

**Report of an exploratory dialogue on**  
***Promoting Fair Trade and Labour Standards in the Post-MFA Environment***  
***Geneva, 27 February 2007***

The exploratory dialogue was convened as a collaborative effort between the Friedrich Ebert Stiftung and the Geneva Social Observatory. It was the first step in the Geneva Social Observatory's programme initiative to facilitate dialogue on the main issues confronting international trade policy and labour standards in a quota free world for clothing and textiles. Participants came from national delegations to relevant international agencies in Geneva, from the agencies themselves, bilateral donors, labour and industry, and concerned non-governmental organizations.

**The dialogue was off-the-record.**

The dialogue was organized into four sessions. In the first three sessions, discussion focused on defining policies and practices that deserve multi-stakeholder dialogue. Each session began with introductory remarks by resource persons and was followed by general discussion among the participants. The fourth brainstorming session synthesized the debate in the first three sessions and identified issues for continued stakeholder dialogue on trade and labour standards in the post-MFA environment.

**The Agenda:**

Session One:

Are there trade policy options that might promote market access and shares of exporting countries in the new clothing and textile trade environment: e.g. preferences, rules of origin or other remedies such as safeguards?

Session Two:

How can bilateral and multilateral programs in trade related technical assistance address labour and labour interests in planning and implementing technical and adjustment advice and assistance?

Session Three:

To what extent has adherence to core labour standards enhanced market access and shares, and how can these linkages be improved?

Session Four:

Synthesis and brainstorming on the question: How can international organizations, bilateral donors and social partners collaborate to cope with these post-MFA issues?

## Session One:

*Are there trade policy options that might promote market access and shares of exporting countries in the new clothing and textile trade environment: e.g. preferences, rules of origin or other remedies such as safeguards?*

### **Introductory remarks:**

International clothing and textile markets are still transitional, even after the expiration of the MFA and its system of quotas. First, the effect of the phase-out of the MFA has been postponed in large part by the use of safeguards that have extended quota restrictions on certain products from China by the EU, the US, South Africa and Colombia. These mechanisms will last until 2008 in the US and the end of 2007 in the EU. Second, many clothing and textile markets remain protected by high tariffs, especially among industrialized countries, but this is so even among developing countries. And third, there are many developing countries that have benefited from preferentially lower tariffs for their exports into the US and the EU. These preferences have often come with restrictive rules of origin for the inputs of eligible exports, but steps have been taken to relax these rules. Therefore, in spite of the need to address the specific ramifications of the phase-out of the MFA, there are also proposals in the Doha Round to continue these other special protections.

For imports into the US and EU, furthermore, the tariffs on clothing and textiles tend to be nearly three times greater than the average tariffs on other non-agricultural products. Although Chinese exports into these markets can withstand the high tariffs because of the relatively low cost of Chinese labour in the manufacture of clothing and textiles, the current mix of high tariffs and safeguards against Chinese clothing and textiles provides a transitional shield in these countries. The shield operates to protect their domestic clothing and textile producers – but also the other developing countries that are benefiting from the preferentially lower tariffs for their clothing and textiles. For them, the issue is not only the safeguards against China but also the preferences. This current mix, along with the EBA and AGOA preferences, has helped countries like Lesotho and Cambodia to survive for the time being. The overall picture, albeit a transitional one, is that this is no longer a north-south issue. Among developing countries, there are significant tradeoffs, with some gaining and others losing market share.

Apparel and textiles are also affected by the WTO negotiations on non-agricultural market access (NAMA) - reducing tariff peaks and controlling tariff escalation in exchange for lesser average cuts in high tariffs and/or longer phase-ins of reduced tariffs. The July 2004 Framework Agreement that is serving as the basis for negotiations provided some options for lower cuts or even exemptions for certain tariff lines for developing countries. These options are influencing the calculations for the importation of manufactured goods (i.e.

clothing and textiles) into developing countries. On the other hand, there are also concerns about declining preference margins for developing country exports under AGOA or EBA for exports into developed countries. In this regard, the important changes in rules of origin such as were made in AGOA in 2006 are not long-term benefits since preference margins themselves are declining.

