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Unexpected Bedfellows: The GATT, the WTO and *Some* Democratic Rights

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Abstract

The WTO system has democratic rights spillovers. In this paper, we show how GATT and WTO rules induce member states to advance several democratic rights: specifically political participation, due process and access to information. We use qualitative and quantitative tools to examine this process. Our quantitative analysis found that countries that have been members of the GATT/WTO for longer periods of time saw statistically significant improvements in our metrics for political participation and due process rights. However, we did not have similarly robust findings for access to information. We think this may reflect the limited amount of quantitative data available for this period. We note that the WTO is to some degree a bill of rights for foreign market actors. Ironically, in repressive states, its rules may empower domestic market actors who may not have been able to use existing domestic remedies to obtain information, influence policies or challenge leadership. We urge other scholars to test our findings about how the WTO and democratic rights became unexpected bedfellows.

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I. Overview of Paper

The world's most misunderstood international institution, the World Trade Organization (WTO) sits in a grand palace on the shores of Lake Geneva. This organization, once a club called the General Agreement on Tariffs and Trade (GATT), was designed to stimulate trade. The GATT/WTO regulates protectionism, serves as a forum for trade negotiations and settles trade disputes. It is also an international agreement that establishes the rule of law in international trade for citizens of 153 nations. Trade grew dramatically under the aegis of the GATT/WTO, and thus the organization has played an important role in global economic growth. Yet many people do not see the WTO as acting in their interest (WTO Consultative Board 2005). Critics argue that the trade agreement indirectly undermines democratically determined policy priorities. 1 According to citizen activist Ralph Nader, "decisions affecting people's daily lives are...shifted away from our...governments and instead, are being made by ...unelected trade bureaucrats...behind closed doors." (Here Nader refers to the fact that if social or environmental regulations are found by a dispute settlement panel to distort trade, national policymakers must either change the regulation to make it less distorting, pay compensation, or accept potential retaliation).² Although such dispute panel decisions are rare, concerns about the WTO's potential impact on democracy became so widespread that the Director General of the WTO had to directly address these allegations.³

While we understand public concerns about the WTO, herein we argue that the WTO system and democratic rights are unexpected bedfellows. Without deliberate intent, the GATT/WTO system has induced governments to advance several democratic rights: specifically political participation, due process, and some indication of improved public access to government information. This process is indirect, because the GATT/WTO does not directly regulate the behavior of people or firms involved

in trade.⁴ The GATT/WTO provides no rights directly to producers, consumers, corporations, exporters or importers (economic actors), but it does mandate that member states provide these rights.⁵ The GATT/WTO's influence on these rights is also implicit, little discussed, and obscure. As legal scholar Steve Charnovitz notes, member states give economic actors "an entitlement to substantive rights in domestic law including the right to seek relief; the right to submit comments to a national agency or the right to appeal adjudicatory rulings."⁶ Member states must also ensure that "members and other persons affected, or likely to be affected, by governmental measures imposing restraints, requirements and other burdens, should have a reasonable opportunity to acquire authentic information about such measures and accordingly to protect and adjust their activities or alternatively to seek modification of such measures."⁷ These rights can be described as political participation, administrative due process and informational rights. For ease of discussion, we label these rights "democratic rights."

In this paper, we use both qualitative and quantitative analysis to examine whether membership in the WTO over time leads to improvements in these democratic rights. This article is organized as follows: Section I comprises an overview of our analysis and arguments. In Section II, we briefly explain why both democracies and authoritarian states might provide the same due process, political participation, and access to information rights to their citizens as they do to foreign market actors. They do not have to do so under WTO rules, but we argue that they do so to attract and maintain investment (Elkins, Guzman and Simmons 2006; Dobbins, Simmons and Garrett 2007; and Barton, Goldstein, Josling and Steinberg 2006). In Section III, we discuss the WTO's role in improving governance and we place that scholarship within the IPE theoretical literature. Section IV uses qualitative evidence to illuminate how and when democratic rights are discussed at the WTO. We begin with an examination of accessions (when countries apply to join the GATT/WTO), differentiating between GATT and WTO accessions. Under GATT (1948-1995), new acceding states simply committed to reduce border measures that could distort trade. But after 1995, the accession process became much more complex. As the WTO grew to govern a wide range of domestic policies that could distort trade such as health and safety regulations or procurement policies, acceding states had to ensure that such policies reflected WTO rules. If these countries do not change these policies, other WTO member states could challenge them as trade distorting (WTO 2001). As noted above, this led to the perception that the WTO undermines democracy (Aaronson 2001; Destler 2005). We next turn to trade policy reviews, where members examine

the trade performance of their fellow WTO members. Policymakers frequently bring to the fore issues of political participation, due process and transparency. Finally, we discuss how citizens around the world are using WTO rules to influence a wide range of public policies.

In Section V, we use quantitative analysis to examine how members of the GATT/WTO perform on these democratic rights over time. We use a cross national time series design of all countries in the international system for the period 1950-2008 (Correlates of War 2008). We examine the impact of GATT/WTO on political participation (1950-2007), due process (1981-2007) and access to information over time (2004-2008). We also account for selection issues of why countries become members of the GATT/WTO regime.⁸ We find that duration of membership in the GATT/ WTO positively affects performance on several democratic rights. Countries that have been GATT/WTO members for longer periods tend to have stronger performance on measures of political participation for the period 1950-2007 and on due process rights over the period 1981-2007. We also examine how new members of the WTO perform on these democratic rights for the 1995-2008 period. We find that duration of WTO membership leads to stronger performance on our metrics for political participation, free and fair elections and measures of access to information. However, these results are sensitive to different model specifications. Our weak findings on access to information may reflect the limitations of our dataset which only covers some countries for a shorter time period. Finally, in Section VI, we draw conclusions about our analysis, and make suggestions for future research.

We are not alone in finding unanticipated human rights spillovers from international organization membership. Several scholars have found that membership in international institutions teaches policymakers about meeting their obligations at home and abroad (Hafner-Burton 2009; Moravcsik 2000; Simmons, Buthe and Milner 2009). Some of these scholars have also found an interesting relationship between the WTO and democratic rights. They argue that the WTO provides a mechanism to limit “the influence of minority factions by committing in advance to a set of multilateral rules...that require trade policies to be defended on the basis of public reasons” (Keohane, Macedo and Moravcsik 2007, 18). Others have found that while physical integrity and economic and social rights worsen under World Bank and IMF structural adjustment programs, democratic rights tend to improve (Abouharb and Cingranelli 2007). We build on this scholarship as we attempt to explain the complex relationship between democracy and the WTO.

II. The GATT/WTO, Rule of Law, and Signaling

Under GATT/WTO rules, policymakers from member states cannot discriminate between products originating in different countries (the most-favored nation or MFN principle) or between imported goods and “like” domestically produced goods (the national treatment principle). Governments are not supposed to favor domestic products over foreign products once a good enters the market (there are some limited exceptions). But the GATT/WTO’s national treatment rules don’t explicitly require governments to treat domestic products exactly the same as foreign producers. Repressive governments could, in theory treat domestic products (and the importers and producers associated with those products) worse than foreign producers.⁹ Interestingly, the GATT/WTO does not directly address how governments relate to their own citizens.¹⁰ But member states provide the same rules and privileges to domestic and foreign actors for several reasons. First, officials would find it difficult and expensive to administer one system of trade related regulations for foreigners and another for their citizens. Secondly, such a two-tiered regulatory system could promote domestic opposition and bring additional scrutiny to government policies. Finally, policymakers seem to believe that WTO membership signals investors that this country, as a WTO member, can be trusted to enforce the rule of law—to be effective, even handed, and predictable.¹¹ The court system will protect investors as well as citizens from arbitrary and abusive use of government power. Moreover, the government will work to improve public participation, transparency, and accountability (UNDP 1997; Stromseth et al 2006; and Golub 2003). WTO membership has its costs; policymakers may have to change their behavior and accept increased scrutiny, foreign participation in the polity, new norms and values transmitted by these foreigners, and new transparency requirements. But these costs are trumped by the benefits of additional trade and investment (Elkins, Guzman and Simmons 2006; Dobbins, Simmons and Garrett 2007; Büthe and Milner 2008). Thus, policymakers are making a rational choice about joining the WTO (Keohane 1983, 174; Keohane 2002).

The WTO is not the only international organization seeking to promote global rule of law norms. The World Bank has repeatedly told its client states that such a rule based system is necessary to attract foreign investment, because foreign investors need certainty and efficiency (Perry-Kessaris 2007; Golub 2003; Rodrik 2004). Moreover, World Bank economists argue that enacting a strong ruled based system will facilitate

development. In fact, the Bank finds “a causal effect from better governance to better development outcomes.” Many prominent scholars echo that assessment. Economist Dani Rodrik argues that governments that strengthen “the property rights of entrepreneurs and investors are likely to experience a lasting increase in its productive capacity.”¹² Several scholars have shown that investors respond to this rule of law signaling. Scholars have found that after controlling for property rights, investors prefer to invest in democratic states rather than authoritarian regimes. (Li and Resnick 2003; Guerin and Manzocchi 2006; Jokobsen and De Soysa 2006). Moreover, they invest larger amounts in more democratic countries (Busse 2003). Daniel Farber argues that investors conclude that “the government that protects human rights is the government that is likely to protect foreign investor rights.” (Farber 2002, 40-41) Thus, scholars examining the relationship between investment and human rights now argue that the governments that protect human rights and invest in their people are more likely to attract and maintain investment (Moran 2002, 44) and Blanton and Blanton (2009, 44).

III. The WTO, Governance and Democratic Rights

The UN Development Program (UNDP) defines governance as “the exercise of ...authority to manage a country’s affairs at all levels. It comprises mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights...and mediate their differences” (UNDP 1997). Thus, governance is not solely about the capacity of policymakers; it requires involvement from citizenry. Scholars of governance have not found consensus on how much to emphasize “the role of democratic accountability...of governments to their citizens” (Kaufmann and Kraay 2008). Although scholars have done considerable research on the relationship between human rights and good governance, we have relatively little understanding of how WTO membership promotes good governance, let alone democratic rights. In 2002, scholars began a wide ranging argument as to whether or not the WTO actually achieves its mission to expand trade and in so doing promote human welfare (Rose 2004; Subramanian and Wei 2005; and Tomz, Goldstein and Rivers 2004). This debate was both hot and crowded. Rodrik, Submaranian and Trebbi disagreed whether trade or institutions are more important for growth. Bollaky and Freund (2005) found that bad institutions not only lower growth, but prevent trade from generating growth. Tang and Wei examined GATT/WTO accessions and noted that because new members must make considerable changes to their policies,

“the WTO/GATT serves as a potent enforcer of the member country’s policy promises.” They conclude that these governments are signaling investors that they will promote the rule of law (Tang and Wei 2006, 4, 32).

