 1999, an anti-WTO protest turned violent in London, as several hundred people battled police, overturning an empty police van and attempting to set it on fire.⁹⁸ Protests also flared up across France.⁹⁹ In Paris and seven other cities, 20,000 people peacefully demonstrated against the “commercialization of the planet.”¹⁰⁰

Latin American and Caribbean delegations were also angered at the WTO process, complaining that there were not enough benefits for their countries and that they were not consulted about “a deal [that] was crafted over their heads.”¹⁰¹ A statement issued by a group of those governments stated, “As long as due respect to the procedures and conditions of transparency . . . do not exist, we will not join the consensus to meet the objectives of this ministerial conference.”¹⁰² Interestingly, only commentators in Britain were less sympathetic to the protesters and the Non-Governmental Organizations (NGOs) they represented.¹⁰³ In *The Times* of London, an editorial stated: “The WTO, made up largely of directly elected governments, is rather more accountable to its constituents than most of the one-issue NGOs protesting against it. There is little evidence that the protesters of Seattle are a rising tide of angry humanity dammed by a wall of unresponsive corporate concrete.”¹⁰⁴

After a chaotic week of protests, the city of Seattle was faced with “a kind of civic identity crisis, as residents struggled to reconcile Seattle’s relaxed, progressive spirit with images of police clearing streets

⁹⁴ Burgess & Pearlstein, *supra* note 77, at A1.

⁹⁵ Kaiser & Burgess, *supra* note 84, at A40.

⁹⁶ Anne Swardson, *A Rorschach Test on Trade; Nations’ Diverse Goals Color Reactions to Protests*, WASH. POST, Dec. 3, 1999, at A32.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Burgess & Pearlstein, *supra* note 77, at A1.

¹⁰² *Id.*

¹⁰³ Swardson, *supra* note 96, at A32.

¹⁰⁴ *Id.*

with tear gas.”¹⁰⁵ The city, home to such corporations as Boeing, Microsoft, Starbucks, and Amazon.com, had spent two years luring the WTO conference, hoping to showcase itself as a symbol of the emerging global economy.¹⁰⁶ The week produced nearly 600 arrests, including some in which police officers had plainly lost control of their emotions.¹⁰⁷ As a result, some community leaders called for Seattle’s police chief to resign.¹⁰⁸ Seattle’s ambitions of becoming a preeminent trading capital of the Pacific were visibly tarnished.¹⁰⁹

C. Post-Seattle Protests

The Battle in Seattle was clearly the high water mark of the antiglobalization protests. In terms of number of protesters, amount of publicity, and effectiveness in disrupting the targeted proceedings, none of the subsequent protests in this nascent world-wide movement have achieved the success of Seattle. Demonstrations against globalization nevertheless have continued across the globe, proving that the dialogue would persist far beyond its seminal event in the Pacific Northwest.

In April 2000, five months after Seattle, many of the same demonstrators took to the streets of Washington, D.C. to protest a meeting of the World Bank and the International Monetary Fund (IMF).¹¹⁰ In the tradition of Seattle, the activists’ causes were diverse, ranging from environmental protection to the needs of indigenous cultures.¹¹¹ A total of 1,300 arrests were made during the D.C. protests.¹¹² In September 2000, five months later, 20,000 European and American protesters converged on Prague, again targeting meetings of

¹⁰⁵ Rene Sanchez, *After a Chaotic Week, Seattle Eyes Recovery*, WASH. POST, Dec. 5, 1999, at A2.

¹⁰⁶ *Id.*

¹⁰⁷ Virtually all of the arrests were for peaceful acts of civil disobedience, like violating curfew or entering the no-protest zone. Tom Hayden, *The Battle in Seattle; What Was That All About?; Tom Hayden, a Longtime Activist, Says the Protest in Seattle Will Have a Greater Impact Than in Chicago in '68*, WASH. POST, Dec. 5, 1999, at B1.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ Edward Wong, *Summit in New York: The Protesters; A Quiet Forum at Town Hall Opposes the East River Forum*, N.Y. TIMES, Sept. 6, 2000, at A13.

