

THE NEW 'GENEVA CONSENSUS' DEFINING PEOPLE-CENTRED AND DEVELOPMENT-ORIENTED TRADE POLICY: CAN A HUMAN RIGHTS APPROACH HELP?¹

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ABSTRACT:

The objective of this session was to explore what human rights tools are available to ensure that trade and other – social, environmental, cultural – policies can work in a mutually-supportive way to improve standards of living and sustainable development for all. In particular, speakers in this session explored how a human rights approach can contribute to the challenges and opportunities that the WTO faces today, including that of ensuring that trade and globalization do not leave some countries or some people behind.

Professor Robert Howse stressed the equal status of human rights law and WTO law and discussed how human rights law might influence the interpretation of trade law during WTO dispute settlement proceedings. In order to ensure that WTO adjudicators apply human rights law correctly, Howse advocated the active participation of human rights bodies and lawyers in relevant WTO litigation, as well as human rights training for members of the Appellate Body and legal staff of the WTO. In his capacity as the Special Rapporteur on the Right to Food, Olivier De Schutter outlined four key contributions of a human rights approach to WTO rules and policies. Human rights can a) frame the terms of the debate and bring to light neglected dimensions of trade liberalization, b) provide a framework for impact assessments that evaluate the gains and losses of trade liberalization; c) highlight States' human rights obligations in trade negotiations as well as implementation of new trade rules; d) ensure that trade agreements contain the flexibilities necessary for all to be able to enjoy their human rights. Ambassador Navarro drew on the Bolivian experience to highlight concrete examples of the links between human rights and trade, demonstrating that many violations of both civil and political *and* economic, social and cultural rights are a result of trade and economic policies. She stressed the need to change global economic rules, presenting recent initiatives put forward by Bolivia to this effect. Finally, Mr. Salama noted that despite the continued divide between the two worlds, there are numerous processes underway within the human rights world – including the elaboration of human rights indicators, human rights impact assessments, and criteria for development partnerships – which are helping to establish the missing links between trade and human rights.

The discussion that followed highlighted, *inter alia*:

- that a human rights approach is not inherently opposed to liberalization

¹ Report of 3D's participation in the World Trade Organization's Public Forum 2008, *Session 10: The new 'Geneva Consensus' Defining People-Centred and Development-Oriented Trade Policy: Can a Human Rights Approach Help*, held on 25 September, 2008, Geneva.

- the importance of using empirical evidence to demonstrate the links between trade and human rights (and the utility of human rights impact assessments, indicators etc to this end)
- the advantage of a human rights approach because of its accountability and redress mechanisms
- the importance of not equating human rights with property rights
- the difficulties in bringing human rights into trade fora
- a general dissatisfaction with the social clause approach
- that both WTO and human rights legal provisions contain language that needs to be clarified
- the importance of creating better understanding between the trade and human rights communities, including through promoting awareness of human rights legal standards in WTO dispute settlement proceedings, engaging trade and human rights experts in *ex ante* and post hoc human rights impact assessments of trade and economic policies, and fostering interaction between the Geneva-based secretariats

PART I: PRESENTATIONS BY THE PANEL

Professor Robert Howse,² New York University School of Law

Human rights law and WTO law are legal regimes of equal status. Despite this *de jure* equality, the relationship between these two legal regimes is characterized by fragmentation. Although a few human rights norms have *jus cogens* status that would trump any conflicting treaty provision, treaty regimes are not hierarchically ordered. So how do they interact?

In line with the Vienna Convention on the Law of Treaties³ and the practice of the WTO Appellate Body,⁴ one would expect that, in relevant cases, human rights norms would come into the WTO through the process of interpreting the WTO legal provisions themselves.

Indeed, the Doha Declaration on TRIPS and Public Health, as well as numerous other WTO flexibilities, reflect an unacknowledged debt to human rights consciousness in the WTO.⁵ The amendment to the TRIPS Agreement⁶ following the Doha Declaration was only possible by interpreting health as a human right.⁷

The possibility of human rights law influencing the interpretation of trade law is reaffirmed by the WTO's Appellate Body's use of non-WTO legal norms in WTO dispute settlement proceedings. However, can

² Professor Howse based his comments on a publication he co-authored with Ruti G. Teitel, Robert Howse and Ruti G. Teitel, *Beyond the Divide: The Covenant on Economic, Social and Cultural Rights and the World Trade Organization*, Geneva: Friedrich-Ebert-Stiftung, 2007, <<http://library.fes.de/pdf-files/iez/global/04572.pdf>>

³ Which provides, inter alia, that, in interpreting treaties, "any relevant rules of international law applicable to the parties" must be taken into account (Art. 31(3)(c)).