But very few scholars have actually examined empirically how WTO membership affects the *behavior* of governments regarding democratic rights. Mary Comerford Cooper tried to test the relationship between WTO membership and democratization (as opposed to protecting a particular human right) for the period 1947-1999. She could not determine whether democratic states were more likely to join the WTO or whether WTO membership makes countries more likely to become or remain democratic.¹³ Michael Ferrantino examined accessions to the WTO and its impact upon governance. He argues that the WTO agreement serves as an anchor or “lock-in mechanism” for domestic reforms. But he warned that it is difficult to ascertain whether a particular reform is caused by FTA negotiations or by the domestic reform process (Ferrantino 2006). Aaronson and Zimmerman used the CIRI Human Rights data set to examine non-OECD WTO members over time and found that countries with longer membership in the GATT/WTO tended to have higher political participation scores.¹⁴ But they did not control for the myriad of other variables that could affect the right to political participation (Aaronson and Zimmerman 2007, 57-61).

The gap in empirical understanding of the WTO’s impact on democratic rights is matched by a gap in understanding of how members discuss democratic rights at the GATT and the WTO. Critics of the GATT used to describe it as the General Agreement to Talk and Talk. The members of the WTO have also been talking since 1995, but many people would be surprised to learn that their conversations increasingly touch on issues of due process, access to information, and the right to public comment.

IV. How and When Issues of Democratic Rights Enter the Discussion at the WTO

The architects of the GATT never envisioned the trade agreement as a place to talk about democracy or human rights. The GATT did not explicitly require members to be democratic and the original contracting parties were all democracies. But the relationship between trade, democracy, and the rule of law soon came to occupy

center stage. In 1948, Czechoslovakia, one of the original members of the GATT, was taken over by members of the Czech Communist party, who were determined to remake the economy along Communist lines. The U.S. Congress demanded a withdrawal of GATT concessions to Czechoslovakia in protest, noting that GATT was supposed to consist of like-minded, democratic, capitalist nations. But the United States was unable to convince its allies that they should repudiate Czechoslovakia's membership in the GATT. The European countries did not agree that adherence to the Communist party line mitigated membership in the trade agreement. Consequently, Czechoslovakia remained an original signatory to the GATT.¹⁵ Strangely, the experience did not motivate the contracting parties of the GATT to develop democracy criteria for membership. Members simply had to agree to adhere to its guiding principles and meet the accession demands of existing members.¹⁶ In the years that followed, many undemocratic countries joined the GATT. But the unacknowledged relationship between democracy, rule of law, and trade policymaking is a key part of the discussion when members make decisions about accessions.

Accessions:

On paper, members of the WTO welcome all non-member states. Current members must agree on the terms of membership, which differ for each country.¹⁷ But countries that wish to accede must jump many hurdles; it is both time-consuming and difficult to join. The talks between member states and potential members are bilateral and can be highly complicated.¹⁸ Current members not only monitor the commitments of potential members, but they hold potential members on a tight leash. Since the WTO comprises so many different areas affecting trade, policymakers from acceding states must commit to and show that they are investing resources in customs, intellectual property enforcement and other programs crucial to trade relations. These investments may not reflect the top priorities of their citizens (Tang and Wei 2006; Lanoszka 2008). Some changes must be made prior to WTO membership; other changes will be made gradually after accession, in recognition that legislatures must approve these changes. We examined every single accession (Cambodia, Saudi Arabia, Macedonia, Vietnam, Armenia, and Nepal) from 2003 to 2008 to ascertain if existing WTO members expressed concerns about the potential acceding country's democratic rights.¹⁹ Many of these states have difficulty respecting democratic rights.²⁰ We also reviewed the accession of China, because of its importance to global trade (2001).

When these countries applied for WTO membership, their applications were reviewed by a working party comprised of existing WTO members. The deliberations always began with a discussion of how these countries made public policy and promulgated trade policies. Members then focused on how the applicant nation protected the rights of citizens, as well as noncitizens, to participate in trade. For example, in 2003, members of the working party on Cambodia's accession noted that its legal system did not afford adequate protection for individuals or businesses. The representative of Cambodia promised that the country would establish a commercial court system with trained judges and staff. Working party member governments then reminded Cambodia that when it established standards or technical regulations, it was obliged to develop "mechanisms for publication and dissemination of draft legislation and standards for public comment; [and] the establishment of a TBT (technical barriers to trade) Inquiry Point" where foreign and domestic producers could learn how to meet Cambodian standards.²¹ The WTO Secretariat examined Cambodia's accession to the WTO as a "case-study." It stated, "As part of its accession...Cambodia has made a large number of commitments in legal and judicial system reforms, including the enforcement of the rule of law... According to a government source, forty-seven laws and regulations are needed to fulfill WTO membership requirements....If carried out properly, these commitments would stimulate other related economic reforms that will be conducive to improving investor confidence."²² Cambodia was told explicitly there was a relationship between citizen protection and investor protection. After Cambodia agreed to these changes, the WTO ministerial conference approved Cambodia's accession in September 2003.²³ Cambodia's accession showed how that government was prodded to ensure an even-handed legal system accessible to both Cambodians and non-Cambodians alike.

Members also examined Saudi Arabia's adherence to the rule of law. This country is one of the world's most opaque. WTO members asked about the rights of Saudi citizens and non-citizens to participate in the economy. Trade diplomats urged the country to publish notices of proposed measures related to trade and to provide an opportunity for "interested persons" to provide comments and views on such measures.²⁴ These officials were asking the Saudis for information about political participation in trade issues. Saudi Arabian officials made significant promises which could make that desert kingdom more accountable to its people. They agreed to establish an official website for trade policymaking and to "provide a reasonable period...for...comments to the appropriate authorities before such measures were

adopted.”²⁵ The government also changed its labor laws.²⁶ Then US Trade Representative Robert Portman claimed, “As a result of negotiations on its accession to the WTO, we will see greater openness, further development of the rule of law, and political and economic reforms in Saudi Arabia”²⁷ Nepal and Macedonia were required to address the same questions, and members of the working group seemed satisfied with the answers of the two governments.²⁸ However, all 3 nations are such new members that it is difficult to see how these commitments have transformed the polity. For example, Saudi Arabia did set up the trade web site, but it is yet unclear as to whether or not it has met its due process, transparency and public comment commitments.²⁹

Because of its potential influence on global trade and its capitalist/authoritarian regime, China had a long and difficult accession. The 2001 Protocol on the Accession of the People’s Republic of China is an unusual document. Unlike the Accession Protocols of previously admitted members, it specifically comments on the effectiveness of the rule of law in China. It states as a condition of accession that China must enforce “uniform administration of Chinese law” throughout China as a condition of accession (Aaronson 2007). The agreement also calls on China to “apply and administer in a uniform, impartial and reasonable manner all its laws, regulations and other measures of the central government as well as local regulations, rules and other measures...pertaining to or affecting trade.... China shall establish a mechanism under which individuals and enterprises can bring to the attention of the national authorities cases of non-uniform application.”³⁰ Finally, it calls on China to ensure that “those laws, regulations and other measures pertaining to and affecting trade shall be enforced.”³¹ It is important to note that these "rule of law" requirements were replicated in the accession agreements of countries such as Vietnam, whose accession followed China.

Members of the WTO increasingly recognize that they are asking potential members to make a wide range of expensive, difficult and time consuming policy changes that can arouse significant domestic opposition. In order to better understand this problem, the Secretariat commissioned a review of Vanatu’s aborted attempt to accede to the WTO. This small country was unable to build a public consensus in support of membership. “Consultation must take two forms: first, individual talks aimed at determining private views, and second, frequent national seminars aimed at stimulating debate and arriving at an overall viewpoint. The former type of

consultation focuses more on deciding the content of negotiating proposals; the latter aims mostly to create a sense of public ownership. If local players feel that they have been consulted, they are more likely to commit to any final outcome even if they disagree with it.”³² The WTO Secretariat essentially found that the public must be able to influence, challenge, and understand trade policy for liberalization to succeed.

Trade policy reviews

The trade policy review process is a second venue where members can air concerns about governance. At these reviews, members openly debate another member’s trade conduct, but they also discuss the broad context in which trade occurs. According to the Secretariat, “the reviews have two broad results: they enable outsiders to understand a country’s policies and circumstances, and they provide feedback to the reviewed country on its performance in the system.”³³ The largest trading nations must be reviewed every two years, the next sixteen are reviewed each four years, and others are reviewed each six years. This process is onerous, so the WTO system allows developing countries a longer period between reviews. However, this could make it harder for other members to monitor their performance (Aaronson 2007, 434-438).

Member states often raise a wide range of governance concerns at these reviews. The states under review often use the discussion to explain and justify their policies; some of that discussion addresses questions of democratic rights. We examined a sample of 13 recent trade policy reviews reflecting developing and middle-income countries from 2005-2008. We included large diversified trading nations such as Brazil and China as well as those that depend on one or two commodities for economic growth (the Gambia).³⁴ In these reviews, some members acknowledged a relationship between economic growth, the rule of law, and democratic rights. The representative of Egypt stressed that it had put in place new laws to protect intellectual property rights and consumer rights. He stressed that “new laws had been enacted to foster political participation” and to strengthen civil society. He argued “these landmark political reforms would enhance the trust in Egypt’s commitment to the current economic and social reforms.”³⁵ He might have been pandering to Egypt’s funders, but he explicitly made a connection between the country’s commitment to democratic rights and its trade governance.

Developing countries repeatedly stressed their commitment to democratic rights as signaling the rule of law. The government of Mauritius described its process for reforming its labor law noting it had been transparent and open to stakeholders.³⁶ Some members chided Jordan for insufficient transparency and inadequate public comment. Jordan replied that it would “encourage public input into the Government's trade policy agenda.”³⁷ The government of Madagascar talked about increasing political participation for women during its review.³⁸ The United Arab Emirates discussed how it had changed its labor laws, particularly those affecting migrant workers. It posted the draft of its revised labor law on the internet and invited public comment.³⁹ Governance issues are particularly prominent when members reviewed China (2006, 2008). In 2008, the Chinese representative stated that its new trade-related laws helped create “a more rule-based predictable business environment,” and moved China towards “a more level playing field for domestic and foreign investors.” But while other members “welcomed China’s measures to enhance transparency,” some members concluded that China was not transparent, accountable, or sufficiently even-handed. Japan complained that the government “obstructed due process.” The Canadian government noted that China “should ensure that its regulatory institutions had a framework of transparency and accountability.” Canada also stressed that China “had not yet achieved the balance of non-discrimination between its state-controlled economy, its private sector, and...foreign players.”⁴⁰ The EC urged China to “be more forthcoming vis a vis stakeholders when drafting regulations and standards.” China responded to these concerns by noting that China had honored its accession commitments, clarified its property rights laws and empowered individual rights holders,⁴¹ solicited public opinion and comment, and published all trade related laws and regulations.⁴²

Taking both accession and trade policy reviews in sum, it is clear that a growing number of WTO members are sending an important message about due process rights, transparency, and political participation as key elements both of the rule of law and WTO procedures. Developing countries may be using these discussions to say what they think other governments want to hear about these mechanisms. But when developing countries use these venues to highlight their commitment to even-handedness, the rule of law, and democratic rights, it is harder for policymakers to renege on these commitments. Moreover, policymakers have made it easier for their citizens to monitor their government’s performance with respect to these rights (Landman 2006; Hafner-Burton 2008).