UNCTAD is working to ensure market access for developing countries. When the MFA was first adopted, it was intended to be temporary. But it lasted 40 years. It was an agreement that discriminated against developing countries while they were being asked at the same time to open their markets in other areas. However, the quota system ended up benefiting those developing countries that had not had an apparel or textile industry to start with. UNCTAD has done a number of studies on the option of improving the preferences for the developing countries that have benefited from this quota system, such as relaxing the rules of origin that have required preference receiving countries to source significant percentages of their inputs from the preference giving country. (1) This is true for both AGOA and EBA. But these are not long-term agreements and cannot offer long-term stability for investment.

UNCTAD studies have shown that other options are better, such as improved coverage of GSP that has benefited LDCs and other developing countries. Sri Lanka has just received GSP benefits from the EU, and this has had a significant impact on Sri Lankan apparel exports to the EU. Furthermore, Canada has been revising its GSP by providing duty free access to LDCs and eliminating rules of origin requirements for inputs sourced in other LDCs. UNCTAD also supports the decision at the WTO Hong Kong Ministerial to give LDCs duty-free/quota free market access while urging WTO members not to use countervailing measures and anti-dumping actions against LDCs. Finally, UNCTAD is urging that negotiations in NAMA on tariff reductions should take into account the problems of preference erosion.

### **Discussion:**

Discussion focused on the impact of the MFA phase-out on market access and various policy options for cushioning this impact. Considerable attention was addressed to the benefits of easing rules of origin for clothing and textiles.

The participants also observed that the analysis of trade flows at this stage of the MFA phase-out is difficult given the EU and US safeguards on China. Just before the phase-out large orders flooded China's industries. When the safeguards were invoked against China, buyers had to quickly shift their orders elsewhere, which brought a windfall for other Asian countries. Meanwhile, others such as Mexico and Turkey are seriously threatened by the erosion of their preferences, above and beyond any lifting of the safeguards. The real impact will not be felt until 2009.

Discussion also reflected a general consensus supporting UNCTAD's concerns for LDCs preference erosions and the need to expand the preferences both to other beneficiaries besides LDCs and to broadened coverage. UNCTAD's work on rules of origin in regional and bilateral agreements was also supported; but it was noted that the politics in making rules of origin more flexible are highly sensitive. It was noted, for example, that exports of textiles and clothing to the US from preference-receiving countries was worth \$12 billion but that \$10 billion of that value was from yarns and clothing parts that had come from the US. Thus the US is giving itself preferences.

The participants emphasized the benefits of relaxing the rules of origin, as in the Canadian reform of its rules of origin that had been previously mentioned. The EU, it was noted, was also reviewing its rules of origin – in this case, to allow groups of countries to act as a single country thereby broadening the scope for sourcing inputs. (2) Another positive example was the new US – Jordan Free Trade Agreement, which allows the use of any inputs in qualifying for preferential treatment. (3)

Participants also observed that the prospects for increased south-south trade also offered opportunities for developing countries. Fabrics and clothing parts when sourced from nearby countries have shorter delivery times and often qualify under the rules of origin for final products to EU and US markets. There are also new opportunities in fast-growing developing country markets. China, for example, is already the fourth largest market for clothing. Brazil and India are not far behind. Data on south-south trade, however, is limited, and data on employment effects, even more so. Technical assistance to develop data-gathering capability could help improve this.

Questions were then raised about the status of Turkey's proposal in NAMA that would allow some specific clothing and textiles to be shielded from the full force of the NAMA tariff cutting formula. Tariffs on others would be cut by more than the formula demands. Such a carve-out could benefit current preferential market access in the US and EU that large tariff cuts in NAMA would erode. (4) This option has met with stiff resistance, and the participants recognized that not much hope for it could be seen in the WTO.

Other options mentioned were longer transition periods and voluntary restrictions that are allowed by the WTO. Specifically, the participants noted that WTO members can technically use product specific safeguards against any textile and clothing products in case of market disruption of exports from a specific country, like China, until December 2013. However, as with the US and EU safeguards currently in effect against China, they would need to notify the WTO Committee on Safeguards and reach an agreement with China. Such voluntary restrictions are not likely to be easily obtained, and again, as the group had already noted, they serve only to cushion the potential effect of market disruptions through longer transition periods.

