

Report

UNDERSTANDING GLOBAL TRADE & HUMAN RIGHTS

**Report & Resource Guide for National Human Rights NGOs
in View of the 2005 WTO Ministerial Conference,
Hong Kong (MC6)**

**Based on the FIDH Training Seminar,
Trade, WTO and Human Rights
May 17-19, 2005, Geneva**

TABLE OF CONTENTS

A. Fundamental Issues & Relevant Structures	3
1. Why should we as human rights advocates think about trade and the WTO?	3
2. How can we make human rights arguments during trade discussions?	3
3. What is the basic framework of the WTO, and which specific agreements most affect human rights?	4
<i>a. Intellectual property rules (TRIPS & TRIPS-plus) affect the right to health.</i>	4
<i>b. Agricultural rules (AoA) affect the right to food & foodworkers' rights.</i>	6
<i>c. Agreements on services (GATS & GATS-plus) affect basic, essential services.</i>	7
<i>d. Rules governing negotiations in industrial goods (viz. NAMA) will affect the global competitiveness of developing country exports and have an impact on workers' rights.</i>	8
<i>e. Debating the "social clause": should the WTO explicitly consider human rights?</i>	9
4. Which institutional procedures of the WTO are of particular interest to human rights advocates?	9
<i>a. The accession process has the potential to encourage human rights, but can also lead applicant States to accept overly strict requirements.</i>	9
<i>b. Monitoring through trade reviews may facilitate transparency & broaden the scope of evaluation.</i>	10
<i>c. Advocates can pursue legal interventions in dispute settlement proceedings.</i>	10
B. Concrete Strategies & Available Resources	11
1. How can we help effectuate human rights-conscious trade policies?	11
<i>a. Claim the right to participation: demand governmental transparency in WTO & multi-/bilateral trade negotiations.</i>	11
<i>b. Make full use of national /regional legal & media mechanisms, collaborating with all relevant actors.</i>	12
<i>c. Communicate with UN Human Rights Bodies & Special Rapporteurs.</i>	12
<i>d. Engage directly with the WTO, taking every advantage of its mechanisms.</i>	13
<i>e. As a long-term strategy, undertake empirical studies & evaluations, including Human Rights Impact Assessments.</i>	14
2. Where can I find more general information?	15
<i>a. Listservs & Newsletters</i>	15
<i>b. Websites</i>	15
<i>c. Publications</i>	15
C. Annex: Information from the Seminar	16
1. Itinerary	16
2. Participants	17
3. Materials from the dossier	18

A. FUNDAMENTAL ISSUES & RELEVANT STRUCTURES

1. Why should we as human rights advocates think about trade and the WTO?

Over the ten-year history of the World Trade Organization (WTO),¹ distrust and misinformation have controlled the relationship between human rights advocates and trade experts. Yet it is now evident to both 'sides' that trade-facilitated globalisation has profound human effects, as explicitly acknowledged in the Doha "Development Agenda."² Adopted at the fourth WTO Ministerial Conference in 2001, the Doha Ministerial Declaration establishes a framework for negotiating WTO agreements that respects the human dimensions of development.³ The interactions between trade and human rights are complex: bidirectional, direct and indirect, and positive and negative.

Given this context, and in preparation for the upcoming Hong Kong Ministerial in December 2005, the recent FIDH training seminar on trade and human rights aimed to increase advocates' understanding of the dynamics of global trade and the WTO, and to equip them with practical strategies for making human rights arguments in the trade arena, specifically with respect to the "ecosoc" rights codified in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

This report includes a brief summary of the primary issues and a resource guide for further learning. It is intended for participants of the seminar and other members of national human rights organisations, all of whom are striving to reconcile the gap between human rights and trade. The FIDH expresses its warm gratitude and appreciation to all the participants in the May seminar, and suggests the *Practical Guide to the WTO for Human Rights Advocates* (3D-->Trade--Human Rights--Equitable Economy & FORUM-ASIA, 2004) as an excellent manual on the issues discussed herein.

2. How can we make human rights arguments during trade discussions?

Human rights are both more and less than aspirational moral principles; they are norms codified in international law. Just as States are bound by negotiated bi-/multilateral trade agreements and the WTO legal regime, they are also obliged by international human rights law (IHRL) to fulfill concrete commitments: e.g. freedom from discrimination, the right to food, and gender equality. Not only is IHRL equal in status to trade law, but there are in fact legal arguments that support the primacy of human rights over all other legal norms. Thus, advocates should feel fully empowered, both legally and ethically, to argue confidently for human rights in the trade context.

The law of human rights began to emerge after WWI. In 1919, the International Labor Organization (ILO) was founded to respond to workers' concerns and defend their human and labor rights, such as the rights to participation and organization/collective bargaining.⁴ Today, there are 185 conventions, eight of which are considered to be the "core Conventions" defining fundamental labor rights.⁵

After WWII, the basic norms of IHRL were definitively established in the constitutional UN Charter and fleshed out in the Universal Declaration of Human Rights (UDHR).⁶ Subsequently, the twin treaties of 1966, the International Covenant on Civil and Political Rights (ICCPR) and the ICESCR, organized and elaborated on specific rights. The UDHR, ICCPR, and ICESCR constitute the international bill of human rights. Agreements that have followed, such as the Convention on the Rights of the Child (CRC)⁷ and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),⁸ further emphasize and clarify the bill of rights norms.

Persons less familiar with IHRL may mistakenly perceive a hierarchical ordering or differences of obligation to exist among traditional groupings of human rights. For instance, the "positive" rights in the ICESCR have sometimes been classified as "programmatic," and therefore less binding than the "negative" rights in the ICCPR.⁹ Article 2.1 of the ICESCR states that the principal obligation of States under the ICESCR is to "undertake steps (...) to the maximum of its available resources, with a view to achieving *progressively* the full realisation of the rights recognized in the present Covenant" [emphasis added]. However, many UN bodies have reaffirmed that immediate obligations as well as minimal requirements or "core obligations" exist for economic, social, and political rights.¹⁰ For

example, concerning the right to health, core obligations include ensuring access to basic shelter, housing, sanitation, and potable drinking water.¹¹

Another common misunderstanding is that State obligations are determined by physical boundaries. To the contrary, and with particular significance in the trade context, States must cooperate transnationally so as not to impede on other States' ability to fulfill their human rights obligations.¹² Later in this document, these general principles will be illustrated with respect to specific trade-affected rights.

Three basic policy failures have maligned the trade-human rights relationship. First, national governments have tended to compartmentalize their legal commitments—on the one hand, as WTO members, and on the other, as States parties to human rights treaties. The rhetorical and policy disconnect between these areas has led most States to disregard their binding human rights obligations (all of the WTO's 148 members are party to at least one human rights treaty) while pursuing trade negotiations. State members have adhered to an agenda of trade liberalisation that has frustrated the WTO's goals of "raising standards of living" and safeguarding "sustainable development," as stated in the preamble of its constitutional document.¹³ The right to development is a human right that demands participation, self-determination, and sovereignty;¹⁴ these rights are all relevant to trade.

Second, States have often ignored the primacy of human rights under international law. These rights are outlined in the UN Charter (e.g. Art. 55 on ecosoc rights), and given definitive interpretation in the UDHR (viz. Preamble and Arts. 21-28 on ecosoc rights). The Charter establishes that States' obligations stemming from the Charter prevail over all others (Art. 103), an unequivocal statement of the *de jure* primacy of human rights in the international legal framework. The Preamble to the Vienna Convention further notes the special status of the Charter and human rights norms in international law, as does the Vienna Declaration and Programme of Action, which arose from the 1993 World Conference on Human Rights.¹⁵ All UN human rights treaties are relevant to discussions of trade, and the principle of primacy extends to the ICCPR and ICESCR, as well as the ILO Constitution and Conventions. However, because the WTO is capable of more concrete enforcement (including the risk of trade sanctions under the Dispute Settlement Mechanism, which all WTO members must accept as part of their "single undertaking") than is the human rights regime, trade law has enjoyed a *de facto* primacy that cannot be defended under international law.

Third, the misuse of human rights rhetoric, which has been resorted to for protectionist purposes, has led to skepticism on the part of some Southern States and generally undermined arguments to bring human rights within the WTO's purview. While over two-thirds of the WTO is composed of developing nations¹⁶ whose citizens bear the brunt of negative trade impacts, governments of the global South have been wary of Northern arguments to incorporate human rights into WTO negotiations, fearing that these would serve as pretext for discriminatory trade practices or for denying their goods access to the markets of industrialized countries.

3. What is the basic framework of the WTO, and which specific agreements most affect human rights?

As the primary forum for international trade, the WTO is both an assembly of State members and a legal apparatus. At present, 148 nations belong to the WTO and are held to its numerous agreements; 31 are in the process of accession.¹⁷

a. Intellectual property rules (TRIPS & TRIPS-plus) affect the right to health.

Experience has shown that the WTO agreement on Trade-Related Intellectual Property Rights (TRIPS) poses formidable obstacles to the fulfillment of the right to health, particularly in terms of access to medicines.¹⁸ This was particularly true before the Doha Declaration, when the TRIPS system of 20-year minimum patents had a disastrous effect on developing countries' ability to deal with HIV/AIDS, malaria, and tuberculosis, among other diseases.¹⁹ Yet even after Doha, notwithstanding flexibilities such as compulsory licensing (intervening to restrict patent monopolies and provide access to generic drugs) and parallel importation (bringing in cheaper drugs from another

country) in certain circumstances,²⁰ the pressures and politics of international trade limit the ability of poorer countries to ensure that TRIPS respects human rights.

In 2001 at Doha, WTO members adopted the “Declaration on the TRIPS agreement and public health.” This document, elaborating on the TRIPS section of the Doha Declaration, recognizes practical deficiencies that pose problems for public health and encourages nations to take advantage of TRIPS flexibilities. The Declaration did not, however, address the problem of how countries with insufficient or no pharmaceutical manufacturing capability would use compulsory licensing.²¹ This was only partially resolved in the WTO TRIPS Council’s Decision of Aug. 30, 2003, which allows for these countries to import *i.e.* generic drugs from a country that issues a compulsory license, so long as both parties inform the WTO of all relevant details.²²

However, the Decision imposes burdensome conditions on both exporting and importing nations, and to date, no country has formally notified the WTO of its intention to either export or import based on the granting of a compulsory license.²³ Yet, there are reports that several developing countries, such as Zimbabwe, Malaysia, and Indonesia have made use of TRIPS flexibilities in various ways through domestic governmental channels.²⁴ The African Group proposed a reformed text in December 2004, which focuses on the purpose of the compulsory licensing flexibility, rather than procedural requirements set out in the Aug. 30 Decision.²⁵ This could be a strategic pressure point in moving forward.