Do Non Business Actors Participate in the Trade Policymaking Process?

In the section above, we showed that governments are talking about due process, political participation and access to information at the WTO. This section describes how these commitments may be transforming the polity, as citizens are increasingly able to influence trade and other public policies. In recent years, Egypt, Jordan, Kuwait, Morocco, Syria, Saudi Arabia, Malawi, Dominican Republic, Chile, Mexico, Brazil, and Argentina established channels for organized civil society to comment on trade policies.⁴³ But structural change has not always led to greater public influence on trade policymaking. Many governments lack the expertise or funds to create an effective dialogue with their citizens. For example, Malawian officials said they wanted to try to work with NGOs but they don't know how.⁴⁴ The government of Kenya has developed an extensive system of consultation with WTO stakeholders, but it also acknowledged that the bulk of citizens had little understanding of trade issues and policymakers had no funds or expertise to encourage a public discussion. Policymakers sought funds to create a more effective dialogue and understanding.⁴⁵ A WTO funded case study on Malaysian participation in the WTO concluded that most Malaysians have little understanding of WTO rules and how they may affect the Malaysian people. It concluded that the government must do a better job of communicating with the public about the WTO.⁴⁶

Although structural change can't guarantee citizens a voice, new groups such as small farmers, human rights activists, medical personnel, or women's organizations, are learning how to influence trade policymaking. For example, NGOs in Brazil and South Africa helped make public health and access to affordable medicines a trade policy issue. NGOs in Pakistan, Brazil, and India have influenced their countries' positions on indigenous knowledge (Aaronson 2007). A 2006 study of civil society activism in Latin America found that civil society activists and union leaders made trade policy a presidential election issue in Bolivia, Costa Rica, and Uruguay (Cox et al. 2006). In 2003, in response to public concern about food security and the impact of trade liberalization upon small farmers, the Mexican government revamped its agricultural policies and developed a stronger system of public consultation.⁴⁷ Cambodia provides an interesting example of how citizens are affecting trade policy and in this case protecting labor rights. Given its recent troubled history, Cambodia's rulers determined that the only way they could attract significant foreign investment (and compete with China and Vietnam) was by improving governance (albeit

unevenly). In 1999, with help (and incentives) from the ILO, the World Bank and various governments, Cambodia began to build a market niche as a country with comparatively strong labor protection in the garment sector. Workers could unionize, strike, and express their opinions. By empowering workers, policymakers helped they could attract investment and differentiate the country. Textile manufacturers began to invest heavily in the country, based on the assurance that workers would be productive and have strong labor rights protection. With the global downturn, Cambodian officials and workers fear disinvestment and job loss. Although worker organizations have lost influence, unions continue to challenge the government and maintain their rights.⁴⁸ And the ILO and foreign investors tout that nation as a success story of how trade can improve governance through better governance (improved labor standards); greater transparency, rule of law and public participation.⁴⁹

China also provides an interesting example of the changing dialogue about trade among policymakers and the public. In 2007, more than 100 people died from toothpaste made in China that contained a poisonous chemical diethylene glycol. That scandal was followed by others including exports of heparin and other drugs; tainted milk; and unsafe toys among others. Citizen activists such as Eduardo Arias of Panama,⁵⁰ Wang Hei of China⁵¹ and Chinese bloggers and activists⁵² pressured their governments to do more to protect consumers. Costa Rica, the U.S., Nigeria and many other governments responded to these pressures by reexamining how they monitored product and food safety (thus public comments about trade spilled over into other aspects of governance).⁵³ These events also influenced Chinese governance. Public concerns about food and product safety grew so loud that the government revised many of its environmental, product and food safety laws. It also allowed greater (albeit still limited) press freedoms to cover news about potential food and product safety problems.⁵⁴ China's inadequate governance has had huge trade spillovers because of its important role in world trade and manufacturing and because Chinese imports threatened human life. Although the scandal's effects are atypical, it does illuminate the causal pattern: with information, political participation and due process rights, citizens can and do influence decision making about trade. Their growing "empowerment" may make their public more supportive of trade, globalization, and the WTO.⁵⁵ Interestingly, China cites the role of public opinion and public participation when it defended its trade related policies at the WTO in 2008.⁵⁶

In recognition of the importance of a dialogue between trade policymakers and their constituents, the WTO Secretariat posted case studies on its web site including Nepal. When Nepal first sought to join the WTO, many NGOs local NGOs were concerned. They recognized that membership could stimulate trade and investment, but they feared the government would focus less on the needs of its citizenry as a whole and more on the needs of its exporters. Despite their concerns, the NGOs worked with policymakers on a broad public debate on the costs and benefits of WTO membership in Nepal. In so doing, they gained the trust of Nepal's trade negotiators and were able to influence the terms of Nepal's accession. Ultimately, with evidence of public support, the Nepalese government acceded to the WTO in 2003. According to the WTO, NGO involvement helped legitimize the process and ensure that public concerns were addressed.⁵⁷ And the case study was widely disseminated, showing potential member states the import of public involvement in trade. The site also warns potential member states to avoid "negative outcomes." "A failure to communicate among interested parties at home often contributes to negative outcomes on the international front."⁵⁸ Thus, the WTO is indirectly arguing to its members that these countries are more likely to succeed in international trade negotiations if trade policy is built on public involvement and support.

IV. Quantitative analysis

Our qualitative review provides a strong basis for our first hypothesis.

Hypothesis I: Members of the GATT/WTO *gradually* improve government respect for political participation, due process and public access to information.

We posit that as nations learn to comply with GATT/WTO rules, the habits of good governance taught through compliance with this system of rules, spills over into the polity as a whole (Rodrik 2001). Thus, we argue that over time, members should improve their performance.

Hypothesis II: In comparison with countries that joined the GATT (1948-1995), governments that joined the WTO (after 1995) will show dramatic improvements in their respect for political participation, due process and public access to information, reflecting accession requirements.

Under WTO rules, countries must commit to and show they are investing resources in customs, intellectual property enforcement and other policies related to trade. They must also show they are evenhanded, increasingly transparent, and open to public participation in trade policymaking. Thus we argue that in comparison with countries joining the GATT, new WTO members will show more dramatic improvements because these improvements are both required and monitored by other member states. The implication of our argument is that the WTO will have a larger impact in a comparable period with GATT because of all these requirements. We test this comparison through predicted values which indicate the size of the relationship between how membership in the GATT and WTO substantively affect democratic rights

IV. Empirical Model

This section delineates our model for examining the impact of WTO membership upon three democratic rights. We used a two stage equation to test our hypothesis. Our first stage equation builds on literature that describes other correlates of joining inter governmental organizations. Our second stage equation examines government respect for democratic rights. We begin by describing how we developed the model and controlled for issues of endogeneity.

Other Correlates of Joining International Organizations and Democratic Rights

In designing our research, we were mindful that the factors that make countries more likely to become members of the GATT/WTO may also be systematically related to respect for democratic rights. For example, countries which have better democratic practices may be more likely to join the GATT/WTO. Thus any findings which link GATT/WTO membership to improved democratic practices may be a function of the types of countries that join this organization. By controlling for these endogeneity issues, we are then able to assess the effect of GATT/WTO membership on democratic rights. This model incorporates findings from other scholars regarding how wealth, regime type, and location affect membership in international organizations. Several studies have found that wealthier countries and increasingly democratic countries are more likely to join international regimes. They also indicate that countries which join international governmental organizations are also likely to

join other international organizations and agreements. Interestingly, countries whose neighbors join a specific organization are likely to join that same agreement or organization (e.g. Hafner-Burton and Tsutsui 2005; Hathaway 2002; Keith 1999; Landman 2005; Neumeyer 2005). We did not attempt to model the negotiation phase of countries who are trying to accede to the WTO. Because every country is different, every accession is unique (Tang and Wei 2006). It would be very difficult to model the policy changes acceding states are required to implement; and it is beyond the scope of this work.

We developed controls for several factors, which allowed us to isolate and evaluate the effects of GATT/WTO membership on democratic rights. Scholars have shown that wealthier countries are more likely to be democratic (Lipset 1954) and have higher levels of respect for the rights of their citizens (Poe 2004; Poe, Tate, and Keith 1999; Przeworski et al. 2000). Other scholars have linked improved democratic rights to greater literacy, urbanization, a free media (Huntington 1984), and the existence of a middle class (Moore 1966). Other academics have demonstrated that countries which trade more and those with a British colonial experience tend to have governments that provide more respect for the rights of their citizens (Blanton and Blanton 2007; Poe 2004; Poe, Tate, and Keith 1999; Przeworski et al. 2000). In contrast, countries with relatively large populations, high levels of civil conflict, and involvement in interstate war tend to have governments that do not respect human rights (Poe 2004; Poe, Tate, and Keith 1999). Olson (1963) theorized that rapid economic growth has a disruptive impact on social stability, which in turn can reduce government respect for citizen's rights (Poe, Tate, and Keith 1999). Thus, we included these factors as control variables.

Research Design

The research design includes all independent countries since 1950 through 2008 using the Correlates of War framework (Correlates of War 2008). Our unit of analysis is the country year. We undertook a two stage approach in order to control for the endogeneity issues discussed earlier. In the first stage, we estimated factors that affect the numbers of years countries have been members of the GATT/WTO in the 1950 through 2007 period.⁵⁹ In the second stage, we assessed the progressive impact of participation in the GATT/WTO regime on government respect for three democratic rights.⁶⁰ In the first model, we examined the impact of longer GATT/WTO membership on competitiveness of participation for the period 1950-2007. In the

second, we examined the impact of longer GATT/WTO membership on free and fair elections for the period 1981-2007. In the third model, we examined the impact of longer GATT/WTO membership on public access to government information for the period 2004-2008.⁶¹ In each of these stages, we include the lagged dependent variable. First, democratic rights are relatively ‘sticky;’ they change slowly overtime. Thus values reflecting previous years will be strong indicators of the next year’s level of democratic rights. The second reason we include variations that include the lagged dependent variable is to make sure that our results are not driven by broader trends towards (or away from) democracy. By including the lagged dependent variable we can eliminate possible distortions from such trends. We next discuss these key dependent variables below.