⁴ Such as in the *Shrimp/Turtle Case*

⁵ Paragraph 4 of the Doha Declaration states that the TRIPS Agreement, "can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all."

⁶ Known as the 30 August Decision or the TRIPS Waiver. See WTO, *Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health*, 2003, <http://www.wto.org/english/tratop_e/trips_e/implem_para6_e.htm>

⁷ The 30 August Decision allows for the exportation of a drug under a compulsory licence, enabling a generic medicines-producing country to export medicines to countries with insufficient pharmaceutical manufacturing capacity of their own. For the full text of the 30 August Decision, see WTO, *Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health*, 2003, <http://www.wto.org/english/tratop_e/trips_e/implem_para6_e.htm>

we trust or expect WTO adjudication to rule on cases in a way that is consistent with the spirit and practice of the human rights regime?

In order to ensure that WTO adjudicators do not make a mess of human rights, international human rights bodies must provide interpretive suggestions to the Appellate Body. In addition, if human rights are an issue in any WTO litigation, relevant human rights lawyers should be permitted to submit an amicus brief to WTO adjudicators. Members of the Appellate Body and the legal staff of the WTO should also be given training on the meaning and nature of international human rights norms. There has been some progress in bringing the human rights culture to the WTO but human rights law as a whole is still considered by many trade lawyers as soft law; nothing more than vague and utopian aspirations. An effort to educate the relevant players in the system about the relevance of human rights law must be made.

Finally, although there is nothing inherently inconsistent between WTO law and human rights law, the way WTO law is implemented is often incompatible with the realization of human rights. To this end, legal challenges to the way that WTO law is implemented within domestic legal systems could be made, using both internal constitutional norms of human rights and international human rights instruments.

Mr. Olivier De Schutter, UN Special Rapporteur on the Right to Food

Mr. De Schutter's presentation focused on the value of a human rights approach to WTO law, with a particular focus on the right to food.⁸ The four key contributions of a human rights approach are its ability to 1) frame the terms of the debate, 2) assess the equity of the distribution of gains of trade liberalization 3) highlight States' obligations and 4) ensure that Members use the flexibilities that WTO offers.

1) Framing the terms of the trade liberalization debate

The human rights approach enables us to pay attention to issues that would otherwise be neglected by trade. For instance, conventional wisdom at the WTO asserts that trade supports food security by promoting the free flow of agricultural products from regions of surplus to regions of deficit. However, food will go to regions where there is a *solvent* demand and there is nothing to stop food being exported from countries with a starving population. For example, while India is a net exporter of food, 231 million people in the country remain undernourished.⁹

Second, at the core of the theoretical justifications for international trade is the belief that the specialization of each country according to comparative advantage will ultimately lead to a global increase in food production. However, the quantity of food produced does not guarantee the end of hunger. The availability of food on the market must be coupled with its accessibility¹⁰ or affordability. If specialization according to comparative advantage further impoverishes the rural areas, already hungry rural populations will suffer further violations of their right to food.

Thirdly, it is often claimed that trade liberalization will contribute to food security through poverty alleviation. This argument rightly assumes that the main obstacle to the realization of the right to food is

⁸ De Schutter will release a report on the impact of the WTO on the right to food by the end of 2008.

⁹ FAO, *Hunger on the rise: Soaring prices add 75 million people to global hunger rolls*, 17 September 2008, <<http://www.fao.org/newsroom/en/news/2008/1000923/>>

¹⁰ According to the General Comment on the Right to Food, accessibility means that food has to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions: 1° Non-discrimination, 2° Physical accessibility, 3° Economic accessibility (affordability). See Committee on Economic, Social and Cultural Rights, *General Comment 12: The Right to Adequate Food (Art. 11)*, 1999, <[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/3d02758c707031d58025677f003b73b9?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/3d02758c707031d58025677f003b73b9?Opendocument)>

not a global lack of food, but the insufficient incomes of those who are food-insecure. However, the 'trickle-down' effect, according to which wealth from liberalization will trickle down from the rich to the poor, has been challenged on both theoretical and on empirical grounds.¹¹ What is clear is that different forms of growth are not equivalent from the point of view of their poverty-reducing impacts. For instance, as shown by World Bank studies, growth which benefits the agricultural sector will generally have a greater positive impact on food security than other forms of growth.