As we approach the Hong Kong Ministerial, much of the world faces a crisis of access to medicines. Until the beginning of 2005, many developing nations continued to import affordable generic drugs from India, but this is no longer possible, as India too has now come under the TRIPS regime.²⁶ Moreover, an increasing number of bilateral and regional trade deals (*e.g.* CAFTA) are going far beyond the already procrustean 20-year patent requirements of TRIPS; these TRIPS-plus negotiations are a matter of dire concern, both because of their opaque nature—in the context of a larger treaty that inadequately attends to the extensive protection afforded to intellectual property rights—and because of their impact on the right to health, including the right to access affordable medicines.²⁷

Increasingly, the US has pursued bilateral free trade agreements (FTAs) with various developing nations, resulting in extreme TRIPS-plus conditions, like those recently effectuated in Morocco.²⁸ Negotiations were opened between the US and Morocco in 2003 and after the FTA text was finalized,²⁹ it was approved by the US Congress and then by the Moroccan parliament in January 2005. This bilateral agreement provides for, *inter alia*, stricter intellectual property protection measures than exists under current international treaties; civil society actors in Morocco are bracing for a significant, detrimental public health impact with respect to medicines access.³⁰ Similarly, the EU’s increasing number of FTAs, notably with the ACP (African, Caribbean and Pacific Group of States), has forced poor developing nations to adhere to TRIPS-plus regulations of life forms, including plant varieties.³¹

Another persistent injustice is the crisis of neglected diseases; this is where the market-based justification for intellectual property laws—the notion of incentivizing innovation—shows its limits.³² In his recent mission to the WTO, the Special Rapporteur on the Right to Health, wrote that, “the commercial motivation of intellectual property rights encourages research, first and foremost, towards ‘profitable’ diseases, while diseases that predominantly affect people in poor countries—such as river blindness—remain under-researched.”³³ As trade agreements continue to reward and secure capitalistic innovation, there will be less and less incentive to develop medicines for neglected diseases.

Click here for further reading:

- 3D-->Trade--Human Rights--Equitable Economy, *Denmark and Italy: Trade-related intellectual property rights, access to medicines and human rights* (October 2004): www.3dthree.org/pdf_3D/3DCESCRDenmarkItalyBriefOct04en.
- CUTS, “TRIPs-Plus”: *Enhancing Right Holders’ Protection, Eroding TRIPs’ Flexibilities* (2004): www.cuts-international.org/pdf/citeeBrf-2-2004.pdf.

- GRAIN, “TRIPs-Plus” Must Stop: The EU Caught in Blatant Contradictions (Mar. 2003): www.grain.org/briefings_files/trips-plus-eu-2003-en.pdf.
- MSF, DRUG PATENTS UNDER THE SPOTLIGHT: SHARING PRACTICAL KNOWLEDGE ABOUT PHARMACEUTICAL PATENTS (May 2003): www.accessmed-msf.org/documents/patents_2003.pdf.
- South Centre, *Intellectual Property in Investment Agreements: The TRIPs-plus Implications for Developing Countries* (May 2005): www.southcentre.org/tadp_webpage/research_papers/ipr_project/ip_investag_may05.doc.

b. Agricultural rules (AoA) affect the right to food & foodworkers’ rights

It is unsurprising that trade in agriculture would have profound meaning for human rights. After all, in many of the Southern countries that make up over two-thirds of the WTO, agriculture is still the dominant source of livelihood, as well as a basis of culture, community, and subsistence. Agriculture involves the human rights of millions of workers, and food is obviously fundamental to the right to life.

Negotiations on the WTO Agreement on Agriculture (AoA) are currently governed by paragraphs 13 and 14 of the Doha Declaration. This commitment recognizes the need of “developing countries to effectively take account of their development needs, including food security and rural development.”³⁴

The AoA consists of three pillars, or three aspects of national agricultural policy: market access, domestic support, and export subsidies. In terms of the first prong, market access, the most visible, controversial element has been tariffication, or the process of converting all non-tariff “barriers” (e.g. quotas) into tariffs. While this should in theory open up large markets and increase access for poorer country producers,³⁵ it has actually prevented the South from maintaining its domestic sector and protecting against imports from industrialized nations. The “July Package” negotiations of 2004 established a tiered formula, wherein higher tariffs are cut more than lower tariffs, and market access is expanded for all products.³⁶

Domestic support, the second pillar of the AoA, is meant to eliminate agricultural subsidies and other domestic policies that negatively affect, or “distort,” the global market. All domestic supports are placed into three color-coded “boxes” or categories of permissibility. The amber box applies to policies that have a direct effect on production and trade, and must therefore be gradually reduced; the green box contains measures like government funding for research, which do not affect domestic production and are therefore permitted. And the additional blue box mainly benefits developed countries, allowing for regulations that apply negligibly to a particular sector or for compensation to farmers due to subsidy cuts. In recent months, developed countries have actively advocated for the review of the green box, while developing country net food importers have opposed the idea.³⁷

The third pillar of the AoA mandates reductions in, toward the elimination of, export subsidies. Theoretically, this should have been a boon to developing nations, since subsidisation of exports by rich countries has historically led to dumping, which disadvantages developing countries in global markets and crowds out local producers.³⁸ However, dumping of cheap agricultural goods onto countries of the South has persisted since the Agreement came into force due to increased subsidisation on the part of the US and the widespread perception that dumping contributes to Southern food security.³⁹ Take cotton, for example: the EU and in particular the US have continued to provide billions in subsidies for domestic producers, dumping overproduced cotton at 61% below the cost of production between 1997 and 2002.⁴⁰ This has contributed to a dramatic drop in cotton prices and thus great suffering for small farmers in West and Central Africa, where trade in cotton is often the sole source of income and thus essential for community livelihoods.⁴¹

Especially in the past, the AoA did “not make a distinction between different types of agriculture—such as commercial agriculture or subsistence agriculture—and different players—from low-income and resource-poor farmers on the one hand, to national and international agrobusiness on the other.”⁴² The July 2004 negotiations did mandate, however, that special and differential (S&D) treatment, such as longer implementation periods and smaller cuts, would be given to developing countries.⁴³ Other affirmative action-type measures would include flexible treatment of particular Special Products and recourse to a Safeguard Mechanism in case of import surges.⁴⁴

One cannot discuss trade in agriculture without considering the rights of agricultural and food workers, particularly those in developing countries. Protectionist policies, namely the subsidies of \$1 billion per day in industrialized countries, contribute to falling prices and job insecurity.⁴⁵ In this trade environment, agricultural workers and small-scale farmers in exporting countries cannot themselves afford to eat.⁴⁶ Moreover, because of mechanized production, widespread pesticide use, and farming of genetically/living modified organisms (G/LMO)—as prohibitions on GMO foods are normally considered as an impermissible trade barrier—agricultural laborers are increasingly exposed to hazardous, even fatal, chemicals and working conditions.⁴⁷ The pressures of this large-scale production also deprives workers of their right to organize and earn a decent living.

Approximately 20 ILO Conventions, which a large number of states have ratified, are directly relevant to agricultural production, including No. 105 on the Abolition of Forced Labour and No. 141 on Rural Workers' Organizations.⁴⁸ Labor NGOs and trade unions have pushed for the WTO to establish formal relations with the ILO, as the IMF and WB have already done.

Click here for further reading:

- 3D-->Trade--Human Rights--Equitable Economy, *Planting the Rights Seed: A human rights perspective on agriculture trade and the WTO*: www.3dthree.org/en/page.php?IDpage=38&IDcat=5.
- IUF, *The WTO and the World Food System: a trade union approach*: www.iufdocuments.org/www/documents/wto/wto-e.pdf.
- Rights & Democracy et al., *Principles for International Agricultural Trade Rules and Joint Demands for the Doha Agenda*, May 16, 2005: www.dd-rd.ca/frame2.iphtml?langue=0&menu=m01&urlpage=/english/commdoc/publications/globalization/agstatementMay05.html.

c. Agreements on services (GATS & GATS-plus) affect basic, essential services.

The original logic of the pre-WTO General Agreement on Tariffs and Trade (GATT)⁴⁹ contemplated only trade in goods, not in services. With the passage of the GATS agreement during the Uruguay Round, however, trade in services and their related instrumentalities were brought under the WTO logic of “progressive liberalisation.”⁵⁰ Practically, the GATS has enormous influence, potentially embracing everything from overseas workers, tourism, and financial services, to water and education.⁵¹ At present, although the special needs of developing countries are recognized in Doha Declaration paragraph 15, the formally available flexibilities in GATS are often compromised in practice.⁵²

In principle, each country can choose which sectors to liberalize through asserted commitments (positive-list commitment schedules), thus having no obligation to provide market access or national treatment in a particular field. Also, Article IV of GATS purports to increase the participation of developing countries through the negotiation of special commitments.⁵³ Article XIV, moreover, provides two exceptions to the general framework: for reasons of *public policy* or *national security*. However, these terms remain poorly defined, and informational and resource deficiencies render poorer States unable to meet the burden of proof required to invoke the general exceptions.

Practice has shown that the GATS request-offer paradigm (wherein a member government requests that a trading partner open up a particular sector to foreign competition) leaves developing nations vulnerable to pressures from powerful developed States. Moreover, developed countries have used the language of “crisis in public services” to pressure developing countries into submitting requests. The GATS flexibilities are similarly defeated by the conditionalities imposed by international financial institutions like the International Monetary Fund (IMF); for instance, in Cochabamba, Bolivia, IMF pressures led to a 200% increase in water prices that drove civil society to aggressively protest the privatisation of services.⁵⁴ As with TRIPS, bilateral and regional trade agreements have also led to GATS-plus regimes of *negative*-list commitment schedules (assuming complete liberalisation as the default rather than liberalizing item-by-item as under the positive-list approach) that over-

accelerate liberalisation.⁵⁵ And developing countries sometimes make trade-offs, opening up their service sectors in exchange for concessions with respect to goods. Thus, developing countries in the WTO are not free to be selective, either in terms of sector or pace of liberalisation.

