

Examining Recent Civil Society Initiatives of the World Trade Organisation: What Role for Environmental Non-Governmental Organisations?

Dr Michael Mason, *Lecturer at the London School of Economics and Political Science*, was awarded a British Academy research grant to examine emerging opportunities within the World Trade Organisation for communication on trade-related environmental concerns with non-governmental organisations. Below, he describes some of the findings from his research

The high-profile street protests at the World Trade Organisation ministerial meeting in Seattle in 1999 starkly exposed the dissatisfaction of many environment and development activists with the Organisation. It was widely portrayed as advancing only western corporate interests, insulated from democratic accountability by its closed decision-making. While WTO engagement with civil society groups preceded the Seattle meeting, the demands for increased transparency prompted the WTO to deepen its communication with non-state actors: initiatives include the derestriction of documents, access for NGOs (as observers) to ministerial meetings, and the facilitation of NGO-oriented symposia and briefings.

Recent scholarship on WTO–civil society links has posited that there are systemic limitations to inclusive, open dialogue with environmentalists, but little empirical work has been undertaken on how these new interactions are perceived by the relevant parties. As the only regular opportunity for face-to-face communication between the Geneva-based WTO Secretariat and environmentalists, the briefings to NGOs on the deliberations of the WTO Committee on Trade and Environment (CTE) were selected for an in-depth appraisal, during the period of the Academy-funded research project.

Under the current Doha trade round, formal negotiations have begun for the first time on trade and environment issues, heightening the ecological significance of WTO public information efforts. I attended, as an observer, two of the three NGO briefings on the Committee on Trade and

Environment work in Geneva in 2002. In addition, I undertook a questionnaire survey of the 30 NGO representatives attending the briefings in 2001–02, to elicit their reasons for attendance, their assessment of the briefings as an information tool, and their position on a range of recent suggestions for extending and/or formalising other channels for NGO participation in the WTO. And I interviewed officials from the WTO Secretariat and United Nations NGO liaison team in order to understand how NGO relations have evolved within the WTO, and why these have differed from the more structured, open forms of NGO interaction that exist within the United Nations system. A key aim behind inviting both NGO and WTO Secretariat respondents to comment on proposals for increasing NGO involvement in WTO work was to identify whether there were any shared goals for institutionalising civil society input, which could influence future policy in this area.

From the survey findings¹, it is clear that NGOs are turning up at the WTO to receive up-to-date information on trade and environment negotiations. The function of the briefings is primarily to provide a one-way flow of information, but NGOs make full use of opportunities for questions to ascertain the state of negotiations and convey views to WTO Secretariat staff. The findings showed there was general satisfaction with the timing, notice and format of the meetings, with particular approval of the verbal reports from WTO staff and their openness to questions. The only significant source of disquiet (albeit a minority one) was that there were insufficient opportunities to consult WTO

¹ 14 questionnaire replies were received, with 12 fully completed (seven environment and development organisations, two international business federations, one European trade union federation, one global faith alliance and an international law institute): these NGO responses, compiled on the guarantee of non-attribution of individual views and comments, represented the bulk of the regular attenders at the 2001–02 CTE briefing sessions.



Street protests in Seattle demonstrating the dissatisfaction of many environment and development activists with the WTO.

Secretariat staff more fully, or to talk to the state representative chairing the Committee meetings. Recommendations for change centred on this last point, urging more formal opportunities for interaction. All briefing participants bar the business associations – who were content with the status quo – endorsed this suggestion.