Dependent Variables

Competitiveness of Participation

This variable describes the ability of citizens to express alternative preferences for policy and leadership in each year (Marshall and Jagers 2006, 25). The variable ranges from 1-5. 1=Repressed, 2=Suppressed, 3=Factional, 4=Transitional, 5=Competitive systems. Higher/lower values indicate improved/worsened government respect for the extent to which alternative preferences for policy and leadership can be pursued in the political arena.⁶²

Free and Fair Elections

This variable describes governments respect for free and fair elections in each year (Cingranelli and Richards 2004). Due process holds the government subservient to the law of the land, protecting individual persons from abuse of state power. We believe this metric is a good proxy for due process rights because in free and fair elections, citizens hold their policymakers to account and government officials hear their citizens’ views of their policies. We note that although free and fair elections are not trade specific metrics and relate to *elections* rather than legal or administrative proceedings, this rubric is a good reflection of policymaker willingness to allow public policy challenges. The measure is coded on a 0-2 scale. A ‘0’ indicates that governments frequently violate their citizens rights to free and fair elections, where there were 50 or more infractions of this right in a particular year. A ‘1’ indicates that governments occasionally violate their citizens rights to free and fair elections, where there were between 1-49 infractions of this right in a particular year. A ‘2’ indicates

that governments never violated their citizens rights to free and fair elections, there were 0 infractions of this right in a particular year. The measure codes the laws and practices of governments. In years where a country does not have national, regional, or local elections the measure is coded based upon the laws governments have towards free and fair elections.

Access to Government Information

This variable describes whether or not the government provides information to its citizenry (Global Integrity Reports 2004, 2006, 2007, and 2008). The Global Integrity Reports use questionnaire responses from country specialists and events based reporting to generate a 0-100 scale measure. A value of '0' indicates that the public has great difficulty accessing government information. A value of '100' indicates that the public can easily access all aspects of government information. Ideally, we would estimate how participation in GATT/WTO regime affects access to government information annually for each country in the sample. Our dataset has limitations; it only covers 2004, 2006, 2007, and 2008 and it does not cover all countries or even the bulk of WTO members. With this caveats, we assessed whether longer GATT/WTO participation is associated with higher levels of public access to government information. Our data set for this measure covers 26 countries in 2004, 43 countries in 2006, 52 countries in 2007, and 46 countries in 2008. The sample provides a good deal of variation in actual levels of access to government information. The values range from 0-98.33.

Key Independent Variable

Number of Years under GATT/WTO Membership

This measure delineates the number of years a country has been a member of the GATT/WTO. The measure ranges from 0 for those who never joined either organization to 59 for original GATT members (1948-2007). We used data both from the GATT documents library at Stanford University and the WTO website to ascertain when countries became members of either the GATT (1948-1995) or WTO (1995-2007).⁶³ This measure is also the key dependent variable in the first stage of our equations delineating how long a country has been a member of this regime. We also produced a measure describing the number of years a country has been a member of the WTO. The measure ranges from 0 for those who never joined the organization to 12 for those countries who joined at the beginning of the WTO regime and were members in 2007 (1995-2007). Tables 1 and 2 summarize the effects of the

independent, dependent, and control variables used in the first GATT/WTO membership equation and second democratic rights stage equation.
(Insert Table 1 and 2 about Here)

Results⁶⁴

Determinants of longer Membership in GATT/WTO

Table 3 displays the results from our models that determine longevity of GATT/WTO membership during the 1950-2007, period. We discuss the ordinary least squares (OLS) model. In the alternate specifications section we also discuss the negative binomial and feasible generalized least squares, generalized least squares with fixed effects and another with random effects models. We found longevity of participation in the GATT/WTO regime is affected by several factors. Countries that were members of the WTO for longer periods also tended to have higher levels of GDP per capita significant at the .05 level of confidence. Higher levels of WTO membership in particular geographic regions increased the likelihood other countries in that region would also become members of the GATT/WTO, significant at the .05 level of confidence. More democratic countries were also more likely to participate in the GATT/WTO regimes significant at the .001 level of confidence. Finally, countries that participate in other international institutions were also more likely to participate longer in the GATT/WTO regimes, significant at the .001 level of confidence. Interestingly, we also found that countries which had negative changes in GDP per capita and lower levels of trade as a proportion of GDP were also more likely to participate in these trade regimes, significant at the .10 and .01 level of confidence respectively. This reflects the diverse membership of the GATT/WTO.

Impact of longer GATT/WTO membership on Democratic Rights

Table 4 displays the results from our models about the impact of longer GATT/WTO membership on government respect for democratic rights from 1950-2008. The two-stage equation means that all the results presented at the, second, democratic rights stage control for the indirect effects of the first GATT/WTO stage. The results presented in Table 4 include two specifications, one that excludes and another that includes the lagged dependent variable. We discuss the results collectively from these specifications. Later in the alternate specifications section we discuss the results from two stage least squares fixed effects instrumental regression and two stage least squares random effects instrumental regression models. The results in Table 4 support our hypothesis that membership in the GATT/WTO over time leads to stronger

performance on political participation, and free and fair elections two of our three indicators used. Each of our significant results is robust to inclusion of the lagged dependent variable. The results in columns I and II indicate that countries that have been GATT/WTO members for longer periods tend to have greater political participation, significant at the .001 level of confidence. The results from columns III and IV indicate that longer participation in the GATT/WTO leads to greater government respect for free and fair elections, significant at the .001 level of confidence.

We classify control variables that have a ‘consistent effect’ as those which are significant in three or more of the six models displayed in Table 4. We found that countries with higher levels of trade, those with larger populations, and those that were involved in civil conflict had weaker political participation scores and lower levels of respect for free and fair elections significant at the .05 levels of confidence or greater. These results concerning wealth, interstate conflict, and British colonial heritage deserve further investigation, because they contradict the findings of some scholars. Table 5 shows our findings about the impact of longer WTO membership on government respect for democratic rights from 1995-2008. Because we utilized a two-stage equation, the results presented at the second democratic rights stage control for the indirect effects of the first GATT/WTO stage. In this model, we include only those countries which joined the WTO from 1995-2008 period. We then compare them to those that remained outside the WTO during this period. As table 5 shows, we thus have fewer cases to analyze, ranging from 20 to 656 depending upon the model run. The results presented in Table 4 also include two specifications, one that excludes and another that includes the lagged dependent variable.

The results provide some support for our argument that longer participation in the WTO improves government respect for democratic rights. Membership in WTO over time leads to stronger performance on political participation, free and fair elections, and public access to information, significant at the .001 level of confidence. However, these results are not robust to inclusion of the lagged dependent variable. Again we classify control variables that have a ‘consistent effect’ as those which are significant in three or more of the six models displayed in Table 5. The control variables, where significant, provided limited support for the existing research concerning the correlates of democratic rights. Countries with higher levels of GDP per capita improved competitiveness of participation and free and fair elections but were inconsistent in their effects on public access to information, significant at the .05

level of confidence or greater. Our results may reflect the limited number of cases as well as the limited time for individuals to take advantage of these provisions. We hope other scholars will test these results.

Model Predictions

The models presented in Tables 4 and 5 discussed whether there was a statistically significant relationship between participation in the GATT/WTO regime and improved democratic rights. Since our WTO results in comparison to our GATT results, were not robust, we were not able to test hypothesis II by comparing the substantive impact of the WTO to that of GATT. We did examine the substantive relationship between the GATT/WTO regime and democratic rights Table 6 indicates how longer participation in the GATT/WTO regime substantively changes government respect for democratic rights over the period 1950-2007. Each of the predictions presented in Table 6 were calculated after running the models shown in Table 4. We chose to present the more conservative predictions based upon the models which include the lagged dependent variable. All the other variables were held at their mean or modal value. In column I, we examine the substantive effects of longer participation in the GATT/WTO regime on political participation. The dependent variable ranges from 0 to 5. Lower values indicate that a government restricts political participation. Higher values, in comparison, indicate that a government allows greater public participation. We find that countries which are not members of the GATT/WTO generally restrict political participation. We found that government respect for these rights progressively improves the longer they have been members of GATT/WTO regime. Governments which have been members of GATT/WTO for the highest number of years have about a 1/3 of a unit change in the extent to which they actually respect alternative preferences for policy and leadership can be pursued in the political arena. A one unit change, for example, indicates that governments shift from being 'Repressed' to 'Suppressed', 'Suppressed' to

'Factional', 'Factional' to 'Transitional', or 'Transitional' to 'Competitive'.⁶⁵

In columns II-IV we examine how longer membership of the GATT/WTO changes the probability of governments respecting the right to free and fair elections, our indicator of due process rights. The dependent variable can range from 0 to 2. A value of '2' indicates that governments completely respect the right to free and fair elections which we examine in column II. A value of '1' indicates that governments occasionally violate (1-49 violations) the right to free and fair elections which we

examine in column III. A value of '0' indicates that governments frequently violate (50+ violations) the right to free and fair elections which we examine in column IV. We found the probability that governments fully respect the rights to free and fair elections progressively improves the longer they have been members of GATT/WTO regime from .25 for those countries which are not members of the GATT/WTO to .50 for those which have been members the longest, a 100 percent increased probability. Likewise the likelihood that governments occasionally violate the right to free and fair elections reduced from .58 for those countries which are not members of the GATT/WTO to .44 for those which have been members the longest, a 24 percent decreased probability. Finally the likelihood that governments frequently violate the right to free and fair elections reduced from .17 for those countries which are not members of the GATT/WTO to .07 for those which have been members the longest, an almost 59 percent reduction in that likelihood.

Alternate Specifications

We ran a number of alternate estimation techniques to better ensure the robustness of our results. In the first stage model predicting longevity of GATT/WTO membership, we also used a negative binomial regression model, a feasible generalized least squares; generalized least squares with fixed effects; and generalized least squares with random effects. These are displayed in Table 3. These alternate models generated similar results to our ordinary least squares model across a number of our independent variables including GDP per capita, trade as a proportion of GDP, regional level of WTO membership, and the number of IGOs joined at the .10 level of confidence or greater in the four subsequent models used. Some scholars may question these results because the models are based on longevity of membership. However, only one country, China, has ever left the GATT/WTO. Thus our initial results may be a statistical artefact. To address this potential objection we ran a Cox proportional hazard model where we estimated the likelihood of joining the GATT/WTO. This model enables us to control for the possibility of an artificial correlation between membership and our independent variables. When reading the results from the Cox proportional hazard model it is important to remember that coefficient values less than 1 should be treated as indicating a reduced hazard of joining the GATT/WTO, an exact value of 1 as no effect, and values greater than 1 as an increased hazard of joining these institutions. Table 3 shows the results of the Cox proportional hazard model; they are similar to our original OLS models. Each of the independent variables that were significant in our Cox proportional hazard model at

the .10 level of confidence or higher were also significant in our OLS model. In contrast with our original OLS findings, the Cox model provided little support for the economic factors as well as the number of IGOs joined found to be significant in the other specifications.