¹¹¹ *Id.*

¹¹² Tere Figueras et al., *Big Police Presence; Few Clashes*, MIAMI HERALD, Nov. 21, 2003, at A1.

the World Bank and the IMF.¹¹³ In contrast to Seattle, Prague was relatively welcoming to the protesters. The President of the Czech Republic invited pressure groups to join in an open debate with the leaders of the World Bank and IMF, while a stadium was opened as a campground for the visiting demonstrators.¹¹⁴ Still, the police presence made it clear to the protesters that Prague would not tolerate the disruptive activism seen in Seattle. Eleven-thousand officers were mobilized and armed with pistols, attack dogs, and water cannons.¹¹⁵ This overly cautious attitude on the part of city officials, a legacy of Seattle, would become a recurring pattern in all subsequent antiglobalization protests.

Indeed, as Quebec prepared to host the Summit of the Americas from April 20-22, 2001, the historic, walled French-Canadian city erected new barriers to invasion. Among these were almost three miles of chain-link fence and concrete highway abutments around the conference center where the meeting would take place.¹¹⁶ Quebec's mayor, Jean-Paul L'Allier, claimed the city was "doing [its] very best to take the lessons of Seattle, not only insofar as having a stronger police force but in having stronger ways of making people feel capable of utilizing their right of free speech."¹¹⁷ L'Allier was referring to the space provided by the city, more than a mile from the meeting site, for demonstrators to hold an "alternative people's summit meeting."¹¹⁸ Starkly contrasting the mayor's progressive attitude towards the protesters, police officials tried, unsuccessfully, to get the nearby town of Sainte-Foy to prohibit the wearing of scarves as masks.¹¹⁹ Fifteen thousand protesters were expected in Quebec, and over five thousand Royal Canadian Mounted Police and local police were on duty for the summit meeting.¹²⁰

The first death of an antiglobalization protester occurred in July 2001 during protests of a meeting of the Group of Eight Nations, in

¹¹³ Joseph Kahn, *Prague Journal; Protesters Assemble, Hoping for a Rerun of Seattle's Show*, N.Y. TIMES, Sept. 23, 2000, at A4.

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Anthony DePalma, *Quebec Journal; A Chain-Link Fence Rankles an Old Walled City*, N.Y. TIMES, Apr. 10, 2001, at A4.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

Genoa, Italy.¹²¹ Ironically, the Group of Eight leaders had gathered that day to discuss innocuous issues such as health, debt, and the poor.¹²² As several thousand people marched in the streets of Genoa, sixteen thousand police officers were deployed.¹²³ As in previous demonstrations, a rift among the protesting groups was evident:

There were so-called pinks, pacifists who include gay groups, but also many Italian and foreign labor associations, church groups, and other anti-globalization associations. There were “whites,” bound by their desire to fight the Group of Eight with “civil disobedience” that they define as defiance and self-defense. Lastly, there were “blacks,” anarchists and other fringe rebel groups that have no patience for organized marching. Today, they wore black scarves and masks and broke windows, burned cars and fought with the riot police.¹²⁴

The victim, twenty-three year old Carlo Giuliani, was one of the anarchists. According to a Reuters photographer, Giuliani was among “several young men who had surrounded a police van and were smashing it with rocks, metal rods, and other weapons. He said the man had been shot by a policeman and then his body run over by the vehicle.”¹²⁵ That policeman was also hospitalized for injuries related to the altercation.¹²⁶ More than seventy people were detained by the police, and over one hundred were wounded, including several dozen police officers.¹²⁷

The Genoa protests were also notable for the growing divide evidenced within the ranks of protesters. Some of the more peaceful demonstrators showed their displeasure by turning on the violent rebels.¹²⁸ “When one young man wearing a mask, kicked in a gas station window that had already been smashed, marchers screamed,

¹²¹ Alessandra Stanley & David E. Sanger, *Italian Protester is Killed by Police at Genoa Meeting*, N.Y. TIMES, July 21, 2001, at A1.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

“Provocateur!” and chased him into a nearby doorway.”¹²⁹ Many of the serious groups recognized that the violence was stealing the spotlight from those who desired positive change.¹³⁰