2) Equal distribution of the gains from trade liberalization: the need for impact assessments

Mr. De Schutter argued that a human rights approach enables us to assess whether the gains of trade liberalization are equally distributed within countries. Human rights oblige us to assess the possible impacts of trade liberalization, particularly on the poorest and most vulnerable sectors of society. By basing impact assessments on human rights, we provide States with a sound, and universally agreed, analytical framework with which to evaluate the impact of trade agreements on social goods and human rights.

Second, human rights impact assessments should also take into account process issues relating to trade agreements; are the negotiations transparent? Are national parliaments, civil society, and trade unions involved?

Third, the use of human rights impact assessments may be empowering for individuals and communities who, on the basis of the results of such assessments, will be able to mobilize and formulate claims where their human rights are threatened by trade negotiations.

3) State obligations: to trade *and* human rights

A human rights approach forces States to take its human rights obligations into account when negotiating trade agreements, particularly the right to food when negotiating on agriculture. In addition, given that States have obligations to both their own populations, and people outside their territories, negotiators must ensure that they are not making proposals that will lead to violations of human rights in other countries.

4) Ensuring the necessary flexibilities

In order for human rights to be respected, protected and fulfilled, trade agreements must include adequate flexibilities. For example, the Special Safeguard Mechanism is essential to ensure that, in the case of import surges, the livelihoods of farmers selling on the domestic market are protected. Furthermore, the Marrakech Ministerial Decision must be revitalized to ensure that the food needs of least-developed and net food-importing developing countries are protected in cases of rapidly increasing prices on international markets.

Ambassador Mrs. Angélica Navarro Llanos, Ambassador of Bolivia to the UN and the WTO

Ambassador Navarro drew on the Bolivian experience to highlight concrete examples of the links between human rights and trade.

A significant part of the violations of civil and political rights in Bolivia have been a result of economic and trade policies originating from the Bretton Woods Institutions. For example, during the peak of

¹¹ See for instance, Howard Nye and Sanjay G. Reddy, *Making Trade Policy Work for the Poor: Shifting From Dogma to Detail*, 2002, <<http://ssrn.com/abstract=944616>>

“autonomous” liberalization, the Bolivian government privatized the public water system in Cochabamba. Within weeks, the US company which took control of the water supply increased rates by 200% or more. Workers earning the average minimum wage were required to pay up to quarter of a family’s revenue just to have water. The city revolted, resulting in clashes with the police, which left more than 100 people wounded.

A second example stems from the privatization of the country’s natural resources in the 1990s. When the government's plans to sell natural gas to the US through Chile were revealed, people living in the capital demonstrated, demanding the restitution of the country’s natural resources. The government of Gonzalo Sánchez de Lozada responded by killing 67 civilians and wounding more than 400 others.

The examples above show that economic and trade policies have a direct impact on the violation of human rights. However, developed countries generally only show concern in the later stages of this problem – meaning when governments violate the civil and political rights of their population. Rich countries do not question the economic and trade policies that are at the root of these violations.

Economic, social and cultural rights are also affected by economic and trade policies. How can article 12, which obligates State parties to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health be fulfilled in conditions of, for example, extortionately high water prices?

The second example, regarding the privatization of natural resources, also has a direct impact on the enjoyment of economic, social and cultural rights. The privatization of hydrocarbons undermined the ability of the state to guarantee access to education, health and other services – that are fundamental to the enjoyment of human rights – because of reduced government revenue. Foreign companies received 82% of profits, giving just 18% to the government. Now, under Morales, this has been reversed, providing funds that have been used to improve education, health and other areas. The fulfilment of human rights is possible to achieve, but governments must have the flexibility to do so, which is why it is so crucial that WTO flexibilities are preserved and used.