We also ran alternative first and second stage equation models. These are not displayed due to space limitations. The first set included Foreign Direct Investment. As discussed in section III, several scholars have shown that policymakers often hope WTO membership will not only expand trade, but help them attract more foreign investment. Scholars have also examined the effects of FDI on government respect for human rights (Richards et al. 2001; and Blanton and Blanton 2009). Thus FDI may have an important effect in both stages of our analysis. We excluded it from our original analysis because we lost almost 2100 cases about 36 percent of our total number of cases. We included net inflows of FDI in both stages of our analysis. While FDI inflows were negatively related to both the hazard of joining and the longevity of membership in the GATT/WTO, the effect was only statistically significant in the Cox proportionate hazard models at the .05 level of confidence. FDI inflows had positive and significant effect only on free and fair elections at the .05 level of confidence.⁶⁶ The positive and significant effects of GATT/WTO membership on political participation and free and fair elections remained significant at the .001 level of confidence using either the models that included or excluded the lagged dependent variable.

We also used a different specification of our competitiveness of participation measure. The POLITY IV codebook describes the '0' category as unregulated or immeasurable levels of competitiveness. While this category only has 121 cases in our data-set it may conflate the results of countries which saw no change in their level of competitiveness in our study. We ran an alternative specification which excludes these '0' category. The results still indicate a strong and positive impact of longer membership in the GATT/WTO on higher levels of competitiveness significant at the .001 level of confidence.

Next we estimated the system of equations utilizing a two stage least squares model using both fixed and random effects variations to assess the impact of GATT/WTO membership on the level of political competition. We used GLS regression models also with fixed and random effects variations to assess the impact of GATT/WTO membership on free and fair elections. All the models discussed used the more

conservative approach including the lagged dependent variable. The positive impact of longer membership in the GATT/WTO on higher levels of competitiveness and free and fair elections remained significant at the .001 level of confidence over the 1950-2007 and 1981-2007 periods respectively. Finally we also ran these models for the 1995-2008 period, examining the impact of new WTO membership on democratic rights. Interestingly these results were robust to the inclusion of the lagged dependent variable. New WTO membership increased the level of party competition in both the fixed and random effects models significant at the .05 level of confidence or greater. Likewise new WTO membership also improved government respect for free and fair elections in both the fixed and the random effects model significant at .01 and .10 levels of confidence respectively. However, this model also showed WTO member has no significant impact upon access to information.

Finally, we performed a test to see if our results reflected governance improvements by relatively democratic regimes rather than more authoritarian regimes. Specifically, we split the sample into two groups to ascertain if GATT/WTO membership is having any effect on authoritarian regimes. We used the convention in the literature of the POLITY democracy score 'DEMOC' of 7 and above to indicate democracies and 6 and below to indicate authoritarian regimes. We assessed the impact of GATT/WTO membership on democratic rights over the 1950-2008 period. Our initial results for democratic regimes indicated that longer GATT/WTO membership had a negative effect on political competition but a positive effect on free and fair elections at the .01 and .05 level of significance respectively. However, these results were not robust to the inclusions of the lagged dependent variable. Our initial results for authoritarian regimes indicated that longer GATT/WTO membership had a positive effect on political participation and a positive effect on free and fair elections but a negative effect on access to information at the .001, .01, and .05 levels of significance respectively. Two of our three initial results for authoritarian regimes were robust to the inclusion of the lagged dependent variable. When we included the lagged dependent variable our results indicated that longer GATT/WTO membership had a positive impact on political competition and a positive impact on free and fair elections at the .001 level of confidence, but no significant impact on public access to information.

V. Conclusions

Scholars and activists alike often see the WTO as undemocratic (in its processes) and in its effects upon the worlds' people (its outcomes). However, herein we argued that membership in the GATT/WTO may have a positive effect upon government respect for some democratic rights. We stated that the GATT/WTO requires governments to adopt policies that provide foreign products (read producers) with due process and political participation rights related to trade policymaking as well as information these producers need about trade related regulations. Because these nations also provide these rights to their citizens, a growing number of people including those living in repressive states are learning how to influence and challenge trade related policies. Moreover, because trade today encompasses so many areas of governance, from tax and procurement policies to food safety and competition, these same citizens may gradually learn to transfer the skills learned from influencing trade-related policies to other public issues. Our quantitative analysis provided strong support for our qualitative review of membership in the GATT/WTO. Countries that have been members of the GATT/WTO for longer periods of time saw statistically significant improvements in our metrics for political participation and due process rights. We found that government respect for these rights gradually improves the longer they have been members of GATT/WTO regime. Taking our results literally, our analysis also revealed GATT/WTO membership is strongly associated with free and fair elections. This is an important and surprising finding which we hope other scholars will test. However, we did not have similarly robust results for access to information. We think that the relatively limited amount of quantitative data available for this period accounts for our mixed findings.

Members of the WTO that want to enhance the effect of these provisions can do more to ensure that WTO member states empower their citizens. As noted above, the WTO does not require members to involve their publics; nor does it tell member states how and when to do so. The WTO's trade policy review process is an opportunity to monitor whether or not undemocratic states adhere to the more limited political participation, access to information, and due process rights. WTO member states could use the trade policy review process to demand documentation from all WTO member states that trade policy was made in the sunshine and that citizens had an opportunity to influence these policies. This would underscore the importance of public involvement to good governance and could inspire some developing countries to ask for related capacity building assistance. Our findings about the democratic rights spillovers of the WTO complement the work of other scholars who have shown, without deliberate intent, the global economic governance institutions are

effecting change in areas beyond their original remit. The World Bank, IMF and WTO can help developing countries achieve governance reforms and improve governance outcomes (Rodrik 2007). For example, scholars have shown that the Bretton Woods institutions can prod countries to adopt policies that can simultaneously undermine democratic rights or to do more to ensure public participation and other democratic rights (Abouharb and Cingranelli 2007). Other scholars have shown that the WTO can help national policymakers enhance democracy at home (Dobbins, Simmons and Garrett; Keohane, Macedo and Moravcsik 2007) and abroad (Aaronson and Zimmerman 2007).

Moreover, we hope that activists and development scholars will see the nuances and potential in the WTO’s role. Amartya Sen argued that democracy gives people a voice and a constructive role in shaping, values and ultimately policy responses (Sen 1999, 19). If international institutions help the poor “find their voice,” these people may have greater leeway to demand other human rights. We end with a final irony. The GATT WTO system was created to ensure that governments did not apply protectionist tools that discriminated in favor of domestic market actors vs. foreign market actors. The WTO is, to some degree, a bill of rights for foreign market actors. Ironically, in repressive states, its rules may empower domestic market actors (consumers, taxpayers, as well as producers) who may not have been able to use existing domestic remedies to obtain information, influence policies, or challenge their leaders. So while not a bill of rights, the WTO can provide an alternative venue for democratic debate. In conclusion, although the GATT/WTO and democratic rights are unexpected bedfellows, we don’t yet know if they are married for good. By moving that discussion to the fore, we hope to help policymakers develop a more effective and coherent approach to linking trade and democratic rights.

Table 1: Operationalization of GATT/WTO Membership Equation

| Dependent Variables | Indicator | Source |
|---|--|-----------------------------------|
| Number of Years under GATT/WTO Membership | Number of years has been a member of the GATT/WTO. | Constructed from GATT/WTO Sources |
| Independent Variables | | |
| Economic Variables | | |
| GDP Per Capita | Real GDP Per Capita (Chain Index) | Penn World Tables 6.3 |

| | | |
|---|---|---|
| GDP Per Capita Change | Change in Real GDP Per Capita (Chain Index) | Penn World Tables 6.3 |
| Trade as a Proportion of GDP | Total Trade as a percentage of GDP | Penn World Tables 6.3 |
| International Political Variables | | |
| Regional Level of International Organizations (IGOs) Joined | Average Number of IGOs joined by UN Region | Constructed by Authors |
| Domestic Political Variables | | |
| Democracy | Democracy 0-10 Measure | POLITY IVd Dataset (Marshall & Jagers 2006) |
| Number of IGOs Joined | Annual count of IGOs joined by country | Pevehouse et al. (2003) & Wallace and Singer (1970) |
| Population Size | Annual population in thousands | Penn World Tables 6.3 |

TABLE 2. Operationalization of Second-Stage Democratic Rights Equations Variables

| Dependent Variable | Indicator | Source |
|---|--|---|
| Competitiveness of Participation | 0-5 indicator indicating level of government respect for the extent to which alternative preferences for policy and leadership can be pursued in the political arena. Higher values indicate greater respect. To the extent to which alternative preferences can be pursued in the political arena | POLITY IVd Dataset (Marshall & Jaggers 2006) |
| Free and Fair Elections | 0-2 indicator indicating level of government respect for free and fair elections. Higher values indicates higher levels of government respect for free and fair elections | Cingranelli and Richards (CIRI) (2004) |
| Access to Government Information | Information about public access to government information through the use of specialized country reporting. The variable ranges from 0-100. A value of '0' indicates very limited public access to government information. A value of '100' indicates very high levels of public access to government information. | Global Integrity Reports (2004, 2006, 2007, 2008) |
| Independent Variables | | |
| Number of Years under GATT/WTO Membership | Number of years has been a member of the GATT/WTO. | Constructed from GATT/WTO Sources |
| Control Variables | | |
| Economic Variables | | |
| GDP Per Capita | Real GDP Per Capita (Chain Index) | Penn World Tables 6.3 |
| GDP Per Capita Change | Change in Real GDP Per Capita (Chain Index) | Penn World Tables 6.3 |
| Trade as a Proportion of GDP | Total Trade as a percentage of GDP | Penn World Tables 6.3 |
| Political Variables | | |
| Population | Annual population in thousands | Penn World Tables 6.3 |
| Level of Literacy | Percentage of population above age of 15 literate. | Author (2007) |
| Level of Interstate Conflict | Ordinal Level of International Conflict (0-3 measure) | Gleditsch et. al (2002) |
| Level of Domestic Conflict | Ordinal Level of Civil Conflict (0-3 measure) | Gleditsch et. al (2002) |
| UK Dependent/Colonial Experience | The decision rule of the most recent possessor is used to identify the relationships under examination. | Issues COW Colonial History Dataset Hensel (2006) |
| End of Cold War | "1" if year is greater than 1991 and "0" otherwise. | Constructed |

Table 3: Determinants of longer Membership in GATT/WTO 1950-2007, All Countries¹

| | Column I | Column II | Column III | Column IV | Column V | Column VI |
|--|---|--|---|---|--|----------------------------------|
| Number of Years GATT/WTO Member | Ordinary least Squares (Robust St. Errors) | Negative Binomial Regression Model (Robust St. Errors) | Feasible Generalized Least Squares Model ² | Generalized Least Squares Model Fixed Effects (Robust St. Errors) | Generalized Least Squares Model Random Effects (Robust St. Errors) | Cox Proportional Hazard Model |
| Economic Variables | | | | | | |
| GDP Per Capita | .0003* (.0001) | .00001 (9.55e-06) | .0005*** (.00002) | .0006*** (.00004) | .0006*** (.00004) | 1 (.00001) |
| Percentage Change in GDP Per Capita | -.057^ (.032) | -.006^ (.003) | -.067*** (.019) | -.016 (.011) | -.017 (.011) | .999 (.009) |
| Trade as a Proportion of GDP | -.06** (.021) | -.004* (.001) | -.067*** (.003) | -.007^ (.004) | -.01** (.003) | 1.001 (.002) |
| Political Variables | | | | | | |
| Regional Level of WTO Membership | .218* (.107) | .015^ (.008) | .397*** (.018) | .435*** (.024) | .424*** (.024) | 1.032^ (.017) |
| Level of Democracy | .121*** (.207) | .089*** (.02) | 1.225*** (.033) | -.04 (.041) | .005 (.04) | 1.121*** (.029) |
| Number of IGOs Joined | .075*** (.014) | .008*** (.001) | .064*** (.003) | .086*** (.003) | .086*** (.003) | .971 (.019) |
| Population Size | 8.23e-06 (.00001) | 4.19e-07 (1.15e-06) | .00002*** (1.48e-06) | 3.10e-07 (4.36e-06) | 2.47e-06 (4.27e-06) | 1 (3.52e-07) |
| Constant | -13.919*** (1.749) | -.211 (.218) | -17.538*** (.512) | -22.438*** (.479) | -25.485*** (.953) | -- |
| N | 6392 | 6392 | 6392 | 6392 | 6392 | 2269 |
| R-Squared | .35 | -- | -- | -- | -- | -- |

P>|z|.1^, .05*, .01**, .001*** Two Tailed Test. ¹Analyses clustered on country. ²Feasible Generalized Least Squares Model estimated with heteroskedastic panels. Results generated with STATA 9.2.