The group noted that a more probably option was included in Paragraph 8 of the General Council's July 2004 Framework Agreement. This would allow developing countries, as a special and differential treatment measure, either to exclude up to 5 percent of their tariff lines from formula cuts or to reduce duties on 10 percent of their tariff lines by half the amount required by the formula. A concern was raised about how a country can choose which lines to include.

Another concern was raised about the Hong Kong Ministerial Meeting commitment to provide duty-free/quota-free (DFQF) market access to LDCs for "at least 97 percent of tariff lines." While the Ministers agreed to take steps to progressively expand beyond 97 percent, the remaining 3% could pose serious problems for countries whose exports would fall into the 3% of tariff lines not covered by the DFQF provision. For Bangladesh, for example, that remaining 3%, assuming one applied them to the most heavily used tariff lines, would account for nearly 60% of the total value of its exports to the US. This means that the US could block nearly 60% of Bangladeshi exports under this arrangement.

The main message from this group discussion was that trade preferences and more flexible rules of origin were still considered to be significant options for the clothing and textile sector. This includes extended transitional periods for phasing out the preferences. The lack of data, especially on south-south trade, should be addressed through technical assistance.

### Session Two:

*How can bilateral and multilateral programs in trade related technical assistance address labour and labour interests in planning and implementing technical and adjustment advice and assistance?*

### **Introductory remarks:**

The focus of the second session was on how technical assistance might be targeted to improve the competitive advantage of developing countries. One bilateral programme and one multilateral programme were featured in the introductory remarks as examples to stimulate discussion.

The bilateral programme, from GTZ, is unusual in that it has been directed at working on promoting social standards through the supply chains of specific companies. The programme is based on linking internal human resources management to the entire supply chain. The project has successfully elicited a culture change with companies. Closely linked to "Total Quality Management", it has integrated social standards as a major element for competitiveness. Nike has reportedly cancelled orders in Sialkot, Pakistan because of low standards. Adidas has opted for ALL in one factory to control quality. The group was

encouraged to discuss whether there was a niche market for this approach or whether it could be one factor in a total competitiveness strategy.

The International Trade Centre has a number of projects to improve competitiveness of industries in LDCs and developing countries. It provides a comprehensive “Fiber to Fashion” approach to help suppliers meet the compliance requirements and product quality expectations of international buyers. Emphasis is placed on a number of key areas, such as:

1. Acquiring data on trade, market access, standards and implementation.
2. Supporting national training institutes (e.g. the Bangladesh Garment Manufacturers and Exporters Association) where managerial links, sector-development and social compliance are key areas for development
3. Providing benchmarking information for members.
4. Assisting with product design and development by providing knowledge about sourcing and product design. This includes work with such major suppliers as Wal-Mart, Carrefour, and Marks & Spencer.
5. Advising on issues concerning IPR protections in textiles and clothing.
6. Marketing for exports, including means to increase south-south trade. A guide book for LDC exporters will be ready in July focusing on markets in China, India, Brazil, South Africa, Singapore, and possibly Mexico. The guide will address implications for specific sectors.

### **Discussion:**

Discussion addressed several fundamental issues regarding technical assistance and labour standards.

First, how can more coordination be established between national industrial strategies and bilateral and multilateral technical assistance that is being provided to restructure clothing and textile industries? At the national level, the ILO has sometimes found these strategies to be contradictory.

Next, it was observed that often the lack of a domestic market in small countries impairs the development of exports. In larger countries, the domestic market is large enough to serve as a “subsidiser” of an infant industry – as it did historically with Korea and Japan. It was noted that technical assistance programmes should be oriented to helping with developing domestic consumption. The ITC in its domestic programmes does do this by conducting surveys of supply, sourcing and domestic markets.

An even more fundamental question was how do we know whether core labour standards are an important determinant in promoting competitiveness? A sceptical opinion was that impact assessments are so far not very encouraging. For example, one participant observed that in spite of donor emphasis on corporate social responsibility and on reducing child labour, it is still the case that child labour persists, and wages and working conditions have not improved. And there has been only limited progress on freedom of association and/or collective bargaining. Perhaps technical assistance should place more emphasis on factory inspections and other public policy measures, rather than relying on voluntary CSR programmes.