Thomas L. Friedman, in an editorial for *The New York Times*, grouped the protesters into two broad categories according to the themes against which they were protesting.¹³¹ The “Whether We Globalize” group wanted to stop globalization in its tracks. It was made up of anarchists and Marxists who sought to undermine capitalism and protectionist unions out to stop free trade.¹³² The “How We Globalize” camp recognizes that globalization is largely driven by technology and that since this process is ongoing and inevitable, the real issue is *how* our society globalizes.¹³³ Included in this group were “environmentalists who believe trade, growth and green can go together; anti-poverty groups that understand that globalization, properly managed, can be the poor’s best ladder out of misery; and serious social welfare groups that have useful ideas about debt relief and labor standards in a globalizing world.”¹³⁴ The “Whether We Globalize” group tended to be the more noisy and violent camp, in turn drowning out the sincere efforts of the “How We Globalize” group.¹³⁵ In response, some of the more serious groups, including Friends on Earth, Christian Aid, Jubilee 2000, and Oxfam, have distanced themselves from the rebellious protesters and have insisted on codes of conduct among their members.¹³⁶

A history of the antiglobalists would not be complete without a few words about the effect of September 11th on the movement. “A debate rages about whether terrorists targeted the Twin Towers as a symbol of their hatred not only for the United States but for globalization and its seductive culture of modernity and consumerism.”¹³⁷ In the wake of the attacks on New York City and the Pentagon, the momentum of globalization was temporarily slowed.¹³⁸ In fact, some prematurely

¹²⁹ *Id.*

¹³⁰ Thomas L. Friedman, *Foreign Affairs: Evolutionaries*, N.Y. TIMES, July 20, 2001, at A21.

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ DERBER *supra* note 1, at 5.

¹³⁸ *Id.* at 217.

proclaimed that 9/11 would mark the end of globalization.¹³⁹ But rather than spur the antiglobalization movement into new bursts of activity, the terrorist attacks actually quelled the protests. In the weeks and months following the attacks, any dialogue sounding like a criticism of the United States or its economic system may well have been branded as unpatriotic, even treasonous.¹⁴⁰ Also, violence at future antiglobalization protests, at least in the United States, may run the risk of being labeled as terrorist activity. In the long run, however, the acts of September 11th have opened a new conversation “with the general public about globalization, global justice, and geopolitics and American foreign policy.”¹⁴¹ This new discourse will provide tremendous new opportunities for the antiglobalization movement to present their alternative messages to the American public.

It is also interesting to note that the September 11th “terrorists originated from the least globalized, least open, least integrated corners of the world: namely Saudi Arabia, Yemen, Afghanistan, and northwest Pakistan.”¹⁴² Columnist Thomas L. Friedman noted:

[C]ountries that don't trade in goods and services also tend not to trade in ideas, pluralism, or tolerance. . . . Countries that are globalizing sensibly but steadily are also the ones that are becoming politically more open, with more opportunities for their people, and with a young generation more interested in joining the world system than blowing it up.¹⁴³

On June 25, 2002, 10,000 antiglobalization protestors engaged in peaceful demonstrations in the streets of Oslo as the World Bank convened its annual European conference on fighting global poverty.¹⁴⁴ Protestors, carrying banners proclaiming, “Our world is not for sale,” argued that the World Bank forced poor, debt-ridden countries to accept market reforms harmful to the development of fair environmental and

¹³⁹ Thomas L. Friedman, *Globalization, Alive and Well*, N.Y. TIMES, Sept. 22, 2002, at D13 (quoting London School of Economics Professor John Gray).

¹⁴⁰ DERBER, *supra* note 1, at 220.

¹⁴¹ *Id.*

¹⁴² Friedman, *supra* note 139, at D13.