Due in part to the GATS, developing nations are increasingly pressured to privatize important sectors like water services, leaving them open to control by transnational enterprises. Should e.g. privatized water become unaffordable in a poor country, rural communities would be unable to grow established crops and maintain food security generally, since 70% of all fresh water is used for agriculture.⁵⁶ In addition, farmworkers would face dehydration in the fields and be denied the water to clean themselves after exposure to agro-chemicals.⁵⁷ This would represent the failure of a developing country to meet its human rights obligations under the rights to food, health, and labor, as has already occurred with the municipal system in Manila, Philippines.⁵⁸ Similar effects are spurred by the privatisation of waste treatment and other environmental services, such as recovery of polluted rivers.

Click here for further reading:

- IATP, *Water Services under the World Trade Organization*, 2003: www.tradeobservatory.org/library.cfm?refID=25943.
- ICTSD, *Trade in Services*, DOHA ROUND BRIEFING SERIES, vol. 3, no. 3, Feb. 2005.
- IUF, *The GATS Threat to Food and Agriculture*, 2004: www.iufdocuments.org/www/documents/wto/GATS-e.pdf.

d. Rules governing negotiations in industrial goods (viz. NAMA) will affect the global competitiveness of developing country exports and have an impact on workers' rights.

At the start of this year, Non-Agricultural Market Access (NAMA) rules took full effect, bringing industrial goods ranging from fisheries to textiles and clothing under the WTO's liberalized regime.⁵⁹ Formerly, industrial goods, as opposed to agricultural and manufactured goods, existed at the fringes of GATT and were therefore progressively phased into the WTO system. Fully integrating industrial products will have an enormous effect on developing and least developed countries, which e.g. export 50% of world textiles and 70% of world clothing.⁶⁰

The thrust of NAMA is to reduce tariffs according to a standardized formula; specific sectoral reductions have also been contemplated.⁶¹ It remains to be seen whether the S&D mandate of Doha Declaration paragraph 16 will be honored: that "negotiations shall take fully into account the special needs and interests of developing country participants, including through less than full reciprocity in reduction commitments..."⁶² Over many months, smaller developing countries have repeatedly asked for some adjustment mechanism that would mitigate the losses suffered under the new anti-quota system,⁶³ but powerful developed country actors like the US have resisted.⁶⁴

The textile industry is one of the most salient components of NAMA for poor countries. Notably, Oxfam has documented the adverse effects of a liberalized, globalized textile/apparel industry on women workers.⁶⁵ In the pressurized garment factories of developing countries, nearly all workers are women. Lacking secure contracts, unable to unionize, and deprived of proper remuneration and benefits, these young women work extremely long hours in unhealthy conditions. As NAMA fully liberalizes this industry, increasing the level of competition with products from developed countries, it will erode the competitive advantage of developing countries and increase the risks for these laborers.

Similarly, NAMA presents risks to the South in sensitive environmental sectors, including fisheries, forestry, and minerals. At present, developing countries hold over 50% of the export value of fish,⁶⁶ an advantage that could be threatened under NAMA's full liberalisation regime. Among the potential negative effects of NAMA are diminished aquaculture-based food supplies in the South,⁶⁷ degraded environmental safeguards in fishing,⁶⁸ and nullification of much-needed fishing subsidies for developing country exporters.⁶⁹

Click here for further reading:

- ICTSD, conference *Untangling Fisheries and Trade: Towards Priorities for Action* (May 9-10, 2005): www.ictsd.org/dlogue/2005-05-09/2005-05-09-desc.htm.
- Oxfam, *Oxfam International contribution regarding NAMA Negotiations*, Apr. 25-29, 2005: www.oxfam.org.uk/what_we_do/issues/trade/downloads/sub_nama.pdf.

e. Debating the “social clause”: should the WTO explicitly consider human rights?

Given that States members of the WTO often neglect their human rights commitments when negotiating trade agreements, would it be better for human rights concerns to be explicitly, systemically built-in to the WTO? In the lead up to the Singapore Ministerial of 1996, some unions and labor NGOs pursued the so-called “social clause,” which would force WTO members to consider labor rights (freedom to unionize and engage in collective bargaining, minimum working age, prohibition of forced labor, non-discriminatory hiring, and equal remuneration) in their trade negotiations.⁷⁰ Presumably, the threat of trade sanctions would enforce countries’ respect for workers’ human rights.

While this sounds promising, a substantial portion of today’s civil society expresses reservations about inserting such a provision. The experience of the environmental movement has been the relevant touchstone in this debate, as it was NGO momentum that led to the creation of the WTO Committee on Trade and Environment (CTE) in 1994. However, under the Doha negotiations, groups like the Center for International Environmental Law (CIEL) became concerned about WTO action in this area, and warned it not to “intrude into areas within the jurisdiction of environmental institutions and regulations.”⁷¹ Similarly, many human rights NGOs worry that the insertion of a social clause would give the WTO undue jurisdiction to adjudicate human rights matters. Further, as has been voiced by developing countries, it is possible that allegations of human rights abuses or of poor human rights standards could disguise discriminatory or protectionist trade actions, or that human rights rhetoric would give the North yet another point of leverage against the South.

Social clause or not, it is a legal fact that WTO member States already have standing human rights obligations under various human rights treaties. Thus, whether or not it is practicable to add this type of mechanism to the WTO, States members must nonetheless comply with their responsibilities under IHRL. Human rights organisations opposed to the social clause therefore prefer to emphasize these existent norms and means of accountability. Unfortunately, many of the relevant UN treaty bodies (*viz.* Committee on Economic, Social and Cultural Rights [CESCR], Human Rights Committee [HRC]) do not have the enforcement mechanisms necessary (*Cf.* trade sanctions of WTO Dispute Settlement Mechanism) to effectively hold State actors to their obligations.

4. Which institutional procedures of the WTO are of particular interest to human rights advocates?

As captured by the protests in Seattle, the biannual Ministerial Conference has come to represent the institutional identity of the WTO. However, the WTO comprises much more than this symbolic assembly. It includes various levels of governance, from the Secretariat to working groups; and provides for complex procedures of accession, monitoring, and dispute settlement.⁷²

a. The accession process has the potential to encourage human rights, but can also lead applicant States to accept overly strict requirements.

Even before a State achieves WTO membership, it faces the harsh scrutiny and requirements of accession.⁷³ In some cases, *e.g.* China, this can provide an opening for human rights defenders to capitalize on the WTO’s requirements of transparency⁷⁴ and development of the rule of law. However, in other cases, WTO accession, while purportedly negotiated, has allowed current members to impose disproportionately stringent demands on recent applicant nations.

Acceding States are subjected to wholesale review of domestic laws and policies and must undertake extensive reforms. China’s accession package included significant agricultural tariff reductions,⁷⁵ as well as the decade-long Transitional Review Mechanism (TRM), an evaluation

process created uniquely for the country, which entails the submission of detailed annual reports to 16 subsidiary bodies on all of China's trade-related activities.⁷⁶ Cambodia, the first least-developed country to accede, was required to "provide less protection to its sensitive agricultural sectors (60% maximum tariff) than the US, EU and Canada."⁷⁷ This accession package also included harsh TRIPS-plus measures that forced Cambodia to prematurely open up its drug market to foreign competition and patent regulations.⁷⁸

Click here for further reading:

- Oxfam, *Cambodia's Accession to the WTO: How the law of the jungle is applied to one of the world's poorest countries*, Sept. 2, 2003:
www.oxfam.org/eng/pdfs/doc030902_cambodia_accession.pdf.

b. Monitoring through trade reviews may facilitate transparency & broaden the scope of evaluation.

The WTO's Trade Policy Review Mechanism (TPRM) calls for the periodic examination of every member State with respect to all policies and practices that relate to multilateral trade.⁷⁹ Since the frequency of review is based on a country's share of total multilateral trade, most developing countries are reviewed every six years (as opposed to every two years for the US, EU, Japan, and Canada).

Each review involves the preparation of two documents: a "policy statement" by the State being reviewed and a report written "independently" by the WTO Secretariat.⁸⁰ The TPRM is a process of "peer review," and the reports are declaratory, as opposed to suggestive or condemnatory—meant to contemplate the wider socio-economic context of member States, including environmental and developmental policies.

Review proceedings are open to all members, but non-governmental actors do not have standing as interveners. Possible NGO interventions will be explored later in this paper.

c. Advocates can pursue legal interventions in dispute settlement proceedings.

Serving a quasi-judicial function in the WTO, the Dispute Settlement Understanding/Mechanism (DSU/M) governs inter-member claims of non-compliance under WTO law. Two groups handle these claims: the Panel and the Appellate Body. To date, some 330 cases have been brought, resulting in approximately 80 Panel and 68 Appellate Body reports.⁸¹

Under the DSM, when one State brings a claim against another, the process begins with consultations and then moves to panel adjudication. If negotiations to resolve the conflict fail, the Body can impose sanctions, but this implement of last resort has been invoked very few times in the history of the DSM.⁸²

Large developed States have taken most advantage of the DSM, as the process requires significant resources and because developing countries may not want to endanger their relationship with powerful trading partners. Moreover, "trade sanctions, or the threat to invoke them, are only effective against countries that are dependent on exports."⁸³ Clarifications and improvements on the DSU are contemplated in paragraph 30 of the Doha Declaration, but negotiation in this area has been secondary to that of other WTO agreements.⁸⁴ In recent years, the DSM process has been more inclusive of civil society: NGOs are permitted to submit amicus briefs to the Appellate Body, but the Body has discretion over whether to consider them. Developing States have in fact opposed this development, fearing that NGOs would assert arguments—with *de facto* protectionist effects—based on environmental or human rights standards crafted by developed States. At the same time, NGOs promoting such values could seek to justify certain restrictions imposed by developing States, e.g. for the purposes of protecting local service providers, in order to e.g. ensure access to affordable medicines or limit the social consequences of the liberalisation of a particular services sector.

For further reading, see:

- ICTSD, *Review of the Dispute Settlement Understanding*, DOHA ROUND BRIEFING SERIES, vol. 3, no. 8, Feb. 2005.

B. CONCRETE STRATEGIES & AVAILABLE RESOURCES

1. How can we help effectuate human rights-conscious trade policies?

As described in the foregoing, the various agreements of the WTO make formal commitments to the special needs of Southern member States, and offer certain structural flexibilities to these nations. Unfortunately, these have shown limited practicability, as developing countries often lack the necessary bargaining power and resources to invoke these provisions or resist the pressure of more powerful trading partners and international organisations. Thus, as civil society, we are taking the initial steps: to identify the full impact of the WTO, learn the workings of global trade, and identify opportunities to intervene. The next critical move is to strategize as to what we in the NGO community can do to further human rights, in this Ministerial year and in the long run.