Other participants responded that it was important to use any strategy to improve the situation. The GTZ programme does hold dialogues on CSR and is involved in certification of compliance with standards at the individual factory level through SA 8000. As in many other initiatives, the certification process is being supplemented with impact assessments. Another initiative, the UK-based Ethical Trading Initiative, has also addressed impact assessment issues. They have observed that visually identifiable issues can be improved and evaluated more easily – by noting the presence of and counting the number of fire extinguishers, for example. But it is not as easy to get reliable information on overtime pay practices. Another important strategy is reflected in the ILO technical assistance and audits. Dialogue must also be promoted. Tools are needed to do this and time is needed to change management cultures in many developing country industries.

In any event, constraints to improving labour conditions and making them a competitive factor in trade need to be better understood to be overcome. ITC is undertaking case studies of what makes companies competitive and improve the quality of their production. It is generally found that big companies in big countries – e.g. in China and India – can do well in both regards. Smaller companies are generally not doing well and need assistance. This assistance can be amplified considerably with increased collaboration among donors that link work in one country with similar work in another, especially in regards to labour standards.

Discussion also considered Aid for Trade as mandated in the Doha Development Agenda. What objectives does it serve: building negotiating capacities or productive capacities? To some participants Aid for Trade appears too slanted towards the former and too limited towards the latter. Rather, it should be geared more to assist productive capacities and integrate trade into national industrial strategies.

In comparing Aid for Trade with technical assistance as delivered by ITC, one participant noted that Aid for Trade is gearing up to provide up to \$30 million for capacity building. Yet the annual ITC budget of \$25 million undertakes more interesting and valuable work in enabling trade performance. In any event, these

amounts appear to be virtually negligible contributions to trade development when seen as part of the \$50 billion committed to aid by the G8 in Gleneagles in 2005.

Finally, the discussion also took note of the fact that capacity building should also look at capacity to adjust to changing trade patterns. When jobs are lost, the EU and the US have structural adjustment programmes to help workers and industries, but this is not so in developing countries. The ILO Commission on the Social Dimension of Globalization raised this concern, but no action has yet been taken to follow up on the Commission's proposals. Similarly, the WTO Advisory Board convened by Dr. Supachai when he was Director-General recommended a "Global Fund for losers", but this kind of adjustment funding has not yet been recognized as an area for action.

### Session Three:

*To what extent has adherence to core labour standards enhanced market access and shares, and how can these linkages be improved?*

### **Introductory remarks:**

Presentations on a number of specific programmes and countries were made to set the stage for the discussion among participants. The International Textile, Garment and Leather Workers' Federation has worked widely with clothing and textile workers around the world, while the ILO has initiated some innovative country-level programmes to address improvements in labour standards.

In the view of the International Textile, Garment and Leather Workers' Federation, two main conclusions can be drawn about the current trade in clothing and textiles: First, the real impact will not be felt until 2009 after the distortions created by the safeguard mechanisms against China come to an end. These have created a mad scramble from China to other Asian countries. Second, the key elements of competitiveness continue to be price, product quality and delivery time. Nonetheless, information on the relationship between core labour standards and competitiveness continues to be mixed. To be sure, adherence to core labour standards has a positive contribution as seen in Mauritius and South Africa; and, in contrast, their neglect in Turkey and Mexico can operate as a brake on exports.

Other examples were noted:

In spite of the surge in China's exports to the US, Cambodian exports to the US under a special bilateral agreement have flourished. - 85% of its exports and 80% of its manufacturing employment are in the apparel industry. The Gap relies on some 100,000 workers there. While working conditions are still not so good, one has to acknowledge that wages have improved. There continues to be a

large problem with freedom of association. With some 45% of workers unionized, worker confidence has risen, leading to numerous strikes in the face of immature industrial relations. A more vigorous social dialogue to reinforce commitments to core labour standards is needed. Yet demonstrable progress has nonetheless been achieved and recognized, and social dialogue should improve with a new generation of more experienced managers.

Contrary to widespread expectation, Lesotho's industries have proven to be relatively stable and competitive following an initial loss 35,000 jobs in the immediate post-MFA setting. But a combination of preferences, improved core labour standards, government-industry collaboration and improved product quality have maintained such important buyers as Levi Strauss and Gap. So many jobs have been recovered.