Table 4: Years under GATT/WTO and its effect on Democratic Rights 1950-2007, All Countries

| | | 3-Stage Least Squares Model | | Ordered Logit | | 3-Stage Least Squares Model | |
|---|-------|--|---------|---|----------|--|-------|
| Government Respect for Democratic Rights | | Competitiveness of Participation 1950-2007 ¹ | | Free and Fair Elections 1981-2007 ² | | Public Access to Information 2004-2008 ¹ | |
| Years | under | .105*** | .007*** | .038*** | .0183*** | -.133 | -.033 |

| | | | | | | |
|---------------------------------|---------------------------|---------------------------|--------------------------|-------------------------|-----------------------|--------------------|
| GATT/WTO | (.003) | (.0006) | (.002) | (.002) | (.244) | (.216) |
| Economic Variables | | | | | | |
| GDP Per Capita | -.153e-07 (2.64e-06) | -1.27e-06** (4.86e-07) | .00005*** (6.33e-06) | .00002*** (4.00e-06) | .001*** (.0003) | .0002 (.0003) |
| Change in GDP Per Capita | .005* (.002) | -.0005 (.00062) | .013* (.005) | .002 (.006) | -.148 (.319) | .044 (.243) |
| Trade as a Proportion of GDP | -.001** (.0005) | -.001** (.0005) | -.002* (.0007) | -.002* (.0009) | .05 (.084) | .022 (.07) |
| Political Variables | | | | | | |
| Population Size | -1.5e-06*** (1.99e-07) | -8.65e-08* (3.65e-08) | -5.32e-07* (2.52e-07) | -4.23e-07 (3.73e-07) | .00002* (8.79e-06) | .00002 (.00001) |
| Level of Interstate Conflict | .344*** (.074) | .012 (.019) | -.469** (.174) | -.308 (.245) | -- ³ | -- ³ |
| Level of Domestic Conflict | -.163*** (.036) | -.006 (.009) | -.132* (.066) | -.112** (.1002) | 3.483 (4.089) | .116 (3.957) |
| UK Dept/Colonial Experience | -.181*** (.041) | -.017 (.01) | -.514*** (.091) | -.277** (.096) | -8.254 (6.892) | -6.497 (7.382) |
| Inverse Mills Ratio | -- | -- | -.059 (.12) | .058 (.252) | -- | -- |
| Level of Literacy | -- | -- | -- | -- | .283* (.113) | -.178^ (.106) |
| Lagged Dependent Variable | | .955*** (.004) | -- | 2.686*** (.065) | -- | .899*** (.084) |
| Constant | 1.416*** (.055) | .05*** (.011) | -- | -- | 20.927^ (10.822) | 21.087* (9.916) |
| N | 6247 | 6158 | 3619 | 3480 | 155 | 53 |

P>|z|.1^, .05*, .01**, .001*** Two Tailed Test. ¹Only Second stage equations are displayed.²Bootstrapped Errors (1000 replications). ³Dropped by STATA.

Table 5: Years under WTO and its effect on Democratic Rights 1995-2008, Only New WTO Members & Non Member Countries¹

| | | 3-Stage Least Squares Model | | Ordered Logit | | 3-Stage Least Squares Model | |
|------------------------------|---------|----------------------------------|-------------------------|--------------------------|-------------------------|------------------------------|----------------------|
| Government | Respect | Competitiveness of Participation | | Free and Fair Elections | | Public Access to Information | |
| for Democratic Rights | | 1995-2007 ¹ | | 1995-2007 ² | | 1995-2008 ¹ | |
| Years under WTO | | .37*** (.028) | .012 (.008) | .252*** (.046) | .066 (.064) | 3.109*** (.739) | .368 (.714) |
| Economic Variables | | | | | | | |
| GDP Per Capita | | .00002** (8.46e-06) | 8.71e-07 (2.23e-06) | .00003* (.00002) | .00001 (.00001) | .001* (.0005) | -.002* (.0009) |
| Change in GDP Per Capita | | -.004 (.005) | -.0004 (.001) | .004 (.008) | .005 (.01) | .839** (.314) | .643* (.259) |
| Trade as a Proportion of GDP | | -.003^ (.002) | -.0001 (.0004) | -.002 (.003) | .0002 (.003) | .045 (.077) | .088 (.072) |
| Political Variables | | | | | | | |
| Population Size | | -1.44e-06*** (2.94e-07) | -5.80e-08 (7.80e-08) | -2.36e-06^ (1.26e-06) | -2.21e-06 (2.27e-06) | 6.18e-06 (9.55e-06) | .00001 (7.31e-06) |
| Level of Interstate Conflict | | .551 (.538) | .172 (.148) | .045 (2.322) | -.601 (2.86) | -- ³ | -- ³ |
| Level of Domestic Conflict | | .073 (.104) | .057* (.029) | -.292^ (.101) | -.248 (.345) | -3.693 (6.024) | 2.262 (7.095) |
| UK Dept/Colonial Experience | | -.332 (.326) | -.021 (.092) | .025 (.303) | .307 (.469) | 38.072** (14.308) | -- ³ |
| Level of Literacy | | -- | -- | -- | -- | .04 (.16) | -.298 (.203) |
| Lagged Dependent Variable | | | .966*** (.011) | -- | 2.935*** (.172) | -- | .922*** (.169) |
| Constant | | 2.625*** (.172) | .089^ (.053) | -- | -- | 27.096* (11.371) | 31.104* (13.656) |
| N | | 591 | 584 | 656 | 621 | 57 | 20 |

P> |z|.1^, .05*, .01**, .001*** Two Tailed Test. ¹Only Second stage equations are displayed. ²Convergence achieved only after dropping Inverse Mills Ratio. ³Dropped by STATA

Table 6: Predictions: The Impact of Years under GATT/WTO on Democratic Rights 1950-2007, All Countries

| Independent Variable | Competitiveness of Participation 1950-2007 | Free and Fair Elections 1981-2007 | | |
|--|--|---|---|---|
| | | Probability of Completely Free and Fair Elections | Probability of Occasionally Violating Free and Fair Elections | Probability of Frequently Violating Free and Fair Elections |
| Not a member of GATT/WTO | 2.735 | .25 | .58 | .17 |
| Mean number of years as a member of GATT/WTO (about 12.6 years) | 2.819 | .30 | .56 | .14 |
| One standard deviation above mean number of years as a member of GATT/WTO (About 28.6 years) | 2.926 | .36 | .53 | .11 |
| Highest number of years as a member of GATT/WTO (59 years ¹) | 3.128 | .50 | .44 | .07 |
| Overall change in dependent variable from never being a member of GATT/WTO to being a member for highest number of years | +.393 | +100% | -24% | -58.8% |

¹The value is 59 rather than 57 because we start counting membership of GATT/WTO in 1948 when the regime began.

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² Danielle Knight, "WTO's Coup Against Democracy, 10/13/1999," <http://www.hartfordhwp.com/archives/25a/020.html>.

³ For a response to these allegations, see Speech former Director General Michael Moore, "Democracy, Development and the WTO," 3/26/2002, http://www.wto.org/english/news_e/spmm_e/spmm82_e.htm.

⁴ WT/DS/152/R, "Report of the Panel, 22 December 1999," paragraph 7.72 and 7.76. This report examined Section 301 of the Trade Act of 1974, US Congress; and Sylvia Ostry, "What are the Necessary Ingredients for the World Trading Order?" Speech Prepared for the Kiel Institute of World Economics, June 2002, <http://www.envireform.utoronto.ca/conference/nov2002/ostry-paper2.pdf>.

⁵ We limit our discussion in this article to GATT 1994; the part of the WTO agreement which delineates the basic norms and obligations of the world trading system relating to trade in goods. General Agreement on Tariffs and Trade 1994 includes: (a) Understanding on the Interpretation of Article II: 1 (b) Understanding on the Interpretation of Article XVII; (c) Understanding on Balance-of-Payments Provisions (d) Understanding on the Interpretation of Article XXIV (e) Understanding on the Interpretation of Article XXV (f) Understanding on the Interpretation of Article XXVIII (g) Understanding on the Interpretation of Article XXX. GATT 1994 incorporates the GATT 1947 provisions (except for the Protocol on Provisional Application). www.usinfo.org/law/gatt/toc.html last searched 8/10/2006.

⁶ Steve Charnovitz, "The WTO and the Rights of the Individual," *Intereconomics*, March/April 2001, <http://ssrn.com/abstract=282021>, pp. 1-7.

⁷ Paragraph 2, (a) General 319, GATT Analytical Index, http://www.wto.org/english/res_e/booksp_e/analytic_index_e/gatt1994_04_e.htm#articleXA.

⁸ China is the only country to drop out of the GATT.

⁹ The WTO defines national treatment as treating foreign and local products equally once a product has entered the market. http://www.wto.org/english/thewto_e/minist_e/min99_e/english/about_e/23glos_e.htm John H. Jackson, *The World Trading System: Law and Policy of International Economic Relations 2d Edition* (Cambridge: MA, MIT Press: 1998), 213-214. http://www.wto.org/english/docs_e/legal_e/gatt47_01_e.htm#articleIII_4.