¹⁴³ *Id.*

¹⁴⁴ Walter Gibbs, *World Briefing Europe: Norway: Protests as World Bank Meets*, N.Y. TIMES, June 25, 2002, at A6.

social policies.¹⁴⁵ The conference included an appeal by Nicholas Stern, chief economist of the World Bank, urging rich countries to dismantle trade barriers against poor countries and increase development aid.¹⁴⁶ In 2001, a similar conference had been cancelled in Barcelona due to threats of massive street protests.¹⁴⁷

A series of protests in 2003 highlighted a shift in the tone and message of antiglobalization activities. As the United States aggressively sought regime change in Iraq, gatherings of global leaders at trade talks presented opportunities for protestors to voice their opposition to a potential war. An assembly of executives and political leaders, including Secretary of State Colin Powell, debated the consequences of a possible war in Iraq at a January gathering of the World Economic Forum in Davos, Switzerland.¹⁴⁸ Protestors pelted police with snowballs as they marched behind banners declaring "No Business Over Dead Bodies" and "Leave Iraq in peace, stop the Bush warriors."¹⁴⁹ Officers responded by firing water cannons into small crowds of demonstrators.¹⁵⁰ The thousands of protestors at the event split into two factions: those who submitted to searches for weapons at a security barrier in a nearby town and those demanding free access.¹⁵¹ The heightened security measures reflected Swiss authorities' fears of terrorist attacks.¹⁵² The Swiss "also threatened to shoot down any unauthorized aircraft over Davos during the gathering,"¹⁵³ a measure unprecedented in the history of the antiglobalization protests.

In February 2003, millions of antiwar and antiglobalization protesters turned out across Europe, presenting a message that overlapped both war and trade issues.¹⁵⁴ Especially outspoken were young people, who criticized what they regarded as "imperialistic tendencies in the United States, bullying tactics, and an effort to turn the

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ Alan Cowell, *Clashes Begin Near Forum as Security Clamps Down*, N.Y. TIMES, Jan. 25, 2003, at A4.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ Sarah Lyall, *Threats and Responses: The Intellectuals; A Sense of Fine Qualities Trampled and of Something 'Terribly Wrong'*, N.Y. TIMES, Feb. 14, 2003, at A12.

world into an American-owned subsidiary.”¹⁵⁵ German author Peter Schneider commented that even during the Vietnam years, he had never seen as much anti-American sentiment throughout Europe as he sees today, which is something America is not aware of.¹⁵⁶ As Secretary of Defense Donald Rumsfeld arrived in Munich, Germany, to address an annual security conference, the French antiglobalization group ATTAC organized efforts to bring thousands of protesters to the streets.¹⁵⁷ Rumsfeld was the object of hostile headlines regarding his recent comment that “Germany was on par with Cuba and Libya, at least when measured by support for American efforts to disarm Iraq.”¹⁵⁸ He also dismissed France and Germany as “old Europe,” in comparison to the newer members of the EU who supported US policy in Iraq.¹⁵⁹

Another protest highlighting the growing anti-American sentiments of the antiglobalization movement occurred in June 2003, at the Group of Eight meeting in Evian-Les-Bains, France.¹⁶⁰ The main issue on President Bush’s agenda was the nonproliferation of nuclear weapons in Iran and North Korea.¹⁶¹ His goal of uniting the world “behind an American vision of confronting tyrants and unconventional weapons” was viewed with caution by many of the European powers. This skepticism was echoed in huge protests in France and Switzerland.¹⁶² Though the tens of thousands of protestors were not as disruptive as those in Genoa two years before, they engaged in the requisite window breaking and stone throwing associated with these gatherings.¹⁶³ The reactions of the European leaders and protestors reflected the view that America is “far too powerful and too willing to use military force to shape the world to America’s liking.”¹⁶⁴ The protests surrounding America’s invasion of Iraq signaled the adaptability of antiglobalists in adopting causes outside the familiar, insular issues of

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ Thom Shanker, *Threats and Responses: Germany; Rumsfeld Faces Tense Greeting and Antiwar Rallies in Munich*, N.Y. TIMES, Feb. 8, 2003, at A8.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ David E. Sanger, *The President’s Trip: Group of 8; Bush Presses Case on Iran and Korea at Economic Talks*, N.Y. TIMES, June 2, 2003, at A1.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

trade and the environment. Though many of the protestors in 2003 were simply opposing America's unilateralism, attending events organized by antiglobalists could only increase the movement's growing popular appeal.