The following paragraphs contemplate a range of human rights-based tools available to local and national NGOs working on trade. These strategies are meant to be concrete and useful at some degree of universality; however, they are merely suggestions, promising in some respects, but each with its risks and limitations.

a. Claim the right to participation: demand governmental transparency in WTO & multi-/bilateral trade negotiations.

In order to take action on important issues, individual citizens must be adequately informed. They depend on the government for much of this information, the disclosure of which is fundamental to the human right of participation, as articulated in UDHR Art. 21.⁸⁵ Yet, international trade negotiations, like business deals, are carried out in phone calls and closed-door meetings among high-level officials and financial ministers. While the WTO is criticized for its opacity, its transparency has improved; in actuality, it is behind the curtain of mini-ministerials, country group meetings, and above all bilateral negotiations that TRIPS becomes TRIPS-plus and GATS becomes GATS-plus.

Advocates should be aware of regional and interest-based groupings.⁸⁶ While group collaborations can be innocuous (*i.e.* trade that encourages Southern empowerment and intra-South exchanges), the most powerful trading nations sometimes use exclusive group meetings to predetermine WTO negotiations and disadvantage poorer countries.

By keeping these meetings on their radar, national and local NGOs can be effective as investigators and interveners, taking advantage of national disclosure laws, as well as WTO requirements of transparency (defined by the WTO as the “degree to which trade policies and practices, and the process by which they are established, are open and predictable”)⁸⁷ to force national trade agendas into the open. Activists should know who their national trade representatives are, and as a more long-term strategy, meet with these actors and even campaign for negotiation teams to include persons with a human rights background.

As is often the case, media would be an invaluable partner. Advocates could, for example, work with media to write and publicize letters to a pair of countries set to begin bilateral negotiations— thus anticipating their trade moves and preemptively raising human rights concerns. For example, in view of the upcoming bilateral negotiations between Egypt and the US, Egyptian activists have been working to preempt the imposition of TRIPS-plus measures that would endanger the right to health.⁸⁸ In other case, when essential public services in Buenos Aires faced arbitral adjudication before the World Bank, a group of human rights and environmental NGOs submitted an amicus laying claim to citizens’ participatory and economic and social rights.⁸⁹

Click here for further reading:

- South Centre, *The Need for a South Platform*, June 9, 2005:
www.southcentre.org/DohaSouthPlatform.pdf.

b. Make full use of national/regional legal & media mechanisms, collaborating with all relevant actors.

Where States have adopted national or regional human rights mechanisms or constitutionalized human rights, NGOs should work through domestic courts, national human rights institutions, and other like bodies. This has been successful in South Africa and Kenya, where human rights are institutionalized at the national level.⁹⁰ In Kenya in 2001, at a time of constitutional reform, activists worked through the Kenya Human Rights Commission to apply legal pressure on the State with respect to rights violations connected to TRIPS.⁹¹ Lawyers and civil society, in tandem with the media, can exploit administrative and judicial mechanisms to publicize the detrimental effects of trade on individual human rights, and hold governmental organs responsible for harmful trade practices.

Regional institutions like the Inter-American Commission on Human Rights,⁹² the European Committee of Social Rights,⁹³ the African Commission on Human and Peoples' Rights and the future African Court for Human Rights,⁹⁴ and the European Court of Human Rights⁹⁵ can also serve as effective fora for human rights advocacy. In States that are governed by these regional bodies, human rights activists should file communications in case of violations and stress to their national governments that trade deals must be in conformity with regional human rights commitments.

At minimum, even in the absence of specialized human rights institutions, advocates can expose the incoherence of State policies and commitments. In Morocco, for example, which is signatory to various ILO conventions and has passed a domestic labor code, civil society actors could publicize the detrimental impact of a particular trade policy on the State's workers' rights obligations.⁹⁶ Human rights advocates can also invoke the rights-respecting provisions of multilateral environmental agreements (MEAs), as suggested by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF).⁹⁷ For instance, a developing country that has signed the Cartagena Protocol on Biosafety, which recognizes States' right to refuse the importation of G/LMOs, "can and should exercise the right to impose an indefinite moratorium on all international trade in GMOs."⁹⁸

Advocates should also focus on lobbying national legislatures to pass human rights legislation. In a recent victory, Brazil's Congressional Justice and Constitution Commission voted unanimously to ignore patents on HIV/AIDS drugs.⁹⁹

Click here for further reading:

- IUF, *Towards a Rights-Based Multilateralism for the World Food System* (Apr. 2004):
www.iufdocuments.org/www/documents/wto/rightsbasedmultilateralism-e.pdf.

c. Communicate with UN Human Rights Bodies & Special Rapporteurs.

For every human rights treaty, there is a human rights body that issues comments and, depending on the instrument, hears individual complaints. There is some precedent for relying on these UN treaty bodies, including the CESCR, CRC, and HRC to address trade concerns.¹⁰⁰ When one of these bodies is called on to examine a particular issue, civil society actors at the national or international level can submit parallel reports, thereby shaping the inquiries that the committee makes of a State and improving the quality of State assessments. In States where such action is possible, human rights advocates should directly participate in or support the filing of individual complaints. In the long-term, civil society should join the campaign for the adoption of an optional protocol to the ICESCR that would constitute a complaints mechanism for ecosoc rights.¹⁰¹ Advocates should also begin to file such complaints before the CEDAW Committee under its existing Optional Protocol.¹⁰²

Within the ILO, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) has similar competence to the aforementioned treaty bodies, reviewing

government reports and specific issues.¹⁰³ Under Art. 24 of the ILO constitution, worker or employer organizations can make “representations” as to State noncompliance,¹⁰⁴ and official ILO delegates can similarly make “complaints” under Art. 26.¹⁰⁵ In cases of continuing default on commitments, the ILO Governing Body can then recommend “such action as it may deem wise and expedient to secure compliance” under Art. 33.¹⁰⁶ In 2000, based on Art. 26 complaints of forced labor (Convention 29) in Burma, the ILO Governing Body invoked Art. 33 for the first time, calling for concrete recommendations for reform and mobilizing the international community.¹⁰⁷ While these ILO mechanisms may not provide direct modes of action for generalist human rights organisations, they represent an opportunity for human rights groups to partner with and support labor organisations and trade unions.

Human rights advocates can also make use of the UN special rapporteurs, independent experts commissioned by the Commission on Human Rights (CHR) to examine specific issues. Special rapporteurs undertake specific country missions and receive individual complaints, reporting this information to the CHR and the UN General Assembly. In the context of trade, NGOs could e.g. transmit information to the special rapporteurs on the right to food, the right to education, the right to housing, and the right to health—all ICESCR norms. In communications to the special rapporteurs, civil society organisations could describe, e.g. the general societal effects of a country’s trade practice on the right to food, or track the availability of medicines in a certain area after a State’s accession to the WTO, as it must be stressed that States are obligated to guarantee human rights in the context of trade liberalisation.

It should be noted that these suggested practices will depend on careful documentation and empirical analysis by civil society actors in order to establish a causative or even correlative relation between a trade action and a human rights impact. Analyses of this sort are reviewed later in this report.

Click here for further reading:

- ESCR-Net, *An overview of the mandates of key UN Special Rapporteurs working on economic, social and cultural rights*: www.escr-net.org/ConferenceDocs/UNSpecialRapporteursESCR.doc.

d. Engage directly with the WTO, taking every advantage of its mechanisms.

In strategizing on trade issues, human rights NGOs could exploit, to the best of their ability, opportunities for action within the WTO framework. The WTO is far from transparent, but diligent advocates may still find it more penetrable than extra-WTO trade negotiations.

As touched on in the foregoing, the TPRM and DSM offer small windows of opportunity to inject human rights concerns. For many years, based on WTO members’ legal obligations to respect labor standards as established in the Singapore and Doha Rounds, the International Confederation of Free Trade Unions (ICFTU) has submitted a shadow report to coincide with every TPR.¹⁰⁸ While the ICFTU’s findings have not been explicitly incorporated into TPR reports, the EU and Brazil reports have alluded to some social aspects of trade.¹⁰⁹ In terms of the DSM, NGOs with access to legal expertise should submit amicus curiae briefs to the adjudicatory bodies of the WTO, particularly the Appellate Body. As the DSM caselaw develops—hopefully with ever-increasing attention to social issues—these amicus briefs may influence decisions and hold decision-makers to positive precedent.

If resources permit, advocates should attend this year’s Ministerial Conference in Hong Kong. Although the WTO does not provide for an official observer or consultative status for NGOs, Ministerials may provide civil society the opportunity to observe proceedings and gain valuable insight. Moreover, since business organisations also qualify as civil society organisations and have attended past Ministerials in large numbers,¹¹⁰ it is imperative that human rights groups make known their presence and perspectives. Interested groups must go through the WTO’s accreditation process, as only NGOs that have an interest in trade issues are eligible to attend, and each NGO can typically send only one or very few representatives.¹¹¹

Civil society should continue to press the WTO to establish a formal consultative process with trade unions, NGOs, and other actors.¹¹²

Click here for further reading:

- NGO registration procedure for MC6:
<https://meetings.wto.org/NGO/PreRegistration/ngohome.aspx?Language=E>.
- ICFTU, *Country Reports: WTO & Labour Standards* (links to various reports):
www.icftu.org/list.asp?Type=WTOReports&Order=Date&Language=EN&STEXT=wto.

e. As a long-term strategy, undertake empirical studies & evaluations, including Human Rights Impact Assessments.

To advocates working on the ground, the human impacts of trade policies are evident. But to economists, trade experts, and government policymakers, the only data is “hard” data: statistical evidence and mathematically verifiable causality. As civil society advocates, we must be able to translate our experiential evidence into the language of our target audience.

In recent years, various scholars and advocates have developed human rights impact assessment (HRIA) methodologies, in the tradition of the environmental impact assessment (EIA). The HRIA is a descriptive and/or analytical tool, used *ex ante* and *ex post*, to evaluate the effects of a policy on specific human rights (e.g. right to food, labor rights, gender equality, right to development, etc.).

To illustrate, imagine that your organisation provides HIV-positive children with antiretroviral drugs in accordance with the CRC, to which your country is a party. In recent years, access to antiretroviral drugs has improved for the children in your community, but you are concerned about the possible effects of your country’s imminent accession to the WTO. A HRIA method could be a useful *ex ante* tool to influence national policymaking at an early stage stage. You would begin by identifying specific indicators, such as drug prices and treatment levels, and then compile data over a set period, connecting these findings to specific human rights laws. You would then use economic models to predict the effect of TRIPS on these indicators. These statistics would dramatically bolster legal and moral arguments for your country to make trade policies that cohere with its existing human rights obligations, in this case stemming from the CRC.

