



Public participation in trade decision-making processes and the WTO

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A human rights framework : access to information and participatory rights

- Article 19, ICCPR and article 13 (1), CRC
The right to freedom of expression includes “freedom to seek, receive and impart information and ideas of all kinds”
- Article 17, CRC
The right of the child to “access information and material from a diversity of national and international sources”
- Article 24, ICCPR
Every citizen shall have the right and the opportunity, without any discrimination “to take part in the conduct of public affairs, directly or through freely chosen representatives”



The right to participate in the conduct of public affairs – includes trade policy

- Participation in the conduct of public affairs involves :
- “participation in all aspects of public administration, and the formulation and implementation of policy at the international, national, regional and local levels”

See: Human Rights Committee, *The right to participate in public affairs, voting rights and the right to equal access to public service*, General Comment No. 25, 12 July 1996



Usefulness of framing public participation in trade policy as a human right

- Human rights are fundamental legal rights that Governments are obliged to respect, protect and fulfil
- Governments are bound by these obligations under international human rights law
- **Human rights rules and mechanisms provide tools to hold governments and economic actors accountable**



Possible channels of public participation in trade decision-making processes

- National/ regional:
 - Governmental and Parliamentary consultations with civil society on trade policy
 - Participation of civil society in the formulation of trade policy and in trade negotiations
 - Public debate/ dialogue on trade policy

- International:
 - Consultation and participation of civil society in international trade policy formulation and in trade negotiations



The WTO: lack of transparency and public participation in trade decision-making

- Transparency issues: internal/ external
 - Restricted information, unofficial documents and secretive negotiating positions and processes

- Participation issues:
 - No observer status/ permanent accreditation for civil society groups to the WTO
 - No formal consultation process with public-interest civil society groups



Channels of public participation in WTO processes



Formal channels:

- Accreditation for WTO Ministerial Conferences (limited)
- Submission of “amicus curiae” briefs to the WTO Dispute Settlement Bodies



Informal channels:

- Lobbying trade decision-makers outside of WTO
- Representation of public-interest civil society groups on State delegations to WTO Ministerial Conferences
- Submission of reports to WTO Members on countries involved in WTO Trade Policy Reviews



Avenues for action to make trade more transparent, participatory and human rights-consistent

- Use human rights tools to monitor trade policy and make actors accountable
- Intervene at the national level to ensure trade policies and rules are consistent with human rights
- Intervene at the negotiating stage to remind negotiators of their human rights obligations
- Ask for human rights impact assessments of trade rules
- Ensure WTO Dispute Settlement cases and Trade Policy Reviews take into account human rights obligations



3D > Trade - Human Rights - Equitable Economy promotes collaboration amongst trade, development and human rights professionals, to ensure that trade rules are developed and applied in ways that promote an equitable economy.

Our Objectives are :

- > To promote collaborative efforts between people working to promote an equitable economy,
- > To strengthen the capacity of human rights advocates to raise their concerns with trade decision-makers,
- > To encourage the use of human rights mechanisms and rules in support of efforts to promote an equitable economy, and
- > To ensure accountability of all economic actors.

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