In late November 2003, representatives from thirty-four countries met in Miami to negotiate the proposed FTAA,¹⁶⁵ a pact that would create a free trade area across all of North and South America. The protesters countered with their familiar arguments: such agreements damage the environment, exploit foreign workers, and cost thousands of Americans their jobs.¹⁶⁶ The city of Miami undertook extensive precautionary measures to prevent the violence seen in past antiglobalization protests, assembling a force of 2,500 officers from at least forty organizations.¹⁶⁷ Black-uniformed, riot-equipped police underwent six months of training in preparation for the protests. Armed with batons and plastic shields, police created human barriers throughout much of the city.¹⁶⁸ In addition, special gamma-ray trucks scanned cargo vehicles passing over a downtown bridge.¹⁶⁹ These measures appeared to significantly deter protestor violence.¹⁷⁰ As usual, the vast majority of protests were peaceful, the largest event being an AFL-CIO rally and march.¹⁷¹ Clashes with the police were sporadic and disorganized, with a few demonstrators setting small fires on Biscayne Boulevard, a busy street in downtown Miami.¹⁷² At least 141 arrests were made, and the general impression was that Miami police were highly effective in preventing disruption.¹⁷³ Many people, however, were critical of the authoritarian air of the proceedings. John Sweeny, president of the AFL-CIO, observed that in abbreviating the route of the labor organization's march and preventing buses from reaching the rendezvous point of the rally, the police failed in their obligation to allow citizens their

¹⁶⁵ Elaine De Valle et al., *Police Make new Arrests on the Eve of Major Protests; Suspicious Items Seized*, MIAMI HERALD, Nov. 19, 2003, at A1.

¹⁶⁶ *See id.*

¹⁶⁷ Figueras et al., *supra* note 112, at A1.

¹⁶⁸ *Id.*

¹⁶⁹ De Valle et al., *supra* note 165, at A1. The vehicle, funded by the Department of Homeland Security, is usually deployed to search for contraband food products. With a burst of radiation, the scanner produces an image of the cargo on a 21-inch computer screen.

¹⁷⁰ *Id.*

¹⁷¹ Figueras et al., *supra* note 112, at A1.

¹⁷² *Id.*

¹⁷³ *Id.*

constitutional right to assemble freely.¹⁷⁴ In addition, the Miami-Dade County Public Defender asked an appeals court to free three protesters that had been arrested on minor charges yet held on unusually high bonds.¹⁷⁵ The police flagged the files of these men, along with many of the other arrested protesters, with special “FTAA” markings.¹⁷⁶

Perhaps the city’s stability contributed to the delegates’ relative success in negotiating an outline for the FTAA agreement. The summit ended on November 21, 2003, a day early, with ministers from the thirty-four nations accepting a watered-down version of the agreement.¹⁷⁷ Critics dubbed the draft document “FTAA Lite,” as it would allow individual countries to ignore provisions of the FTAA to which it was opposed.¹⁷⁸ According to Lori Wallach, director of Public Citizen’s Watch and an outspoken voice in the antiglobalization process, “Little had been achieved given that [a]ll that was agreed was to scale back the FTAA’s scope and punt all of the hard decisions to an undefined future venue so as to not make Miami the Waterloo of the FTAA.”¹⁷⁹ Would a weakened free trade agreement spell a partial victory for the antiglobalists? Hardly, as ministers declined Venezuela’s call to infuse human rights into the pact.¹⁸⁰ In the words of Wilmar Castro, Venezuela’s production and trade minister, “Human rights, cultural rights, social rights, the right to education, [and] the right to access to goods and services are not reflected anywhere in this communiqué.”¹⁸¹

As the FTAA talks concluded in Miami, 200 protesters in Buenos Aires, Argentina burned US and British flags in opposition to the free trade pact.¹⁸² Additionally, leftist, jobless, and other nongovernmental groups set up 5,400 informal cardboard ballot boxes in major cities across the country for a straw poll on whether Argentina

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* For charges that usually merit bonds of \$500 or \$1000, the three men were jailed on bonds of \$10,000 or \$20,000.