This process may sound intimidating; indeed, even where the scope of review is extremely narrow, a HRIA would require substantial resources. To conduct a HRIA, NGOs should make use of all existent available data, collaborate with partners engaged in data analysis, and explore technical assistance grants.

View the following sample HRIA methodologies:

- Rémi Bachand & Stéphanie Rousseau (background paper for Rights & Democracy), *International Investment and Human Rights: Political and Legal Issues* (2003): www.dd-rd.ca.
- HUMANIST COMMITTEE ON HUMAN RIGHTS (HOM), *MATCHING PRACTICE WITH PRINCIPLES: HUMAN RIGHTS IMPACT ASSESSMENT: EU OPPORTUNITIES* (2002): www.hom.nl/publicaties/Matching_practice_with_principles.pdf.
- Marike Radstaake & Jan de Vries (HOM), *Reinvigorating human rights in the Barcelona Process: using Human Rights Impact Assessment to enhance mainstreaming of human rights* (Mar. 2004): www.hom.nl/publicaties/Morocco_paper_and_bibliography.pdf.
- Simon Walker, *Human Rights Impact Assessments of Trade-Related Policies* (2005) (forthcoming in CENTRE FOR INTERNATIONAL SUSTAINABLE DEVELOPMENT LAW, SUSTAINABLE DEVELOPMENT AND TRADE).p

2. Where can I find more general information?

a. Listservs & Newsletters

- ESCR-Net (on trade, investment, and human rights); to subscribe: escr-trade-subscribe@yahoogroups.com.
- International Centre for Trade and Sustainable Development (ICTSD), *Bridges Weekly Trade News Digest*, available at www.ictsd.org/weekly/index.htm.
- ICTSD, *Passerelles* (a bi-monthly summary of trade and sustainable development); to subscribe: passerelles@ictsd.ch.
- Rights and Democracy, *WTO Human Rights Caucus*; to subscribe: csamdud@dd-rd.ca.
- South Centre, *South Bulletin*: www.southcentre.org/info/southbulletin/southbulletinindex.htm.

b. Websites

- 3D-->Trade--Human Rights--Equitable Economy: www.3dthree.org.
- Association for Women's Rights in Development (on trade and economics): www.awid.org/wrec/index.php.
- Consumer Unity & Trust Society (CUTS) Centre for International Trade, Economics & Environment: cuts-international.org/citee.htm.
- Hong Kong People's Alliance (HKPA) (to track local organizing efforts in Hong Kong): <http://hkpa.does.it>.
- International Centre for Trade and Sustainable Development: www.ictsd.org.
- International Gender and Trade Network: www.igtn.org.
- UNHCHR (information on working groups, special rapporteurs, etc.): www.unhchr.ch/html/menu2/2/chr.htm.
- UN Special Rapporteur on the right to food: www.unhchr.ch/html/menu2/7/b/mfood.htm.
- UN Special Rapporteur on the Right to Health: www.unhchr.ch/html/menu2/7/b/mhealth.htm.
- World Trade Organization: www.wto.org.

c. Publications

- 3D-->Trade--Human Rights--Equitable Economy & FORUM-ASIA, *Practical Guide to the WTO for Human Rights Advocates* (2004): www.3dthree.org/en/complement.php?IDcomplement=36&IDcat=4&IDpage=14.
- FIDH, *For the Primacy of Human Rights; For a Human Rights Impact Assessment of WTO Agreements, 5th WTO Ministerial Conference, Cancún, Mexico, 10-14 September 2003*: www.fidh.org/ecosoc/rapport/2003/omc8pagesa.pdf.
- Global Unions Group et al., *Final Trade Union Statement on the Agenda for the 6th Ministerial Conference of the World Trade Organisation* (2005): www.ictuglobalsolidarity.org/uploads/FINAL%20statement%20HK.25%20May.doc.
- Robert Howse & Makau Mutua, *Protecting Human Rights in a Global Economy: Challenges for the World Trade Organization* (Rights and Democracy, 2000): www.ichrdd.ca/english/commdoc/publications/globalization/wtoRightsGlob.html.
- IBON, *Careening Towards WTO Hong Kong: The Dangerous Race to Clinch the Doha Round*, Apr. 15, 2005.
- ILO, *A Fair Globalization: Creating Opportunities for All* (2004): www.ilo.org/public/english/fairglobalization/report/index.htm.
- Kamal Malhotra et al., *Making Global Trade Work for People* (UN Development Programme & Rockefeller Brothers Fund, 2003): www.undp.org/mdg/globaltrade.pdf.
- Oxfam, *Rigged Rules and Double Standards: trade, globalisation, and the fight against poverty* (2002): www.maketrade.com/assets/english/report_english.pdf.

- Michael J. Trebilcock & Robert Howse, *Trade Policy & Labor Standards*, 14 MINN. J. GLOBAL TRADE 261 (2005).

C. ANNEX: INFORMATION FROM THE SEMINAR

1. Itinerary

DAY ONE: MAY 17

- Introduction: Globalisation and new challenges to human rights: business, trade and human rights (Olivier De Schutter, FIDH)
- General introduction to the WTO (Peter Prove, WLF)
- Working principles of the WTO and the current context
 - *Challenges of current negotiations for developing countries* (Vicente Paolo B. Yu, III, The South Centre)
 - *The Dispute Settlement Mechanism* (Kerry Allbeury, WTO)
- The international of the international law of human rights and trade agreements
 - *The principle of primacy of human rights law* (Olivier De Schutter, FIDH)
 - *Interaction of trade agreements and international human rights law* (Mireille Cossy, WTO)
 - *The social dimension of globalisation and human rights, including the right to work* (Hamish Jenkins, ILO)
 - *WTO accession and human rights* (Elisabeth Wickeri, HRIC)
 - *The debate around a "social clause"* (Esther Busser, ICFTU; Peter Prove, WLF)
 - *The social clause and developing countries: the example of Morocco* (Seddiki Abdeslam, OMDH)

DAY TWO: MAY 18

- TRIPS and the right to health
 - *TRIPS, the Doha Declaration and impact on access to essential medicine* (Ellen t'Hoen, MSF)
 - *Bilateral trade agreements and TRIPS-plus: a threat to the right to health* (Davinia Ovet, 3D)
 - *Kenya, TRIPS and the right to health* (Steve Ouma, KHRC)
 - *Egypt and TRIPS* (Helmy El Rawy, EIPR)
- GATS and access to essential services
 - *Privatisation, liberalisation of essential services and right to education, right to health, right to work...* (Johannes Bernabe, ICTSD)
 - *Liberalisation of water supply services in the Philippines* (Jazminda Buncan Lumang, IBON)
- WTO Agreement on Agriculture
 - *WTO agreements on agriculture and their impact on the right to food and other human rights* (Sally-Anne Way, Assistant to the UN Special Rapporteur on the Right to Food)
 - *Other WTO agreements (e.g. GATS) and their impact on the right to food* (Peter Rossman, IUF)

DAY THREE: MAY 19

- Using existing human rights mechanisms
 - *International human rights mechanisms: UN special rapporteurs, UN treaty bodies* (Davinia Ovet, 3D and Sally-Anne Way)
 - *Regional human rights mechanisms: the Inter-American Commission* (Julieta Rossi, CELS)
- Using human rights within the WTO
 - *Using human rights in negotiations* (Carin Smaller, IATP)

- *WTO Dispute Settlement: how can NGOs interact?* (Nathalie Bernasconi-Osterwalder, CIEL)
- *WTO compliance mechanisms: possible 'interventions' for NGOs?* (Elisabeth Wickeri, HRIC)
- **Final session: NGO strategies**
 - *Strategies for the Hong Kong Ministerial* (Suzanne Wu, HKPA; Jacques Chai Chomthongdi, Focus on the Global South; Elisabeth Wickeri, HRIC; Carin Smaller, IATP; Caroline Dommen, 3D)
 - *Advocating for human rights impact analysis* (Olivier De Schutter, FIDH; Simon Walker, UNHCHR)

2. Participants

3D-->Trade--Human Rights--Equitable Economy: Caroline Dommen, Davinia Overtt
Association malienne des droits de l'Homme: Brahim Koné
Association Marocaine des Droits Humains (AMDH): Abdelkhalek Benzekri
Cambodia Human Rights and Development Association (ADHOC), Thun Saray
Cambodian League for the Promotion and Defense of Human Rights (LICADHO): Kek Galabru
Center for International Environmental Law (CIEL): Nathalie Bernasconi-Osterwalder
Centro de Estudios Legales y Sociales (CELS), Argentina: Julieta Rossi
Centro Derechos Economicos y Sociales (CDES), Ecuador: Christian Sieber
Comité Vietnam: Nhat Vo Tran
Egyptian Initiative for Personal Rights (EIPR): Helmy El-Rawy
FIDH: Olivier De Schutter, Elin Wrzoncki, Isabelle Brachet, Amandine Regamey, Tammy Kim (intern)
Focus on the Global South: Jacques Chai Chomthongdi
Hong Kong People's Alliance (HKPA): Suzanne Wu
Human Rights Azerbaijan: Elmira Alakbarova
Human Rights in China (HRIC): Elisabeth Wickeri
Human Rights Information and Documentation Center (HRIDC), Georgia: Ucha Nanuashvili
IBON, Philippines: Jazminda Buncan Lumang
Institute for Agriculture and Trade Policy (IATP): Carin Smaller
Instituto Latinoamericano de Servicios Legales Alternativos (ILSA), Colombia: Héctor-León Moncayo
International Centre for Trade and Sustainable Development (ICTSD): Johannes Bernabe
International Confederation of Free Trade Unions (ICFTU): Esther Busser
International Labor Organization (ILO): Hamish Jenkins
International Union of Foodworkers (IUF): Peter Rossman
Kenyan Human Rights Commission (KHRC): Steve Ouma
Liga direitos humanos, Mozambique: Paulo Comoane
Médecins Sans Frontières (MSF): Ellen t'Hoen
Office of the High Commissioner on Human Rights (UNHCHR): Simon Walker
Organisation Marocaine des droits Humains (OMDH): Abdes Seddiki
The South Centre: Vicente Paolo B. Yu, III
UN Special Rapporteur on the Right to Food, Assistant to: Sally-Anne Way
World Lutheran Federation: Peter Prove
WTO: Kerry Allbeury, Mireille Cossy