In Asia, Sri Lanka has benefited from buyers moving from China. But equally important, the EU "GSP Plus" programme, introduced in 2004, has provided Sri Lanka a substantial reduction in duties on garments exported into the EU, for its compliance with the ILO core labour standards. The "Garments without Guilt" initiative is a notable effort to carve out a niche as an ethical producer. (6) Vietnam has also benefited in the post-MFA environment. It was also noted that Vietnam has invested in a new EPZ in Myanmar.

In the Caribbean, the Dominican Republic has not effectively enforced core labour standards in its EPZs. It has seen a decline in its industry. Yet in Nicaragua exports have increased in spite of a poor record on core labour standards.

A number of means were suggested to strengthen labour standards: trade sanctions; collaboration at national levels between government, the ILO, WTO, IFIs and civil society; tariff penalties and rewards for non-compliance or compliance; and export licensing conditioned on core labour standards. Voluntary initiatives will also be important, including good codes of conduct and labour-management framework agreements in the international clothing and textile industry.

The ILO programmes in the apparel sector are part of its efforts to feature the role of "decent work" as an essential element of trade competitiveness. One programme, piloted in Morocco, features support for national dialogue supplemented by dialogue at industrial and enterprise levels. This multi-tiered programme is successfully integrating social standards into industrial strategy. Similar initiatives using this model are underway in Tunisia, Rumania and Egypt.

In Cambodia, where improvements in labour standards were a prerequisite for the bilateral agreement with the US to reduce tariffs, the ILO was brought in to organize an inspection programme to monitor progress, report on working conditions and work with enterprises to resolve problems. This remedial

programme, “Better Factories Cambodia” has helped improve and sustain market share for Cambodian apparel in the post-MFA environment. But it is not clear what will come after its transfer to a Cambodian-run institution. The financing will come one-third each from international buyers, domestic companies and the government.

Cambodia illustrates that there is a market niche for compliance with core labour standards. Wages have improved, but also working conditions have improved. How widely this can be applied to other producers is still unclear. But it has paid off for Cambodian exports with the high ratings given to its improving labour standards. Whether this applies to working conditions elsewhere is not yet clear. But Cambodia and other examples demonstrate that there is, nonetheless, a need to strengthen labour inspectorates and social dialogue everywhere for export promotion.

Building on the Cambodian experience, the ILO will now collaborate with the IFC in a broader “Better Work” Program that will look at the supply chains in several labour-intensive industries, including clothing, and focus on improving labour standards and promoting the business case for better working conditions. (7) This initiative responds in a timely way to the growing awareness at both the industry and enterprise levels that CSR commitments and sourcing needs should be complementary to each other.

### **Discussion:**

The discussion first addressed the issue of flexibility in applying core labour standards: It was argued that they had to adapt to their relative costs, levels of social awareness, and the economic and social levels in which they are to be applied. But this was disputed: while wages may be flexible, there is no scope for flexibilities when it comes to the core labour standards – that is, the standards dealing with child and slave labour, non-discrimination and freedom of association and the right to collective bargaining.

This is an old debate and dilemma, illustrated in a contentious discussion on the example of Ramatex, a major Malaysian investor in Namibian industry to take advantage of exports to the EU. It was argued that unionisation led to numerous strikes in Ramatex factories that forced the company to close one factory employing 1,700 Namibians. On the other hand, it was argued that Ramatex had only itself to blame: it not only seriously failed to comply with Namibian labour legislation, but had also imported labour from Bangladesh and the Philippines to hold down wages. Orders from buyers dropped precipitously. (8)

Other sorts of flexibility issues are becoming more intricate, however, as trade-offs are increasingly required in managing CSR activities. Fundamentally, of course, buyers need to deal with trade-offs between labour costs and labour standards that may cost extra money. This is a basic challenge. If a buyer

withdraws from a supplier because of non-compliance with labour standards, that same supplier might go elsewhere without improving its standards. Staying with the supplier to work out the problems may be the better option. Also, since auditing and monitoring are expensive and not necessarily very effective when done by multiple separate buyers, there is a trend to unify audits among buyers and divert extra resources to actual capacity-building for improved compliance. Finally, national industrial relations systems themselves need to have their own approach so as to remain flexible to national conditions.