¹⁷⁶ *Id.*

¹⁷⁷ Gregg Fields et al., *Agreement Ends Summit Early*, MIAMI HERALD, Nov. 21, 2003, at A1.

¹⁷⁸ *Id.* For example, Brazil had been resisting calls to reform its laws in the areas of intellectual property and foreign investment. The compromised FTAA outline now allows Brazil to opt out of these provisions.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² Bill Cormier, *Protestors Decry FTAA in Argentina*, MIAMI HERALD, Nov. 21, 2003, at A16.

should join the FTAA.¹⁸³ Having suffered a debilitating financial crisis in 2001, Argentina was especially sensitive to the economics of trade liberalization.¹⁸⁴ The anti-American bent to the demonstrations reflected some Argentines' fears that the US, "as a world superpower, would gain the upper hand in any trade deal."¹⁸⁵ Another familiar complaint was that "civil society was not being allowed a sufficient opportunity to air alternative viewpoints in Miami—hence the straw vote."¹⁸⁶ The protests in Argentina are especially interesting for their decidedly anti-American component. Since the FTAA is a multilateral agreement, no single country may control the proceedings; critics of the agreement might just as easily attack Brazil for its self-interest and disproportionate power in the FTAA process. Yet Argentines burned American and British flags, perhaps as a sign of disgust for those countries recent bully tactics in the UN and Iraq.

IV. Comparing the Antiglobalization Movement to Past Movements

The 1968 protest in Chicago was the crest of a wave that had been rising for eight years, through thousands of protests from the civil rights movement to the anti-war movement. The Seattle protest, rather than riding a wave, allowed a whole new generation of activists to surface, bringing attention to one of the world's most powerful organizations.

—Tom Hayden¹⁸⁷

The protests in Seattle captured the world's attention for various reasons. Many conservative Americans focused on the anarchists, viewing the protesters as a dangerous new element intent on undermining capitalism. Others viewed the environmental protestors, clad in sea turtle regalia, as tree-hugging oddballs whose political vision was one-dimensional at best. Still others wondered why the thousands of blue-collar workers, as American as apple pie and Chevrolet, would demonstrate against the same causes as the radicals and the environmentalists. These examples illustrate the mishmash of issues and individuals involved in the globalization debate. Indeed, the

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ Hayden, *supra* note 107, at B1.

antiglobalists are a protest movement like none other in American history.

Charles Derber, in his insightful book *People Before Profit*, divides the history of dissent in America since World War II into three different “waves.”¹⁸⁸ The first wave developed in the 1960s, primarily in the form of the civil rights movement and the antiwar movement.¹⁸⁹ These causes “proclaimed the universal truths of peace and justice, and took them seriously.”¹⁹⁰ The first wave brought an end to legal segregation in the South and helped end the Vietnam War, but finally ran out of steam as “[w]hite male students in top universities imposed their own leadership and worldview on the movement in its post-civil rights, antiwar phase . . . [and] made people who were not like themselves, whether women, African American, or the working class, feel marginalized and betrayed.”¹⁹¹ Indeed, these Establishment white male students from top universities maintain their positions at the top of the food chain to this day.

As a response to the white male domination of the American political economy, the second wave was born in the 1970s.¹⁹² During this period, “[w]omen, minorities, and gays developed an acute consciousness of their own identities These communities each built their own separate freedom movements, which created pride in their differences, told their own stories, and fought for their own liberation.”¹⁹³ Sociologists call the second wave the “new social movements” or, alternatively, “identity politics.”¹⁹⁴ Philosophically distinct, the second wave rejected the universal truths accepted by the first wave.¹⁹⁵ In its place they accepted “the postmodern vision of multiple, socially constructed truths,” and the possibility of multiple opposition movements.¹⁹⁶

¹⁸⁸ DERBER, *supra* note 1, at 203.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.* at 203-04.

¹⁹¹ *Id.* at 204.