3. Materials from the dossier

- FOR THE PRIMACY OF HUMAN RIGHTS; FOR A HUMAN RIGHTS IMPACT ASSESSMENT OF WTO AGREEMENTS, 5TH WTO MINISTERIAL CONFERENCE, CANCÚN, MEXICO, 10-14 SEPTEMBER 2003, FIDH.
- HUMAN RIGHTS AND TRADE, 5TH WTO MINISTERIAL CONFERENCE, CANCÚN, MEXICO, 10-14 SEPTEMBER 2003, OHCHR.
- HUMAN RIGHTS, TRADE AND INVESTMENT, REPORT OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, ECOSOC (2 July 2003).
- THE RIGHT OF EVERYONE TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH, REPORT OF THE SPECIAL RAPPORTEUR, ECOSOC (1 March 2004).
- US AND EU COTTON PRODUCTION AND EXPORT POLICIES AND THEIR IMPACT ON WEST AND CENTRAL AFRICA: COMING TO GRIPS WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, 3D-->Trade--Human Rights--Equitable Economy (2004).
- DENMARK AND ITALY: TRADE-RELATED INTELLECTUAL PROPERTY RIGHTS, ACCESS TO MEDICINES AND HUMAN RIGHTS, 3D-->Trade--Human Rights--Equitable Economy (October 2004).
- BOTSWANA: TRADE-RELATED INTELLECTUAL PROPERTY RIGHTS, TRADE IN SERVICES AND THE FULFILLMENT OF CHILDREN'S RIGHTS, 3D-->Trade--Human Rights--Equitable Economy (September 2004).
- ECUADOR: TRADE-RELATED INTELLECTUAL PROPERTY RIGHTS, ACCESS TO MEDICINES AND THE RIGHT TO HEALTH, 3D-->Trade--Human Rights--Equitable Economy (April 2004).
- OVERVIEW OF THE JULY PACKAGE, DOHA ROUND BRIEFING SERIES vol. 3, ICTSD (February 2005).
- AGRICULTURE, DOHA ROUND BRIEFING SERIES vol. 3 no. 2, ICTSD (February 2005).
- TRADE IN SERVICES, DOHA ROUND BRIEFING SERIES vol. 3 no. 3, ICTSD (February 2005).
- MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS, DOHA ROUND BRIEFING SERIES vol. 3 no. 4, ICTSD (February 2005).
- INTELLECTUAL PROPERTY RIGHTS, DOHA ROUND BRIEFING SERIES vol. 3 no. 5, ICTSD (February 2005).
- REVIEW OF THE DISPUTE SETTLEMENT UNDERSTANDING, DOHA ROUND BRIEFING SERIES vol. 3 no. 8, ICTSD (February 2005).
- BRIDGES yr. 9 no. 1, ICTSD (January 2005).
- BRIDGES yr. 8 no. 10, ICTSD (November 2004).
- PRACTICAL GUIDE TO THE WTO FOR HUMAN RIGHTS ADVOCATES, 3D-->Trade--Human Rights--Equitable Economy & FORUM-ASIA (2004).
- MAKING GLOBAL TRADE WORK FOR PEOPLE, UNDP (2003).

¹ See WTO, *The WTO in Brief*, available at www.wto.org/english/thewto_e/whatis_e/inbrief_e/inbr00_e.htm (last visited June 10, 2005).

² See WTO, *Negotiations, implementation and development: the Doha agenda*, available at www.wto.org/english/tratop_e/dda_e/dda_e.htm (last visited June 10, 2005). The UN's Millennium Development Goals (MDG) are also relevant to this paper but cannot be adequately discussed herein; for more information, see UN, *United Nations Millennium Development Goals (MDG)*, available at www.un.org/millenniumgoals/ (last visited June 10, 2005).

³ *Id.*

⁴ See ILO, *Constitution*, available at www.ilo.org/public/english/about/iloconst.htm (last visited June 29, 2005).

⁵ These conventions are as follows: No. 29 Forced Labour (1930), No. 87 Freedom of Association and Protection of the Right to Organize (1948), No. 98 Right to Organize and Collective Bargaining (1949), No. 100 Equal Remuneration (1951), No. 105 Abolition of Forced Labour (1957), No. 111 Discrimination (Employment and Occupation) (1958), No. 138 Minimum Age Convention (1973), and No. 182 Elimination of the Worst Forms of Child Labour (1999), *LabourStart, ILO Core Conventions*, at www.labourstart.org/rights/#en (last visited June 29, 2005). See also the 1998 ILO Declaration on Fundamental Principles and Rights at Work, available at www.ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE (last visited June 29, 2005).

⁶ See UN CHARTER, 59 Stat. 1031, T.S. 993 (1945), available at www.un.org/aboutun/charter/ (last visited June 29, 2005); see also Universal Declaration of Human Rights, G.A. Res. 217(A), 3d Sess., art. 25(1), UN Doc. A/810 (1948), available at www.un.org/Overview/rights.html (last visited June 10, 2005).

⁷ Convention on the Rights of the Child, G.A. Res. 23, UN GAOR, 44th Sess., Supp. No. 49, UN Doc. A/Res/44/23 (1989), available at www.unhcr.ch/html/menu3/b/k2crc.htm (last visited June 10, 2005).

⁸ Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, UN GAOR, 34th Sess., Supp. No. 46, at 193, UN Doc. A/RES/34/180 (1979), available at www.un.org/womenwatch/daw/cedaw/text/econvention.htm (last visited June 10, 2005).

⁹ Traditionally, civil and political rights were thought to be negative rights that merely prohibited state interference. Conversely, economic rights were thought to require positive state action and were therefore seen as being contextual and having indeterminate content. Today, it is understood that this distinction is false and that, for every right, there are complementary state obligations. These are described as the obligations to protect, respect, and fulfill (facilitate/provide). For an illustration, see *General Comment 12: The right to adequate food*, UN CESCR, 20th Sess., para. 14, UN Doc. E/C.12/1999/5 (1999), available at www.unhcr.ch/tbs/doc.nsf/0/3d02758c707031d58025677f003b73b9?OpenDocument (last visited June 10, 2005).

¹⁰ See *id.*

¹¹ See *General Comment 14: The right to the highest attainable standard of health (Article 12)*, UN CESCR, 22nd Sess., para. 43, UN Doc. E/C.12/2000/4 (2000), available at [www.unhcr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.2000.4.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/E.C.12.2000.4.En?OpenDocument) (last visited June 10, 2005).

¹² See *General Comment 3: The nature of States parties' obligations*, UN CESCR, 5th Sess., para. 2, UN Doc. HRI/GEN/1/Rev.1 (1990), available at [www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+comment+3.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+comment+3.En?OpenDocument) (last visited June 10, 2005).

¹³ Preamble, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 33 I.L.M. 1153 (1994), available at www.wto.org/english/docs_e/legal_e/04-wto.pdf (last visited June 10, 2005). While many people do not give full credence to preambulatory statements, Art. 31 of the Vienna Convention states that preambles are part of the important contextual material that should govern the interpretation of treaties.

¹⁴ *Declaration on the Right to Development*, UN G.A., 41st Sess., A/RES/41/128 (1986), available at www.unhcr.ch/html/menu3/b/74.htm (last visited June 10, 2005).

¹⁵ Vienna Declaration and Programme of Action, UN G.A., A/CONF.157/23 (1993), available at [www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument) (last visited June 20, 2005).

¹⁶ For more on "developing countries" according to the WTO, see www.wto.org/english/thewto_e/whatis_e/tif_e/dev1_e.htm (June 10, 2005).

¹⁷ See WTO, *Summary Table of Ongoing Accessions*, May 2005, available at www.wto.org/english/thewto_e/acc_e/status_e.htm (last visited June 10, 2005).

¹⁸ Under ICESCR Art. 12, states parties are obliged to take steps toward the full realization of the highest attainable standard of mental and physical health for all persons. In *General Comment 14*, the Committee on Economic Social and Cultural Rights (CESCR) has interpreted this article to demand the provision of primary health services and essential drugs as defined by the WHO (¶¶ 12, 17, 43). Moreover, States parties' obligations endure in spite of the potentially detrimental impacts on drug availability due to the actions of drug manufacturers (¶¶ 35, 51) and other states (¶ 41). Beyond the ICESCR, the right to health is addressed explicitly or implicitly in UDHR 25(1); ICCPR Art. 6; CRC inter alia Arts. 17, 23, 24; CEDAW 11(1)(f), 12; and CERD 5(3)(iv).

¹⁹ See Oxfam, *TRIPS and Public Health: The next battle* (2002), at 5, available at www.oxfam.org.uk/what_we_do/issues/health/bp15_trips.htm (last visited June 21, 2005).

²⁰ See Art. 31, Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 33 I.L.M. 81 (1994), available at www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm (last visited June 10, 2005).

²¹ TRIPS Art. 31(f) requires production under compulsory licensing to be "predominantly for the supply of the domestic market," *id.*