There are also numerous examples from the current Doha Round of negotiations which demonstrate the link between trade and human rights. Recently, two developed countries put forward a proposal for tightening export provisions and restrictions for all WTO members. At the beginning of the current food crisis, Bolivia issued an export restriction, essential for protecting the right to food of poor majority,¹² which could have been affected by this proposal.

Given that trade and economic policies have such significant impacts on civil, political, economic, social and cultural rights, it is clearly time to change global economic and trade rules. To this effect, Bolivia has put forth two proposals in the WTO negotiations. First, the country has demanded the inclusion of a reference relating to food aid; specifically that food aid should never create food dependency in the recipient country and that the maintenance of independence should be monitored by UN agencies.¹³ Second, in conjunction with Venezuela, Cuba and Nicaragua, Bolivia has requested that basic services,

¹² This restriction was essential because the price of a litre of oil had risen from less than \$1 to more than \$2. Considering that 60% of the population of Bolivia lives on less than \$1-2 per day, this price rise had a huge impact on the ability of the population to enjoy its right to food.

¹³ This proposal reflects Bolivia’s history – after receiving food aid from the US in the 1950s, Bolivia remained dependent on American wheat for the next 60 years, having previously been self-sufficient. What started as the provision of emergency food aid, ended in a situation of dependence where small-scale Bolivian producers were pushed out of production by imported, subsidized agricultural products, compromising the right to food and food sovereignty.

such as health, education and water, energy, telecommunications – all crucial to the fulfilment of human rights – are treated in a different category in the negotiations and possibly even withdrawn completely. Civil society organizations have been highly supportive of the initiative.

In conclusion, Ambassador Navarro emphasized the need for human rights to take precedence over trade – trade is a means, not an end in itself, and human rights should be at the core of what we are doing and negotiating at the WTO.

Mr. Ibrahim Salama, Chief, Treaties and Council Division, Office of the High Commissioner for Human Rights, former member of the Working Group on the Right to Development

It is clear that trade needs human rights in terms of the sustainability of its impact and that the two disciplines have a lot in common. What explains the continuing divide between these worlds? As well as differences in balances of power, experience required, and institutions, these two sets of norms are based on fundamentally different logics; there is no need to deserve your human rights but you need to deserve your gains in a trade setting. This fundamental difference in nature may help explain why trade specialists look at human rights as just as set of aspirations.

In addition, there remains a fear caused by the word “rights.” This is exemplified by the fact that the Millennium Development Goals, which are effectively economic, social and cultural rights, had to be called goals instead of rights.

Moreover, the institutions do not efficiently link together. There are numerous human rights bodies highly relevant to trade, including the Committee on Economic, Social and Cultural Rights, Special Rapporteurs on issues like the right to food or the right to health, the Working Group on the Right to Development and the Office of the High Commissioner for Human Rights. However, they remain very far apart from the WTO.

Despite this, great breakthroughs are occurring with regards to bringing human rights into trade:

- Human rights indicators are being developed, making human rights issues almost as quantifiable as trade (although not without resistance from different member States)
- Human rights impact assessments, such as those elaborated by Simon Walker, similarly help to de-mystify human and quantify them in terms that development practitioners can understand
- The Working Group on the Right to Development has started to develop criteria for assessment of development partnerships. Those criteria are tools which will enable the trade community to have a checklist re: what should be integrated into trade policy from a human rights point of view. In this sense the right to development is starting to work as a transformer between two languages and logics.

Among the criteria for the right to development is the obligation to evaluate to what extent a development partnership includes *ex ante* impact assessments and social safety nets in case of negative impacts, and to what extent it provides a participatory process for affected populations, as well as a system of periodic evaluation and assessment, allowing for adjustments as necessary. Impact assessments, social safety nets, and criteria for the right to development can help to establish the missing links between trade and human rights.

Mr. Salama cautioned human rights activists against claiming superiority of human rights *vis-à-vis* trade. It must be remembered that human rights law is often seen as a weaker part of international law than trade law. Within this weak part of international law, economic, social and cultural rights are seen as less strong than civil and political rights. And the right to development is perceived to be at the very bottom of this hierarchy. The best approach, as exemplified by the Working Group on the Right to Development, is to

include representatives of the WTO and other international financial institutions in human rights discussions.