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

While the identity movements created strong political communities of women, minorities, and gays, each of these groups remained isolated from the others.¹⁹⁷ The second wave

failed to gain political control of the country or prevent the rise of deeply conservative movements that have taken over both the Democratic and Republican parties. The Reagan revolution and the politics of globalization consolidated corporate power over the country and the world at large. Identity movements lacked either the vision or organizational capacity to unify and resist.¹⁹⁸

Then came Seattle.¹⁹⁹ Globalization was an issue so large that no single identity movement could cope with it single-handedly.²⁰⁰ “The third wave emerged as the first movement explicitly organized to challenge globalization and to envision an alternative to a corporate-dominated world system.”²⁰¹ Unlike the first and second waves, the third wave is basically antidocrinal, reflecting the need to accommodate the many issues of a global constituency.²⁰² Derber explains that “[t]he third wave wants the participatory democracy of the first wave and liberation of women, people of color, and gays sought by the second wave. But it also clearly wants something new: a marriage of different movements to create a less market-driven and more democratic world.”²⁰³ Members of the third wave are united by the desire to maintain their separate identities, their widespread rejection of “cowboy capitalism and by their commitment to global democracy and justice for the global poor.”²⁰⁴ Indeed, the political message of democracy for all harkens back even further than the turgid 1960s.²⁰⁵ Tom Hayden, one of the student leaders of the anti-war demonstrations at the 1968 Democratic National Convention, compared the riots in Seattle to past waves of American rebellion thusly: “As a grass roots movement seeking the overthrow of

¹⁹⁷ *Id.*

¹⁹⁸ *Id.* at 204-05.

¹⁹⁹ *Id.* at 205.

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.* at 205-06.

²⁰⁴ *Id.* at 206.

²⁰⁵ *See id.*

what it sees as an oppressive system, Seattle '99 was more like the Boston Tea Party than the days of rage we knew in the late 60s."²⁰⁶

V. Technology

Though globalization has been spurred in large part by the innovations of the information age, these same technologies have also aided the protesters. Indeed, one of the most unique features of this movement is its reliance on information technology to successfully spread its various messages. Charles Derber compares the organizational model of the third wave protesters to the Internet, what he calls "the network" model, or to a swarm of bees, "the swarm."²⁰⁷ He describes "the network" and "the swarm" as follows:

Thousands of different groups in the global network converge and swarm like bees around particular targets and then disperse back to their home bases until their next raid. The global network as organizational model and the swarm as tactic will probably be seen by historians as the defining mark of the third wave.²⁰⁸

Peter Fitzgerald provides a concise description of the superior power of the Internet in disseminating activists' messages:

The Internet made it possible for a relatively small number of activists to have a greater impact in part because electronic communications bypass the editing that occurs in the traditional media and the filtering that naturally occurs when relying upon third parties such as international nongovernmental organizations. With the Internet, those concerned with a particular issue can avoid the sporadic coverage afforded by other media; supply almost daily reports, commentary, and analysis to their supporters; and maintain an effective and relatively inexpensive means of coordinating responsive action.²⁰⁹

²⁰⁶ *Id.*

²⁰⁷ DERBER, *supra* note 1, at 206.

²⁰⁸ *Id.*

²⁰⁹ Fitzgerald, *supra* note 9, at 15.

Protest forces in Seattle organized online under the rubric "NO2WTO" (No to the World Trade Organization).²¹⁰ One protest leader used the Internet to coordinate the efforts of protesters and expand their reach, even going so far as to communicate with militant groups intent on wreaking havoc.²¹¹ The anarchists' ability to communicate and recruit online through countless websites, listserves, and discussion groups was doubtless a contributing factor to the sporadic violence associated with the Battle in Seattle.²¹² In a similar vein, the major website for protestors of the 2003 FTAA talks in Miami, <http://www.stopftaa.org>, proved to be an invaluable tool for disseminating information on the movement. It is interesting to note that in a Yahoo! search for the term "FTAA" both before and after the meetings, the very first of well over a million hits was the Stop FTAA web site. That the protest site was listed above even the official web site, <http://www.ftaa.org>, hints at the enormous potential of the Internet in educating neutral web surfers. A week after the protests, the site became especially useful to some of the more rowdy Miami protestors: visitors could now contribute money to pay the bail of the arrested demonstrators.²¹³