- ²² WTO, *Implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health*, Decision of the General Council, Aug. 30, 2003, WT/L/540, available at www.wto.org/english/tratop_e/trips_e/implem_para6_e.htm (last visited June 10, 2005).
- ²³ See WTO, *TRIPS and public health: dedicated webpage for notifications*, at www.wto.org/english/tratop_e/trips_e/public_health_e.htm (last visited June 21, 2005).
- ²⁴ See Sangeeta Shashikant, *More countries use compulsory licence, but new problems emerge*, Third World Network Info Service on Health Issues, May 19, 2005, at www.twinside.org.sg/title2/twninfohealth004.htm (last visited June 21, 2005).
- ²⁵ See International Centre for Trade and Sustainable Development (ICTSD), *Intellectual Property Rights*, DOHA ROUND BRIEFING SERIES, vol. 3, no. 5, Feb. 2005, at 3.
- ²⁶ See Médecins Sans Frontières (MSF), *Will the lifeline of affordable medicines for poor countries be cut? Consequences of medicines patenting in India*, Feb. 2005, available at www.msf.fr/documents/base/2005-02-01-msf.pdf (last visited June 10, 2005).
- ²⁷ See ICTSD, BRIDGES, yr. 9, no. 1, Jan. 2005, at 14, available at www.ictsd.org/monthly/bridges/BRIDGES9-1.pdf (last visited June 10, 2005).
- ²⁸ See www.moroccousafta.com/index_ang.htm (last visited June 10, 2005).
- ²⁹ For the complete text of the US-Morocco FTA, see www.ustr.gov/Trade_Agreements/Bilateral/Morocco_FTA/Final_Text/Section_Index.html (last visited June 21, 2005).
- ³⁰ See bilaterals.org's coverage of the US-Morocco agreement, at www.bilaterals.org/rubrique.php?id_rubrique=75 (last visited June 21, 2005).
- ³¹ See GRAIN, "TRIPs-Plus" Must Stop: *The EU Caught in Blatant Contradictions* (Mar. 2003), available at www.grain.org/briefings_files/trips-plus-eu-2003-en.pdf (last visited June 21, 2005).
- ³² See MSF, *R&D System is Failing to Meet Health Needs in Developing Countries*, Jan. 2005, available at www.accessmed-msf.org/documents/MexicoR&Dbriefing.pdf (last visited June 10, 2005).
- ³³ *The right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Report of the Special Rapporteur, Paul Hunt; Addendum: Mission to the World Trade Organization*, UN CHR, 60th Sess., UN Doc. E/CN.4/2004/49/Add.1 (2004), available at [www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2004.49.Add.1.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.49.Add.1.En?Opendocument) (last visited June 10, 2005), para. 42.
- ³⁴ WTO, *Doha Ministerial Declaration*, Nov. 14, 2001, WT/MIN(01)/DEC/1, para. 13, available at www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_e.htm (last visited June 10, 2005).
- ³⁵ *Globalization and its impact on the full enjoyment of human rights*, UN CHR, 58th Sess., UN Doc. E/CN.4/2002/54 (2002), para. 20, available at [www.unhchr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/271bf943bbd7596fc1256b98004f2950/\\$FILE/G0210108.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/271bf943bbd7596fc1256b98004f2950/$FILE/G0210108.pdf) (last visited June 10, 2005).
- ³⁶ See ICTSD, *Agriculture*, DOHA ROUND BRIEFING SERIES, vol. 3, no. 2, Feb. 2005, at 2.
- ³⁷ *Id.* at 3.
- ³⁸ "Dumping" is defined as "the export of agriculture commodities at prices below the cost of production," Institute for Agriculture and Trade Policy (IATP), *Glossary for the WTO Agreement on Agriculture*, Nov. 2004, available at http://dakardecclaration.org/IMG/pdf/0411_glossary_A4.pdf (last visited June 10, 2005).
- ³⁹ See IATP, *WTO Agreement on Agriculture: A Decade of Dumping—United States Dumping on Agricultural Markets* (2005), available at www.tradeobservatory.org/library.cfm?refid=48532 (last visited June 10, 2005); and Kevin Watkins & Joachim von Braun, *Time to Stop Dumping on the World's Poor*, 2002-2003 IFPRI ANNUAL REPORT ESSAY, available at www.ifpri.org/pubs/books/ar2002/ar2002_essay01.htm (last visited June 23, 2005).
- ⁴⁰ 3D-->TRADE--HUMAN RIGHTS--EQUITABLE ECONOMY & ETHICAL GLOBALIZATION INITIATIVE, US AND EU COTTON PRODUCTION AND EXPORT POLICIES AND THEIR IMPACT ON WEST AND CENTRAL AFRICA: COMING TO GRIPS WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS (2004), available at www.3dthree.org/en/page.php?IDpage=27&IDcat=5 (last visited June 20, 2005).
- ⁴¹ *Id.*
- ⁴² *Supra* note 35, para. 47.
- ⁴³ See *supra* note 36, at 3.
- ⁴⁴ *Id.*
- ⁴⁵ INTERNATIONAL LABOR ORGANISATION (ILO) WORLD COMMISSION ON THE SOCIAL DIMENSION OF GLOBALIZATION, A FAIR GLOBALIZATION: CREATING OPPORTUNITIES FOR ALL (2004), paras. 374-75, available at www.ilo.org/public/english/wcsdg/docs/report.pdf (last visited June 10, 2005).
- ⁴⁶ INTERNATIONAL UNION OF FOOD, AGRICULTURAL, HOTEL, RESTAURANT, CATERING, TOBACCO AND ALLIED WORKERS' ASSOCIATIONS (IUF), THE WTO AND THE WORLD FOOD SYSTEM: A TRADE UNION APPROACH (2002), at 3, available at www.agribusinessaccountability.org/pdfs/296_WTO%20and%20World%20Food%20System%20-%20Trade%20Union%20Approach.pdf (last visited June 10, 2005).

- ⁴⁷ *Id.* at 4. The IUF further points out that under the WTO principle of legal and regulatory *harmonization*, “any local standards which exceed these international standards are labeled unfair trade barriers. See also *infra* note 97 and text accompanying.
- ⁴⁸ *Id.* at 7.
- ⁴⁹ See WTO, *GATT and the Goods Council*, at www.wto.org/english/tratop_e/gatt_e/gatt_e.htm (last visited June 13, 2005).
- ⁵⁰ See Preamble, General Agreement on Trade in Services, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1B, 33 I.L.M. 44 (1994), available at www.wto.org/english/docs_e/legal_e/26-gats_01_e.htm (last visited June 10, 2005).
- ⁵¹ Four modes of supply are covered by the agreement: cross-border supply (e.g. international post or telephone); consumption abroad (e.g. tourist services); foreign commercial presence (e.g. bank branches); and presence of natural persons (e.g. services provided by foreign technicians or temporary workers). See UNDP, *General Agreement on Trade in Services*, MAKING GLOBAL TRADE WORK FOR PEOPLE (2003), available at www.undp.org/mdg/globaltrade.pdf (last visited June 10, 2005).
- ⁵² The first sentence of paragraph 15 reads: “The negotiations on trade in services shall be conducted with a view to promoting the economic growth of all trading partners and the development of developing and least-developed countries,” *supra* note 34, at para. 15.
- ⁵³ See *supra* note 50, art. iv.
- ⁵⁴ See IUF, *The GATS Threat to Food and Agriculture*, 2004, at 5, available at www.iufdocuments.org/www/documents/wto/GATS-e.pdf (last visited June 28, 2005).
- ⁵⁵ See ICTSD, *Trade in Services*, DOHA ROUND BRIEFING SERIES, vol. 3, no. 3, Feb. 2005, at 3.
- ⁵⁶ See *supra* note 54, at 3.
- ⁵⁷ *Id.* at 8.
- ⁵⁸ See 3D-->Trade--Human Rights--Equitable Economy & FORUM-ASIA, 51 *Practical Guide to the WTO for Human Rights Advocates* (2004), available at www.3dthree.org/en/complement.php?IDcomplement=36&IDcat=4&IDpage=14 (last visited June 10, 2005). Pushed by the World Bank, the Philippine government has begun pursuing similar privatization measures in water systems throughout the country. IBON, FACTS & FIGURES, Mar. 15, 2005.
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- ⁶⁰ See *supra* note 45, para. 377. The list of least developed countries can be found at www.un.org/special-rep/ohrls/lcd/list.htm (last visited June 10, 2005).
- ⁶¹ See ICTSD, *Market Access for Non-Agricultural Products*, DOHA ROUND BRIEFING SERIES, vol. 3, no. 4, Feb. 2005, at 2.
- ⁶² *Supra* note 34, at para. 16.
- ⁶³ *Supra* note 61, at 3.
- ⁶⁴ *Id.* at 4.
- ⁶⁵ See OXFAM, *TRADING AWAY OUR RIGHTS: WOMEN WORKING IN GLOBAL SUPPLY CHAINS* (2004), ch. 3, available at www.oxfam.org.uk/what_we_do/issues/trade/downloads/trading_rights.pdf (last visited June 10, 2005).
- ⁶⁶ Mahfuz Ahmed, *Market Access and Liberalisation in Fish Trade* (paper for the ICTSD conference *Untangling Fisheries and Trade: Towards Priorities for Action*, May 9-10, 2005), at 1, available at www.ictsd.org/dlogue/2005-05-09/2005-05-09-Ahmed.pdf (last visited June 13, 2005).
- ⁶⁷ *Id.* at 5.
- ⁶⁸ *Id.* at 7.
- ⁶⁹ See John Kurien, *Sustainable Development and Fisheries Subsidies: Some Preliminary Thoughts* (paper for the ICTSD conference *Untangling Fisheries and Trade: Towards Priorities for Action*, May 9-10, 2005), at 15, available at www.ictsd.org/dlogue/2005-05-09/2005-05-09-Kurien.pdf (last visited June 13, 2005).
- ⁷⁰ See Abdeslam Seddiki, Organisation marocaine des droits Humains (OMDH), *La « clause sociale » et les PVD : le cas du Maroc* (2005), at 2.
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- ⁷² See WTO, *WTO Organization Chart*, at www.wto.org/english/thewto_e/whatis_e/tif_e/org2_e.htm (last visited June 10, 2005).
- ⁷³ The basic criteria and process for accession were established at Marrakesh. See WTO, *Accessions*, at www.wto.org/english/thewto_e/acc_e/acc_e.htm (last visited June 10, 2005).
- ⁷⁴ See *infra* note 87.
- ⁷⁵ Oxfam, *Cambodia's Accession to the WTO: How the law of the jungle is applied to one of the world's poorest countries*, Sept. 2, 2003, available at www.oxfam.org/eng/pdfs/doc030902_cambodia_accession.pdf (last visited June 10, 2005).

