

**NGO OBSERVATION OF THE WORK OF THE COMMITTEE
ON TRADE AND ENVIRONMENT**

Submission by the United States

1. The United States believes that it is essential to the work of the Committee on Trade and Environment that the Committee maintain a high level of credibility throughout its proceedings. Accordingly, it is important that the Sub-Committee incorporate, from the outset of its proceedings, sound principles of transparency in its procedures. Those sound principles include allowing interested non-governmental bodies¹ (NGO's) whose work is relevant to the work of the Committee to observe its proceedings.

2. The majority of the nations that are signatories to the WTO Agreement have already recognized the important, constructive role that can be played by NGOs by providing for such transparency in other contexts.

- Article 71 of the United Nations Charter first established the legitimacy of an NGO presence in international activities. Through Agenda 21, the United Nations Conference on the Environment and Development built on the Charter's early directive. Chapter 27 of Agenda 21 urged the signatories to strengthen the role of NGOs and invite them to take part in the formulation of policies and in the implementation of development programmes.
- Chapter 38 of Agenda 21 called upon all inter-governmental organizations to move towards designing open and effective means to achieve cooperation and interaction with NGOs. The importance of NGO work regarding the Agenda 21 implementation process was noted, and the signatories agreed that NGOs should have access to any United Nations reports and information.
- The Uruguay Round Final Act similarly recognizes the value and legitimacy of consultation and cooperation with the NGO community in Article V(2), which states that the General Council may make appropriate arrangements for consultation and cooperation with relevant NGOs.

3. NGOs have observed the proceedings of the United Nations and other international organizations for many years. Many organizations within the United Nations family (including

¹Such non governmental bodies would include groups representing environmental, developmental and business interests.

UNEP, UNDP, UNECE and others) have taken proactive steps to address the involvement of NGOs.

- The World Bank's current Directive on Disclosure of Information creates a presumption in favour of disclosure, outside and within the Bank, in the absence of a compelling reason not to disclose. It has also established an Inspection Panel to ensure that the Bank's rules are being followed. The World Bank experience shows that broad external consultations enhance the quality of the Bank's operations.
- In addition to the World Bank, the Economic and Social Council (ECOSOC) has granted consultative status to the NGOs from the earliest days of the United Nations. NGOs observe the proceedings of a wide range of United Nations organizations, such as the United Nations Environment Programme and the Commission on Sustainable Development.

4. Other international bodies have also allowed NGOs to observe and in some instances participate, some through a more structured approach. For example, in the Organization for Economic Cooperation and Development (OECD), input is channelled through "advisory groups", which represent specific interests. In 1962, the OECD created the Business and Industry Advisory Committee (BIAC), and the Trade Union Advisory Committee (TUAC). These groups hold consultative status with the Secretariat and meet annually with the Ministerial Conference Chair and the Secretary-General. A structured approach along these lines in the view of some observers permits creative, productive input but nonetheless preserves the country-to-country nature of the organization.

5. It is appropriate and helpful for NGOs to observe the proceedings of the Committee on Trade and Environment since its work directly involves matters of broad public interest, and will receive much public attention. The areas of work involve complex and sensitive issues on which there is a need for continued analysis and information. In the area of environment, non-governmental bodies have served a particularly useful role as providers and disseminators of such information and expertise. Many NGOs have been active in international fora for decades and have committed great enthusiasm, as well as substantial talent and money, to educating lawmakers in environmental matters. Many of their efforts have been characterized both by sophisticated identification of and research on environmental issues and by considerable assistance to the government agencies responsible for policy choices in the relevant areas.

6. Many nations have expressed reservations regarding NGO observation due to potentially unmanageable numbers or the possibly disruptive nature of having them as observers. The United States emphatically agrees that permitting NGOs to observe the Committee on Trade and Environment proceedings must not be allowed to interfere with the efficient operation of the Committee on Trade and Environment. However, ways appropriate to the function of the Committee on Trade and Environment can be found to address these concerns. For example, a limited number of seats could be allowed, with appropriate consideration given to balance and diversity. Options exist for productive communication with practical logistical procedures.

7. The Committee on Trade and Environment should consider possible methods by which to structure allowing NGOs to observe. Drawing from the experience of other international organizations, an appropriate structure can be developed that would provide sufficient openness without compromising the Committee on Trade and Environment's country-to-country dialogue and without impeding productive deliberations.

8. The Committee on Trade and Environment may also wish to consider defining the NGO role with clear guidelines on when observation would be appropriate. Practical reasons exist for limiting NGO access to certain Committee on Trade and Environment sessions. No institution could effectively conduct its business if every meeting were made available for public discussion. The specific purposes and needs of negotiations, for instance, would likely preclude the presence of NGO observers in certain aspects of the negotiating process. However, the information relevant to most meetings can be disclosed without problems.

9. Non-transparent proceedings perpetuate a "fortress" image of the GATT and diminish public confidence in, and support for, the work of the WTO. This image contributes to misunderstanding and suspicion of the deliberative processes of the international trading system. Insularity of the deliberative processes of the WTO should not be allowed to undermine its progress, nor should openness compromise its effectiveness. It is important to recognize that undue limitations on non-governmental involvement can impede the flow of ideas and information necessary for informed policy and can therefore complicate domestic trade liberalization agendas and slow international efforts.

10. The United States has no doubt that the Committee on Trade and Environment can and should benefit from the "two-way street" that results from allowing observation of its proceedings by interested NGOs. If properly structured, such practices could significantly advance the deliberations of the group and contribute to an ordered and open consideration of the complex and delicate issues that constitute its mandate.