Though the websites receive most of their traffic in the weeks before a trade meeting and its obligatory protest, Derber observed that "[e]ven when there are no trade-summit protests being planned, activists from labor, environmental groups, and Third World countries are constantly logging on to each other's listserves, learning about each other's issues, and building a dialogue."²¹⁴ He admits, though, that "it all remains at an early stage, and the movement will have to institutionalize itself off-line and off the streets (as well as on them) if it hopes to survive."²¹⁵

²¹⁰ Frank J. Cilluffo et al., *Bad Guys and Good Stuff: When and Where Will the Cyber Threats Converge?*, 12 DEPAUL BUS. L.J. 131, 155.

²¹¹ *Id.* at 155-56.

²¹² *Id.*

²¹³ <http://www.stopftaa.org>. (last visited Dec. 2003).

²¹⁴ DERBER, *supra* note 1, at 208.

²¹⁵ *Id.*

VI. Conclusion

All we want is a new kind of world. All we want is a world big enough to include all the different worlds the world needs to really be the world.

—Subcomandante Marcos, Zapatista leader²¹⁶

It hardly needs stating that globalization as an economic, political, and cultural force, will be a hotly debated topic for decades, perhaps centuries, to come. For better or for worse, globalization is here to stay. The collective will of thousands of world politicians, economists, and multinational corporations cannot be subverted by even the most effective actions of Middle East terrorists or middle-class American anarchists. In addition, “the WTO is emerging as one of the world’s sovereign powers, writing the rules that can supersede the laws of nations.”²¹⁷ But as a counterbalancing measure, the antiglobalization protest movement may also become a permanent fixture on the world scene. As long as significant inequities exist among rich nations and poor nations; as long as foreign laborers are exploited for minuscule pay in sweatshop conditions; and as long as the environment is degraded by corporate myopia and greed, the antiglobalists will be prepared to protest, their voices loud and their turtle costumes ready.

How might bodies such as the WTO address the concerns of the antiglobalists? Increasing the transparency and democracy of proceedings is an excellent starting point. As Peter Fitzgerald writes, “[t]o counter the image of ‘sheltered elites’ operating behind closed doors, those promoting global trade will need to better explain their programs and more directly engage those who have particular concerns to be addressed.”²¹⁸ Another crucial step in appeasing the antiglobalists (but also very far from the present reality) would be the inclusion in trade agreements of non-trade factors, such as environmental and labor standards. While the FTAA draft agreement contained sections on topics as diverse as dumping and intellectual property, references to the environment and labor were completely absent. Expressly addressing these concerns through inclusion in trade agreements is vital to the future of the global economic, political, and cultural landscape.

Perhaps the most disturbing trend in the antiglobalization protests is the new, paramilitary style police tactics protestors are

²¹⁶ *Id.* at 4.

²¹⁷ *Id.* at 119.

²¹⁸ Fitzgerald, *supra* note 9, at 46.

confronting. While the police were unprepared for the riots of Seattle, the more recent protests have been characterized by overzealous police officers curbing the protestors' civil liberties. Under the umbrella of preparing the country for domestic terrorism, police have increasingly resorted to militaristic tactics as they patrol the protest sites. The U.S. Constitution guarantees the citizens' right to peacefully assemble, yet cities hosting trade meetings have become more and more hostile to that right.

Globalization has enabled corporations to treat the entire world as their marketplace, and as a result they have become less and less accountable to any one government. Indeed, the FTAA treaty limits the ability of a state to regulate the flow of capital in to and out of a country. As corporations become more sheltered from national and international regulation, exploitation of the environment and of their workers becomes "business as usual." To avoid future clashes, national and international governing bodies must now take steps to better regulate trade and corporate activity, emphasizing corporate accountability. The Battle in Seattle was the Boston Tea Party of antiglobalization protests. If today's global elites do not respond to the legitimacy of the protestors' complaints, could Concord and Lexington be just around the corner?