¹⁰ Some WTO agreements require governments to accord due process rights (such as the right to recognition before the law) to importers as well as exporters. For example, under the WTO's Safeguards Agreement, when workers or industries petition their government for import relief, the responding government must give public notice and hold hearings in which interested parties can respond to a safeguard investigation. Interpretation and Application of Article 1 of the WTO Agreement on Safeguards,

http://www.wto.org/english/res_e/booksp_e/analytic_index_e/safeguards_02_e.htm#. The Agreement on Safeguards, therefore, envisages that the interested parties play a central role in the investigation and that they will be a primary source of information for the competent authorities." The Agreement on Technical Barriers to Trade requires governments to publish standards and technical regulations and allow interested parties (whether foreign or domestic) to become acquainted and respond to the regulation.

http://www.wto.org/english/res_e/booksp_e/analytic_index_e/tbt_01_e.htm#p. It says, when introducing new standards, members shall "publish a notice in a publication at an early appropriate stage"; notify other members at an early appropriate stage, when amendments can still be introduced and comments taken into account; provide to other members particulars or copies of the proposed technical regulation and, whenever possible, identify the parts which in substance deviate from relevant international standards; allow reasonable time for other members to make comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account. The Customs Valuation Agreement requires governments to establish in law the right of the importer to appeal a determination of customs value. Appeal may first be to a higher level in the customs administration, but the importer shall have the right in the final instance to appeal to the judiciary. Text of Interpretive Note to Article XI, http://www.wto.org/english/res_e/booksp_e/analytic_index_e/cusval_02_e.htm#article11A.

¹¹ John H. Barton et al, *The Evolution of the Trade Regime: Politics, Law, and Economics of the GATT and the WTO* (Princeton: Princeton U. Press, 2006), 155.

¹² Dani Kaufman, "Myths and Realities of Governance and Corruption," November, 2005, http://www.worldbank.org/wbi/governance/pdf/2-Governance_and_Corruption_Kaufmann.pdf.2005. For a summary of this research, see "Development Dividend of Good Governance," <http://www.worldbank.org/html/prddr/trans/so99/pgs3-4.htm>. Dani Rodrik, "Getting Institutions Right. Golub and Perry-Kessaris among others are critical of the World Banks "rule of law orthodoxy."

¹³ Mary Comerford Cooper, "International Organizations and Democratization: Testing the Effect of GATT/WTO Membership," Asia Pacific Research Center (April 2003): p. 15, <http://www.kenan-flagler.unc.edu/KI/kiWashington/humanRightsAndTrade/hrtLibrary.cfm>.

¹⁴ The Cingranelli-Richards (CIRI) Human Rights Data Project (<http://www.humanrightsdata.org>) annually rates the level of government respect for a variety of internationally recognized human rights. The CIRI data set currently contains quantitative indicators of 13 human rights for 195 countries, annually from 1981-2006. The data set is typically updated each fall. The CIRI data are used in over 125 countries by scholars, students, policymakers, and analysts representing over 400 organizations. The site includes a link to publications based on the dataset.

¹⁵ Thomas W. Zeiler, *Free Trade, Free World: The Advent of GATT*, (Chapel Hill: UNC Press, 1999), 138; and www.coldwar.org/articles/40s/czech_coup.php3, last searched 12/05/2005. In 1951, the US suspended benefits to GATT members that were in the Communist block including Czechoslovakia and China. China withdrew from the GATT in 1950.

¹⁶ Aaron Forsberg, "The Politics of GATT Expansion: Japanese Accession and the Domestic Political Context in Japan and the United States, 1948-1955," *Business and Economic History* (27: 1), 1998, 185-195; and Aaronson, *Taking Trade*, 69, 80-82.

¹⁷ During accession, a working party delineates principles for joining the WTO, and then bilateral talks begin between the prospective new member and individual countries. These talks cover tariff rates and specific market access commitments, as well as other policies in goods and services. The new member's commitments are to apply equally to all WTO members. Once the working party has completed its examination of the applicant's trade regime and the parallel, bilateral market access negotiations are complete, the working party finalizes the terms of accession. These appear in a report, a draft membership treaty ("protocol of accession"), and lists "schedules" of the member-to-be's commitments. The final package, consisting of the report, protocol, and lists of commitments, is presented to the WTO General Council or the Ministerial Conference. If a two-thirds majority of WTO members vote in favor, the applicant is free to sign the protocol and to accede. In many cases, the country's own parliament or legislature has to ratify the agreement before membership is complete. "How to Join the WTO: The Accession Process," http://www.wto.org/english/thewto_e/whatis_e/tif_e/org3_e.htm, last searched 1/06/2006.

¹⁸ WTO, "Membership, Alliances and Bureaucracy," www.wto.org/english/thewto_e/whatis_e/tif_e/org3_e.htm; Anna Lanoszka, "WTO Accession Process: Negotiating Participation in a Globalizing Economy," *Journal of World Trade* 37, No. 3.

¹⁹ From 1995- April 2009, some 25 countries have acceded to the WTO--[Albania](#), Republic of [Armenia](#), [Bulgaria](#), [Cambodia](#), Cape Verde, [China](#), [Croatia](#), [Ecuador](#), [Estonia](#), [Former Yugoslav Republic of Macedonia](#), [Georgia](#), [Jordan](#), [Kyrgyz Republic](#), [Latvia](#), [Lithuania](#), [Moldova](#), [Mongolia](#), [Nepal](#), [Oman](#), [Panama](#), [Saudi Arabia](#), [Chinese Taipei](#), [Tonga](#), [Ukraine](#), and Vietnam.

²⁰ Human Rights Watch, on Macedonia, see <http://www.hrw.org/doc?t=europe&c=macedo>; on tensions among ethnic minorities, see <http://hrw.org/english/docs/2005/01/13/macedo9875.htm> discusses; Human Rights Watch describes human rights violations as "pervasive in Saudi Arabia," <http://hrw.org/english/docs/2006/01/18/saudia12230.htm>; Human Rights Watch said human rights declined drastically in Nepal, <http://hrw.org/english/docs/2006/01/18/nepal12256.htm>, and human rights worsened in 2005 in Cambodia, <http://hrw.org/english/docs/2006/01/18/cambod12269.htm> and <http://hrw.org/english/docs/2006/01/18/cambod12269.htm>; all last searched 2/10/2006.

²¹ Working Party on the Accession of Cambodia, Report of the Working Party on the Accession of Cambodia, WT/ACC/KHM/21, 8/15/2003, 7, #34-37, and 25 no. 124 on standards and TBT, 27, 30 (Action Plans).

²² Samnang Chea and Hach Sok, "Managing the Challenges of WTO Participation, Case Study 8, "Cambodia's Accession to the WTO: 'Fast Track' Accession by a Least Developed Country," http://www.wto.org/english/res_e/booksp_e/casestudies_e/case8_e.htm

²³ "Accession of the Kingdom of Cambodia," WT/MIN (03)/18, 9/11/2003.

²⁴ Working Party on the Accession of Saudi Arabia, WT/ACC/SAU/61, p. 94, #296 and #297; on transparency and public comment, 96, 146, 174, 203, 215, 295, 304. "The representative of Saudi Arabia confirmed that from the date of accession his government would fully implement Article X of the GATT 1994...and the other WTO transparency requirements, including those requiring notification, prior comment and publication.... He further confirmed that the government also had decided to expand the transparency provided with regard to legislation and measures having similar effect in the areas of trade and investment. In this regard, Saudi Arabia would, "from the date of accession, establish or designate an official website (and possibly a supplemental official journal or an expanded *Umm Al-Qura*), updated on a regular basis and readily available to WTO Members, individuals, associations and enterprises.", ... Saudi Arabia would provide a reasonable period, i.e., no less than 60 days, for members, individuals, associations and enterprises to provide comments to the appropriate authorities before such measures were adopted.."

²⁵ *Ibid*, 96, #301-#304.

²⁶ Freedom House reported in 2008, the Saudi government approved new labor legislation aimed at bringing Saudi law into line with international standards as the country prepared to join the WTO. The law extended protections to previously unregulated categories of workers, banned child labor and set provisions for resolving labor disputes. The law also stated that women are permitted to work in "all sectors compatible with their nature." <http://www.freedomhouse.org/template.cfm?page=22&country=7482&year=2008>

²⁷ Portman's quote at <http://www.ameinfo.com/68270.html>; also see http://www.mepc.org/journal_vol13/0603_documentSA.pdf

²⁸ “Report of the Working Party on the Accession of the Kingdom of Nepal to the World Trade Organization,” WT/ACC/NPL/16, 8/28/2003; and “Report of the Working Party on the Accession of the Former Yugoslav Republic of Macedonia,” WT/ACC/807/27, 8/26/2002.

²⁹ Saudi Arabia’s democratic rights record remains poor in 2008. According to the US Department of State, the legal system is based on the government’s interpretation of Islamic law in all courts. Courts were ineffective and slow, court procedures were not well established, and judges possessed religious rather than legal training. Judges often acted capriciously and did not base judgments on precedent, leading to widely divergent rulings. Saudi Arabia Country Report on Human Rights Practices, 2007, March 11, 2008, <http://www.state.gov/r/pa/ei/bgn/3584.htm>. The 2008 trade estimate report by the US Trade Representative found that although Saudi Arabia had changed some of its laws, it still had problems with transparency and due process. But the US also had problems with Japan, Korea, and other country’s commitments in this regard.

http://www.ustr.gov/assets/Document_Library/Reports_Publications/2008/2008_NTE_Report/asset_upload_file846_14667.pdf; and http://www.ustr.gov/sites/default/files/uploads/reports/2009/NTE/asset_upload_file856_15503.pdf.

Also see the 2003 U.S./Saudi Arabia Trade and Investment Agreement at

http://www.ustr.gov/sites/default/files/uploads/agreements/tifa/asset_upload_file304_7740.pdf

³⁰ WTO, “Accession of the People’s Republic of China, Decision of 10 November 2001,” WT/L/432, (A) 1, 2, <http://www.wto.org>.

³¹ Ibid. Sections (B), (C), 3.

³² Daniel Gay, “Managing the Challenges of WTO Participation: Case Study 43, “ Vanuatu’s Suspended Accession Bid: Second Thoughts?” http://www.wto.org/english/res_e/booksp_e/casestudies_e/case43_e.htm

³³ Donald B. Keesing, *Improving Trade Policy Reviews in the World Trade Organization* (Washington: IIE, 1998), pp. 1, 12. The GATT had some fifty-seven reviews from 1989 to 1994.

³⁴ We examined the following reviews: China (2008), Ghana (2008), Mauritius (2008), Egypt (2005), Morocco (2003), Bolivia (2006), Romania (2005), El Salvador (2003), Gambia (2004), Brazil (2004), Slovenia (2002), Thailand (2003), and Malaysia (2005). For each review, two documents are prepared: a policy statement by the government of the member under review, and a detailed report written independently by the WTO Secretariat. These two documents are then discussed by the WTO’s full membership in the Trade Policy Review Body (TPRB). The discussions have a chair and a discussant, and WTO representatives from each member country can question the country under review. These documents and the proceedings of the TPRB’s meetings are published shortly afterwards.