PART II: DISCUSSION

Question 1:

Caroline Dommen, 3D → Trade - Human Rights - Equitable Economy – Contrary to Mr. Salama’s point about human rights activists not claiming superiority, should the human rights community in fact be more assertive in defending human rights? Hasn’t a lack of assertion lead to a Doha Declaration on TRIPS and Public Health which *allows* States to take measures to promote public health even though such measures are *required* by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights?

Response:

Salama – Instead of prioritizing human rights, the question must be how to integrate trade and human rights. The human rights indicators, impact assessments and criteria for the right to development all aim to establish the empirical evidence needed to convince the trade community to take human rights into account.

Question 2:

Peter Davis, student at the Graduate Institute of International and Development Studies, Geneva
Human rights ideals can be used to violate property rights. Is there a case where human rights should overrule property rights?

Responses:

Howse – Human rights always involve a balance between different rights and policy goals, as illustrated by laws limiting freedom of expression in the context of hate speech. Despite this indeterminacy, there now exists a large body of jurisprudence and expertise on how to strike these balances. It should also be noted that indeterminacy is also prevalent in WTO law, as exemplified by the concept of ‘like products’, a term which, in practice, is determined on a very contextual basis. The claim that human rights law is too vague and indeterminate to be applied in a context like the WTO, simply does not hold.

Navarro – With regard to the conflict between human rights and property rights, it is essential to have your priorities right – are you going to prioritize human rights over land and property rights or vice versa?

Question 3:

Simon Walker, OHCHR – What is the added value of a human rights approach in comparison to a social development approach? Why should we be looking at the right to food instead of food security? There are risks to a human rights approach. Political risks include the hostility human rights generate, as exemplified by the hostility in previous years to the idea of having a human rights panel at the WTO Public Forum. There are also normative risks. For example, what if someone starts claiming the right to free trade, against another’s’ right to health? Although this position cannot be justified at the international level, some national norms do include the right to free trade. Given these risks, what makes a human rights approach worth adopting?

Responses:

De Schutter – A human rights approach is advantageous because it provides accountability and redress mechanisms that are in principle justiciable. In addition, economic, social and cultural rights have become hard law, backed by a large body of jurisprudence built by the Committee on Economic, Social and Cultural Rights. However, beyond non-specialist circles this development is not well-known, with civil

and political rights remaining dominant. It is crucial to open a communication channel between the trade community and the human rights community and assert the equal weight of both sets of norms. There remains the risk that human rights might be annexed by the trade community. Given the risk of having human rights dealt with by non-specialists, there must be no introduction of a social clause within the WTO.

Navarro – Currently there is no dialogue between the WTO and the different human rights organs that exist in Geneva. For example, why was the Committee on Economic, Social and Cultural Rights not involved in the Doha Declaration on TRIPS and Public Health? Dialogue is imperative – after all, the WTO and the human rights bodies are just metres away from each other, in physical terms at least.

Questions 4 and 5:

Kimmo Sasi, Council of Europe – What if a poor person living in a city in India argued that the Indian government's high import duties on food prevented him from being able to access cheap food and thus violated his right to food, and ultimately to life?

Dale Honeck, Trade in Services Division, WTO – In a similar vein to the above, have there been studies on the human rights consequences of not liberalizing? For example, liberalization of telecommunications have allowed foreign service providers to start operations in country X, bringing telecommunications to rural areas and reducing overall prices for telecommunications. Despite this, foreign competitors risk eviction, even though this would clearly have negative consequences for the population and for human rights. Has thought been given to the human rights consequences of not liberalizing?

Response:

De Schutter – A human rights approach does not favour liberalization or protectionism. What human rights do require is accountability of governments. There must be more transparency through the use of impact assessments, indicators to evaluate commitments, and flexibilities allowing countries to react to situations that may affect human rights as they occur. These mechanisms would promote compatibility between the norms of trade and human rights. Trade *per se*, in most cases, will have a very indirect relationship to a human rights violation. In most cases a violation will be a result of a trade regime plus policy measures adopted at the national level which may or may not protect the human rights of a country's population. In the hypothetical Indian case presented above, the solution may not be to lower the tariff, which would threaten food producers, but maybe to provide food-for-work programmes to insulate the urban poor from the impacts of high prices.