The linkage between labour standards and trade promotion and performance, as was noted above, is not always so clear-cut. There are positive experiences in Cambodia and Sri Lanka to illustrate labour standards and trade can be linked through positive incentives. But it may not yet be clear that the negative approach of using trade sanctions is effective. The EU has temporarily withdrawn preferences from Myanmar and Belarus for labour rights violations, but the results of these sanctions are not yet apparent. In general, there are potential advantages to engaging in regional dialogues on trade and social development, where the cooperative approach of mutually agreeing to promote labour standards can make them a positive element in competitiveness. Finally, it was recognized that more needed to be done, in the form of impact assessments, as the EU has decided to integrate into its GSP Plus programme, to ascertain the linkage between labour standards and trade performance. (9)

#### Session Four:

*A brainstorming on how can international organisations, bilateral donors and social partners collaborate to cope with these post-MFA issues discussed in the three sessions?*

In the final brainstorming session, a number of issues were identified as major concerns of the participants and for further dialogue and analysis.

#### **1. Trade options:**

- Reinstatement of quotas is not an acceptable option.
- 100 % Implementation of duty-free/quota free market access for LDCs is overdue.
- Preferential tariff rates, while temporary, are a high priority for those countries that are benefiting from the preferences and phasing them out should be with long transitional periods for adjustment purposes.
- Meanwhile, GSP (and CSR) should provide positive incentives for core labour standards.
- South-south trade should be promoted and more data be obtained.

## **2. Rules of Origin:**

- Rules of origin are critical trade policy issues that substantially affect the preferences for selected developing countries in regional and bilateral agreements.
- These were viewed, however, as not only policy issues but sensitive political issues as well. This is especially true in the case of preferential arrangements with the U.S.
- The positive experiences in the case of Canada, the EU, AGOA, and the US-Jordan arrangements need to be widely replicated.

## **3. Aid for Trade:**

- While there was support for the WTO Aid for Trade, there was general concern about how well it would be funded, how much funding will be diverted from other essential development assistance, and how well it will be integrated into national trade policy and practice.
- Other concerns about funding included the potential loss of revenue from customs duties in developing countries where this is a major source of revenue.
- Also, the role of manufacturers in helping to finance labour inspections, etc.
- In a broader context, Aid for Trade needs to look beyond trade promotion, facilitation and capacity building on the part of trade policy makers and seek wider stakeholder consultation, including labour that has a fundamental interest in trade policies as influencing worker welfare.

## **4. Adjustment:**

- Adjustment is a neglected yet essential ingredient of aid for trade. One view was that eventually markets and enterprises will sort out which countries will survive in textile and clothing trade and the rest will have to adjust.
- Who will do this and how it will be done is a major issue for all stakeholders, all of whom should be consulted.
- In connection with adjustment programs and processes, special attention needs to be given to informal sectors, especially those in which women are predominant.

## **5. Delivering technical and adjustment assistance:**

- There needs to be more collaboration among providers of technical assistance – e.g. ITC, ILO, UNCTAD, WTO, bilateral donors and IFIs. It was remarkable how little collaboration does occur – even understanding of respective mandates and work. The discussion made clear the need for

- developing more mutually supportive collaboration as in the ILO-IFC joint project.
- Also, all trade adjustment planning and activity must be “home grown and home owned” and a product of discussion and dialogue of those most affected by it.

## **6. Core labour standards:**

- In addition to technical assistance, there was general consensus on the need for more considered coordination for promoting and bringing core labour standards in trade agreements.
- Those most affected by trade liberalization need to own policy responses to all its consequences.
- While contentions still affect much debate and dialogue on formal linkages between labour standards and the WTO, the recent ILO-WTO study suggests that core labour standards can help and do not necessarily hurt competitiveness.
- It was also noted that foreign workers can perhaps do more to pull down core labour standards than trade liberalization.
- Finally, not strengthening core labour standards can incur serious costs: for example, children in factories rather than schools diminish prospects for sustainable development of human resources. “Development rests on the back of education and not vice versa.”

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