³⁵ Trade Policy Review, Egypt, WT/TPR/M/150, July 26 and 28, 2005, Comments of the Representative of Egypt, 3, Discussant comments, 6–7, European comments, 7, Japan, 8, United States, 9, China, 12 (especially on SPS and TBT).

³⁶ WT/TPR/M/198, 23 and 25 April 2008, Trade Policy Review, Mauritius (73). “The labour law reform in Mauritius was aimed at achieving the flexibility needed for creating demand for labour, together with the security, needed to protect the worker. In this respect, the labour legislation had been reviewed in consultation with stakeholders, including trade unions, employers, and the International Labour Organisation.”

³⁷ Jordan Trade Policy Review, WT/TPR/M/206, 19 December 2008, Remarks of Canada (50).

³⁸ WTO, WT/TPR/M/197, Trade Policy Review Madagascar, 2, 4 April, 2008, (42). The government said it had taken steps “to improve the rights of women and children ...the establishment of infrastructure to underpin and apply policy on women’s and children’s rights; ...and the promotion of women’s participation in economic and political activities.” Madagascar was also asked to increase transparency. (63).

³⁹ The United Arab Emirates (UAE) labor laws were posted at <http://www.government.ae/gov/en/res/expat/index.jsp>. In its 2006 trade policy review response to questions of member states, the representative from the UAE stated, it monitored and enforced labor law with “an electronic track record of offending employers, holding performance bonds against employers, and compulsory audited reporting of monthly payment of wages and field inspection.” Trade Policy Review Body - 24 and 26 April 2006 - Trade Policy Review - United Arab Emirates - Minutes of Meeting WT/TPR/M/162, available at www.wto.org/english/tratop_e/tp_r_e/tp263_e.htm. In 2007-2008, the UAE began to pay all private sector workers through a central bank system to ensure they were paid. The government prevented labor abuse by taking control of payments. <http://archive.gulfnews.com/nation/Employment/10217722.html>

⁴⁰ World Trade Organization, Trade Policy Review China, “Minutes of Meeting,” WT/TPR/M/199, 24 July, 2008, Paragraphs 42 and 50. The representative of Mexico also noted China’s problems with transparency (noting the failure to send clear signals (63); as did Japan (88); Chinese Taipei 114; Japan on due process (89); Canada (90). The EC on being forthcoming 108; views of Pakistan (121) corroborated by Honduras (125). The EC noted that China was not sufficiently transparent (194).

⁴¹ The Real Right law clarified property rights in China. Adopted March 16, 2007 Pakistan quote, WT/TPR/M/199, Pakistan (121),

http://www.fdi.gov.cn/pub/FDI_EN/Laws/GeneralLawsandRegulations/BasicLaws/P020070330630886879886.pdf

⁴² WT/TPR/M/199, (157).

⁴³ Carol Couchani Cherfane, United National Economic and Social Commission for Western Asia, Muscat, Oman, 3/2006, <http://css.escwa.org.lb/25mar06/14.pdf>; and Ivin Lombardt, “Role and Influence of Civil Society in Malawi’s

Trade Policy Making Process: The Case of the Malawi Economic Justice Network,” One World Action, www.oneworldaction.org/OneStopCMS/Core/CrawlerResourceServer.aspx?resource=2BAA53AE-4BEF-44CD-9CD0...mode

⁴⁴ http://www.wto.org/english/res_e/booksp_e/casestudies_e/case23_e.htm

⁴⁵ http://www.wto.org/english/res_e/booksp_e/casestudies_e/case20_e.htm

⁴⁶ WTO Case Studies, “Malaysia: Labeling Regulations on Natural Rubber Condoms and the WTO TBT Agreement” http://www.wto.org/english/res_e/booksp_e/casestudies_e/case24_e.htm

⁴⁷ Phyllida Cox et al, “Civil Society Participation in Trade Policy-making in Latin America; Reflections and Lesson,” IDS Working Paper 267, May 2006. On Mexico, see “Mexico’s Agricultural Trade Policies: International Commitments and Domestic Pressure,” http://www.wto.org/english/res_e/booksp_e/casestudies_e/case28_e.htm

⁴⁸ “Cambodia’s Accession to the WTO: ‘Fast Track’ Accession by a Least Developed Country,” http://www.wto.org/english/res_e/booksp_e/casestudies_e/case8_e.htm; ITUC survey of Cambodia in 2008; <http://survey08.ituc-csi.org/survey.php?IDContinent=3&IDCountry=KHM&Lang=EN>; Department of State Human Rights Reports, 2008, Cambodia, <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119036.htm>

⁴⁹ ILO, “ILO Better Factories Cambodia 22nd Synthesis Report: Garment Factory Working conditions Generally Remain Good...” 9/26/2009, http://www.ilo.org/asia/info/public/pr/lang--en/WCMS_113136/index.htm

⁵⁰ Walt Bogdanich, “The Everyman Who Exposed Tainted Toothpaste,” *New York Times*, www.nytimes.com/2007/10/01/world/americas/01panama.html?..

⁵¹ Howard W. French, “As China’s Economy Roars, Consumers Lack Defenders,” *New York Times* 7/8/2007, www.nytimes.com/2007/07/08/worldasia/08china.html?scp=2...

⁵² Chinadigitaltimes.net/2008/09/chinas-tainted-food-products-only...; World Briefing: Africa: Nigeria Contaminated Medicine Blamed for Deaths,” *New York Times*, 11/26/2008.;

⁵³ Reuters, “Countries Should Test Chinese Dairy Products,” 8/25/2008, <http://www.alertnet.org/thenews/newsdesk/LP78188.htm>;

⁵⁴ David Barboza, “An Export Boom Suddenly Facing a Quality Crisis,” *New York Times*, 5/18/2007, www.nytimes.com/2007/05/18/business/worldbusiness.18trade...; China Publishes Draft Regulation on Food Safety to Solicit Public Opinion,” 04/21/2008, au.china-embassy.org/eng/zt/szhiliangyuanquan/t427206.htm; Gardiner Harris, “The Safety GAP,” *New York Times*, 11/2/2008.

⁵⁵ A 2009 Pew Global Attitudes poll showed significant support for trade liberalization in 25 countries for trade despite the global downturn. The greatest support was in China and India.

<http://pewglobal.org/database/?indicator=16>, compare to 2008 at <http://pewglobal.org/reports/pdf/258.pdf>

⁵⁶ China Trade Policy Review 2008, WT/TPR/S/199/Rev.1 (iii) Transparency, 29-31; “Transparency Key to Public Faith,” http://www.chinadaily.com.cn/china/2007-07/16/content_5435353.htmhttp://en.chinagate.cn/features/earthquake/2008-06/24/content_15877433.htm; and

Adriana Eueching Cha, “Grieving Parents Gain Clout in China,” *Washington Post*, 3/28/2008; <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/27/AR2009032703292.html>.

⁵⁷ “Nepal: The Role of an NGO in Supporting Accession,” http://www.wto.org/english/res_e/booksp_e/casestudies_e/case30_e.htm http://www.nytimes.com/2008/11/02/magazine/02fda-t.html?_r=1&ref=magazine&oref=slogin; Paul Mooney, “Made in China Label Spurs Global Concern,” <http://yaleglobal.yale.edu/content/%E2%80%9Cmade-china%E2%80%9D-label-spurs-global-concern> and <http://www.cfr.org/publication/17545/#p6>. On growing pressures to supplement food safety institutions and regulations, see

<http://www.ers.usda.gov/amberwaves/november03/features/foodsafetyandtrade.htm>;

<http://www.who.int/foodsafety/publications/capacity/en/index.html>; and

<http://www.who.int/foodsafety/codex/trustfund/en/index4.html>

⁵⁸ See the case study on Nepal’s accession to the WTO and the role of NGOs.

http://www.wto.org/english/res_e/booksp_e/casestudies_e/case30_e.htm. The case studies are available http://www.wto.org/english/res_e/booksp_e/casestudies_e/casestudies_e.htm

⁵⁹ For the models that examine the period 2004-2008 we extrapolate our control variables which otherwise finish in 2007.

⁶⁰ Since the disturbance term is correlated with the endogenous variables, this violates the assumptions of ordinary least squares. In addition because our key explanatory variable, the number of years a country has been a member of the GATT/WTO is also a dependent variable in the other equation the error terms among the equations are expected to be correlated. This is why we run three-stage least squares for the political participation and access to information models, because it uses an instrumental variable approach to produce consistent estimates and generalized least squares to account for the correlation in the disturbances across the equations (Greene 2003; StataCorp 2005, 16-17). Finally use ordered logit for the free and fair elections model. We link the first longevity of GATT/WTO membership stage to the second free and fair elections model through the use of hazard ratios. Since we are linking these two models with hazard ratios it means that our standard errors in the models estimating the free and fair elections are not efficient because it violates the maximum likelihood estimation assumption of fixed co-variates. We rectify this problem through the use of bootstrapped standard errors (Mooney and Duval 1993). We use 1000 replications to generate our second stage findings.

⁶¹ We interpolated our economic variables for the year 2008.

⁶² The measure is available for all independent countries with populations of greater than 500,000 and is taken from the POLITY IVd Dataset

⁶³ <http://gatt.stanford.edu/page/home> ; http://www.wto.org/english/thewto_e/acc_e/members_brief_e.doc ;
http://www.wto.org/english/thewto_e/acc_e/status_e.htm;

⁶⁴ We will provide a table of descriptive statistics as a Web Appendix. The year 2004 represents the limitations of most of our control variables. For the models examining the period 2004-2007 we extrapolated our control variables over this period.

⁶⁵ The POLITY IV codebook (pp25-26) describes the different levels of competitiveness. A “0” is labeled “Not Applicable” and describes polities that are s Unregulated, or moving to/from that position, in Regulation of Political Participation (variable 2.6). “ A “1” is labeled “‘Repressed’: No significant oppositional activity is permitted outside the ranks of the regime and ruling party.” A “2” is labeled “‘Suppressed’: Some organized, political competition occurs outside government, without serious factionalism; but the regime systematically and sharply limits participation.” A of “3” is labeled “‘Factional Competition’: Factional: Polities with parochial or ethnic-based political factions that regularly compete for political influence in order to promote particularistic agendas and favor group members to the detriment of common, secular, or cross-cutting agendas.” A “4” is labeled “‘Transitional’: Any transitional arrangement from Restricted or Factional patterns to fully competitive patterns, or vice versa. Transitional arrangements are accommodative of competing, parochial interests but have not fully linked parochial with broader, general interests. Sectarian and secular interest groups coexist.” A “5” is labeled “‘Competitive’: There are relatively stable and enduring, secular political groups which regularly compete for political influence at the national level; ruling groups and coalitions regularly, voluntarily transfer central power to competing groups. Competition among groups seldom involves coercion or disruption. Small parties or political groups may be restricted in the Competitive pattern.”

⁶⁶ These and all subsequent alternate specifications are available upon request.