Question 6:

Ana Maria Mülser Parada, Consul-Adjoint, Consulate General of Brazil, Paris – We have discussed the risks brought about by the fact that the worlds of trade and human rights do not talk to each other. However, there have been two missed opportunities to discuss human rights at the WTO. One is with regards to the Doha Declaration on TRIPS and Public Health, which, despite being a rights issue, was explicitly not framed in human rights language. Another failed opportunity was with regards to the social clause. How can we get human rights on the agenda of the WTO?

Responses:

Howse – The Dispute Settlement Body has called for more openness to non-commercial values and we should focus on them to encourage more openness to human rights arguments. Second, a social clause may not be the best avenue. The ILO protects workers rights already, and the trade embargoes on Burma, which aim to enforce ILO standards to protect workers' rights, have been accepted by the WTO. It is very significant that there is no opposition to these embargoes which seek to promote the realization of human rights. Given the above, it may well be a waste of energy to enact a social clause at the WTO.

Navarro – The following example may serve to emphasize how difficult it is to bring human right into trade fora. Five years after the Doha Declaration on TRIPS and Public Health, during negotiations on intellectual property and health, one industrialised country trade negotiator asserted that, only ‘over his dead body’ would the right to health be included in a sentence with TRIPS and intellectual property.

De Schutter – The social clause was seen by some developed countries as a way to integrate human rights of developing country workers in the WTO by conditioning market access with human rights benchmarks. A route, such as that proposed by advocates of the social clause, may be highly problematic. Second, the five years since the Doha Declaration on TRIPS and Public Health have demonstrated that it is not enough to proclaim flexibilities; you have to give countries the financial means and capacity to use them.

Salama – We must bring human rights into trade through human rights impact assessments.

- Impact assessments must be carried out by independent experts, not member states, on a case by case basis
- Impact assessments must be carried out jointly by experts from different disciplines
- Rights frighten people. In order for the trade world to accept human rights, it may be necessary to take the rights language out of the impact assessments and other measures designed to promote human rights.

For this to happen, the secretariats of the trade and human rights bodies must be willing to work together and member States should also be willing.

Related Comment:

David Diaz, Professor, Université de la Méditerranée, Marseille – How can we prepare governments to make responsible commitments in the WTO that are coherent with the Millennium Development Goals? The first task is to make governments aware of the need for coherence between human rights and trade. There must be coherence at the national level; representatives of different ministries must meet with human rights activists and trade experts.

Question 7:

Gloria Carrión, ICTSD – How can a human rights approach be operationalized in the context of the realpolitik of trade negotiations? For example, during the recent CAFTA-DR negotiations (with the US) in Nicaragua, civil society (including the private sector, non-governmental organizations and social movements) were invited by the government to be involved. However, in the end, it was the larger private sector actors who had direct access to the negotiators and who saw their interests represented in the final agreement. Furthermore, the Central American countries negotiating space was eventually limited by the power of its negotiating partner.

Response:

Navarro – A human rights approach is being operationalized in Bolivia, with the government and civil society all pushing together for the inclusion of human rights in the constitution and at the level of international institutions. The new constitution, which will be voted on in a referendum on 25 January 2009, even includes rights that are not explicitly included in the International Covenants on human rights, such as the right to water and the right to essential services.

CONCLUSIONS:

The variety of proposals put forward by both panellists and members of the audience helped to demonstrate the utility of human rights to international trade in general and the WTO in particular.

The overarching conclusion of the session was the need to promote dialogue between the human rights and trade bodies, both here in Geneva and in national arenas. In this regard, avenues for action include:

- Promoting awareness and openness towards human rights in the WTO's Appellate Body, including through training programmes for WTO adjudicators and increased participation of human rights experts in WTO legal proceedings
- Using human rights impact assessments, indicators and criteria to evaluate trade, development and economic policies. Such assessments must be carried out by independent experts from both trade and human rights bodies and can help to:
 - promote accountability by highlighting States' human rights obligations in both trade negotiations and implementation
 - ensure that trade agreements include the necessary flexibilities to promote improvement in standards of living and sustainable development goals
 - highlight the potential negative consequences of trade agreements, particularly on the poorest and most vulnerable sections of a population, and thus indicate where international trade commitments must be coupled with national policies to ensure international trade promotes the wellbeing of all
- Making some changes to global trade and economic rules to ensure that the WTO rules promote human rights through, for example, amendments regarding food aid and services