- ⁷⁶ Elisabeth Wickeri, Presentation, *WTO Compliance Mechanisms: What Possible "Interventions" for NGOs?*, May 19, 2005, FIDH Training Seminar on Trade, the WTO and Human Rights.
- ⁷⁷ *Id.*
- ⁷⁸ See Oxfam, Cambodia: Pushed through the back door, Sept. 11, 2003, available at www.oxfam.org/eng/pr030911_camb_wto.htm (last visited June 10, 2005).
- ⁷⁹ For frequency of reviews and other pertinent information, see WTO, *Overseeing national trade policies: the TPRM*, available at www.wto.org/english/tratop_e/tp_r_e/tp_int_e.htm (last visited June 10, 2005).
- ⁸⁰ See WTO, UNDERSTANDING THE WTO 53, available at www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf (last visited June 23, 2005).
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- ⁸⁴ See ICTSD, *Review of the Dispute Settlement Understanding*, DOHA ROUND BRIEFING SERIES, vol. 3, no. 8, Feb. 2005.
- ⁸⁵ See *supra* note 6, art. 21.
- ⁸⁶ Among WTO members, these assemblages include: G10, G20; CARICOM; G33; African, Caribbean & Pacific countries; "five interested parties"; Cairns Group; Common Market; Least Developed Countries; ASEAN; and the OECD.
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- ⁸⁸ See Egyptian Initiative for Personal Rights (EIPR), *Egypt's State Responsibility to Protect the Right to Health after Implementation of the TRIPS: A Rights-Based Analysis*, available at www.eipr.org/en/reports/trips05/enstud1.htm (last visited June 10, 2005).
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- ⁹⁰ See the Constitution of South Africa, adopted May 8, 1996, available at www.oefre.unibe.ch/law/icl/sf00000_.html (last visited June 10, 2005); and the Kenya Human Rights Commission, at www.khrc.or.ke/ (last visited June 10, 2005).
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- ⁹⁴ See African Commission on Human and Peoples' Rights, at www.achpr.org/ (last visited June 13, 2005).
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- ¹⁰⁰ See 3D-->Trade--Human Rights--Equitable Economy, *UN Human Rights Treaty Monitoring Bodies Review of State Implementation of International Conventions (ICESCR, ICCPR and CRC): References to Intellectual Property and Human Rights* (2004).
- ¹⁰¹ See, e.g. FIDH, *Item 10 of the agenda: Economic, Social and Cultural Rights* (submission to the UN CHR 61st Sess.), Feb. 24, 2005, available at www.fidh.org/article.php3?id_article=2239 (last visited June 13, 2005).
- ¹⁰² See www.un.org/womenwatch/daw/cedaw/committee.htm (last visited June 13, 2005).
- ¹⁰³ See INSTITUTE FOR INTERNATIONAL ECONOMICS, *The ILO and Enforcement of Core Labor Standards*, INTERNATIONAL ECONOMICS POLICY BRIEFS, no. 00-6, July 2000, at 2, available at www.iie.com/publications/pb/pb00-6.pdf (last visited June 29, 2005).
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- ¹⁰⁷ See *supra* note 103, at 5-6; and ILO WASHINGTON OFFICE, *ILO Takes Historic Step to Compel Myanmar to End Forced Labor*, ILO FOCUS, Winter 2001, available at www.us.ilo.org/archive/ilofocus/2001/winter/0012focus_1.cfm (last visited June 29, 2005).
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¹¹⁰ Caroline Dommen, *The WTO, international trade, and human rights* (forthcoming in MICHAEL WINDFUHR ED. MAINSTREAMING HUMAN RIGHTS IN MULTILATERAL INSTITUTIONS) (2004), available at www.3dthree.org/pdf_3D/WTOmainstreamingHR (last visited June 10, 2005).

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FIDH represents 141 Human Rights organisations

141 organisations

Afrique du Sud -Human Rights Committee of South Africa	Chine -Human Rights in China	Defense des Droits de L'Homme	Droits Humains	des Droits des Personnes et Libertés Publiques
Albanie -Albanian Human Rights Group	Colombie -Comite Permanente por la Defensa de los Derechos Humanos	Guinée Bissau -Liga Guineense dos Direitos do Homen	Mauritanie -Association Mauritanienne des Droits de L'Homme	Rwanda -Collectif des Ligues pour la Defense des Droits de L'Homme Au Rwanda
Algérie -Ligue Algérienne de Défense des Droits de L'Homme	Colombie -Corporacion Colectivo de Abogados Jose Alvear Restrepo	Irak (Royaume Uni) -Iraqi Network for Human Rights Culture and Development	Mexique -Comision Mexicana de Defensa y Promocion de los Derechos Humanos	Rwanda -Ligue Rwandaise pour la Promotion et la Defense des Droits de L'Homme
Algérie -Ligue Algérienne des Droits de L'Homme	Colombie -Instituto Latinoamericano de Servicios Legales Alternativos	Iran -Centre des Defenseurs des Droits de L'Homme en Iran	Mexique -Liga Mexicana por la Defensa de los Derechos Humanos	Sénégal -Organisation Nationale des Droits de L'Homme
Allemagne -Internationale Liga für Menschenrechte	Congo Brazzaville -Observatoire Congolais des Droits de L'Homme	Iran (France) -Ligue de Defense des Droits de L'Homme en Iran	Moldova -League for the Defence of Human Rights	Sénégal -Rencontre Africaine pour la Defense des Droits de L'Homme
Argentine -Centro de Estudios Legales y Sociales	Côte d'Ivoire -Ligue Ivoirienne des Droits de L'Homme	Irlande -Irish Council for Civil Liberties	Mozambique -Liga Mocancicana Dos Direitos Humanos	Serbie et Montenegro -Center for Antirwar Action - Council for Human Rights
Argentine -Comite de Accion Juridica	Côte d'Ivoire -Mouvement Ivoirien des Droits de L'Homme	Irlande du Nord -Committee On the Administration of Justice	Nicaragua -Centro Nicaraguense de Derechos Humanos	Soudan (Royaume Uni) -Sudan Organisation Against Torture
Argentine -Liga Argentina por los Derechos del Hombre	Croatie -Civic Committee for Human Rights	Israël -Adalah	Niger -Association Nigérienne des Droits de L'Homme	Soudan (Royaume Uni) -Sudan Human Rights Organization
Autriche -Österreichische Liga für Menschenrechte	Cuba -Comision Cubana de Derechos Humanos y Reconciliacion Nacional	Israël -Association for Civil Rights in Israel	Nigeria -Civil Liberties Organisation	Suisse -Ligue Suisse des Droits de L'Homme
Azerbaïdjan -Human Rights Center of Azerbaijan	Ecosse -Scottish Human Rights Centre	Israël -B'tselem	Nouvelle Calédonie -Ligue des Droits de L'Homme de Nouvelle Calédonie	Syrie -Comite pour la Defense des Droits de L'Homme en Syrie
Bahrein -Bahrain Human Rights Society	Egypte -Egyptian Organization for Human Rights	Israël -Union Forense Per la Tutela Dei Diritti Dell'uomo	Ouganda -Foundation for Human Rights Initiative	Tanzanie -The Legal & Human Rights Centre
Bangladesh -Odhikar	Egypte -Human Rights Association for the Assistance of Prisoners	Italie -Liga Italiana Dei Diritti Dell'uomo	Pakistan -Human Rights Commission of Pakistan	Tchad -Association Tchadienne pour la Promotion et la Defense des Droits de L'Homme
Bélarus -Human Rights Center Viasna	El Salvador -Comision de Derechos Humanos de El Salvador	Italie -Unione Forense Per la Tutela Dei Diritti Dell'uomo	Palestine -Al Haq	Tchad -Ligue Tchadienne des Droits de L'Homme
Belgique -Liga Voor Menschenrechten	Ecuador -Centro de Derechos Economicos y Sociales	Jordanie -Amman Center for Human Rights Studies	Palestine -Palestinian Centre for Human Rights	Thaïlande -Union for Civil Liberty
Belgique -Ligue des Droits de L'Homme	Ecuador -Comision Ecumenica de Derechos Humanos	Jordanie -Jordan Society for Human Rights	Panama -Centro de Capacitacion Social	Togo -Ligue Togolaise des Droits de L'Homme
Bénin -Ligue pour la Defense des Droits de L'Homme Au Bénin	Ecuador -Fundacion Regional de Asesoría en Derechos Humanos	Kenya -Kenya Human Rights Commission	Pays Bas -Liga Voor de Rechten Van de Mens	Tunisie -Conseil National pour Les Libertés en Tunisie
Bhutan -People's Forum for Human Rights in Bhutan (Nepal)	Espagne -Asociacion Pro Derechos Humanos	Kosovo -Conseil pour la Defense des Droits de L'Homme et des Libertés	Pérou -Asociacion Pro Derechos Humanos	Tunisie -Ligue Tunisienne des Droits de L'Homme
Bolivie -Asamblea Permanente de los Derechos Humanos de Bolivia	Espagne -Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos	Kyrgistan -Kyrgyz Committee for Human Rights	Pérou -Centro de Asesoría Laboral	Turquie -Human Rights Foundation of Turkey
Brazil -Centro de Justicia Global	Etats Unis -Center for Constitutional Rights	Lettonie -Latvian Human Rights Committee	Philippines -Philippine Alliance of Human Rights Advocates	Turquie -Insan Haklari Dernegi / Ankara
Brazil -Movimento Nacional de Direitos Humanos	Etats Unis -Center for Constitutional Rights	Liban -Association Libanaise des Droits de L'Homme	Polynésie Française -Ligue Polynésienne des Droits Humains	Turquie -Insan Haklari Dernegi / Diyarbakir
Burkina Faso -Mouvement Burkinabe des Droits de L'Homme & des Peuples	Finlande -Finnish League for Human Rights	Liban -Foundation for Human and Humanitarian Rights in Lebanon	Portugal -Civitas	Union européenne -FIDH AE
Burundi -Ligue Burundaise des Droits de L'Homme	France -Ligue des Droits de L'Homme et du Citoyen	Liban -Palestinian Human Rights Organization	RDC -Ligue des Electeurs	Uzbekistan -Legal Aid Society
Cambodge -Cambodian Human Rights and Development Association	Georgie -Human Rights Information and Documentation Center	Liberia -Liberia Watch for Human Rights	RDC -Association Africaine des Droits de L'Homme	Vietnam -Legal-Comite Vietnam pour la Defense des Droits de L'Homme
Cambodge -Ligue Cambodgienne de Défense des Droits de L'Homme	Grèce -Ligue Hellenique des Droits de L'Homme	Libye (Suisse) -Libyan League for Human Rights	République de Djibouti -Ligue Djiboutienne des Droits Humains	Yemen -Human Rights Information and Training Center
Laos (France) -Mouvement Lao pour Les Droits de L'Homme	Guatemala -Centro Para la Accion Legal en Derechos Humanos	Lithuanie -Lithuanian Human Rights Association	République Tchèque -Human Rights League	Yemen -Sisters' Arabic Forum for Human Rights
Cameroun -Maison des Droits de L'Homme	Guatemala -Comision de Derechos Humanos de Guatemala	Malaisie -Suaram	Roumanie -Ligue pour la Defense des Droits de L'Homme	Zimbabwe -Zimbabwe Human Rights Association Zimrights
Cameroun (France) -Ligue Camerounaise des Droits de L'Homme	Guinée -Organisation Guinéenne pour la	Mali -Association Malienne des Droits de L'Homme	Royaume-Uni -Liberty	
Canada -Ligue des Droits et des Libertés du Québec		Malte -Malta Association of Human Rights	Russie -Citizen's Watch	
Centrafrique -Ligue Centrafricaine des Droits de L'Homme		Maroc -Association Marocaine des Droits Humains	Rwanda -Association pour la Defense	
Chili -Comite de Defensa de los Derechos del Pueblo		Maroc -Organisation Marocaine des		

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