Most of those attending the briefings also supported further derestriction of WTO documents. In terms of other suggested civil society outreach measures in the questionnaire, there was strong support for proposals to facilitate greater participation in WTO decision-making – that is to say, regular meetings with NGOs on trade and environment issues, the conferral of observer status for independently accredited NGOs (e.g. according to United Nations Economic and Social Council standards for NGO recognition) at WTO committee meetings, and the right of NGOs to submit briefs to WTO dispute-settlement hearings. The environmental NGO respondents registered general satisfaction with the progress achieved in the past few years by the WTO in fostering improved central access for civil society groupings, but considered that there now needed to be a ‘mainstreaming’ of these links. Critical comments were levelled at the WTO Secretariat’s propensity for discretionary NGO access for more specialist meetings, allowing them, for example, to select non-state participants for

technical trade seminars and symposia on a private basis. More transparent, formal links were felt to be necessary to prevent perceptions of political bias in selecting civil society groups participating at these meetings. Indeed, even at the trade and environment briefings, there is an almost exclusive presence of European-based NGOs: there was therefore strong support for the provision of financial assistance to relevant Southern hemisphere NGOs to enable them to attend WTO briefings and symposia in Geneva. Some WTO member states (e.g. Australia, Canada and the Netherlands) have intermittently enabled this through individual donations: the expectation of NGOs, however, is that this should become part of the core external relations budget of the Organisation.

The expectations of NGOs that the WTO should accelerate opportunities for the representation and communication of environmental interests raises the prospect of applying new accountability norms to the organisation. The WTO is accountable in principle to its member governments and thereby indirectly to the national publics represented by these states – each of which has sovereign equality in international law. NGOs are calling for greater environmental accountability of WTO policy decisions on the grounds that the ecological consequences of trade rule-making impact beyond, as well as between, national territories

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(e.g. transport-related pollution and natural resource extraction rates accelerated by trade liberalisation). It is argued that this warrants the representation of damaged communities by NGOs, on the basis of their expertise and their moral commitment to preventing harm. This political stand is all the more necessary, environmental NGOs contest, because environmental commitments have been undermined by WTO dispute-resolution judgments, e.g. the rulings against a US import ban on tuna harvested with a high level of dolphin mortalities and against a European Community ban on the import of beef products injected with growth hormones.

Increasing civil society interest in engaging directly with the WTO has prompted the Organisation's Secretariat to consider ways of formalising NGO input, while retaining the existing discretionary arrangements which are valued for their flexibility. WTO Director General Supachai Pantichpakdi has supported more structured relations with transnational civil society actors: as revealed in interviews with Secretariat officials, the idea of a permanent NGO Advisory Committee to the WTO is being actively considered, and would represent one step towards the institutionalisation of WTO-NGO links. Nevertheless, this is still some distance from the type of routine involvement evident, for example, in United Nations trade and environment bodies. The WTO maintains the stance that NGO input into trade policy should properly take place through member states – e.g. national trade review mechanisms and routine legislative lobbying channels. What has been labelled 'WTO exceptionalism' in its position on civil society relations (compared to other international organisations) is largely explained by the deep division of WTO member states on whether trade rule-making should be opened up to NGO involvement. The support for such participation by leading industrialised countries (notably EU member states) is strongly challenged by most developing states, who fear a 'green protectionist' agenda set by well-resourced Northern environmental NGOs. NGO access and trade-environment matters are associated, in other words, with Northern 'double standards' (e.g. pushing for trade liberalisation while defending agricultural subsidies) and therefore lack wide support within the WTO.

Indeed, there are important issues to resolve concerning the democratic basis for NGO representation of public concerns about WTO

rule-making. The survey of WTO briefing participants revealed the support of participating NGOs for more interactive, institutionalised access to the organisation. These groups themselves nevertheless face open interrogation of their transnational civil society legitimacy – their constituencies, decision-making procedures and financing, as well as the general validity of their evidence-based and normative arguments. For some commentators, the claims of environmental NGOs often embody unquestioned assumptions, constructing 'global' environmental problems informed by European or North American priorities; for example, the preoccupation of Northern environmentalists with the protection of endangered species or cross-national air pollution, which are often not on the political agenda in developing countries. A contrast suggests itself with those Northern development or humanitarian NGOs who, in partnership with Southern civil society actors, address the incidence or potential for specific injuries to local populations arising from (the interpretation of) WTO decisions, for instance the campaign of *Médicins sans Frontières* and Oxfam International, against the lobbying of US and European drug companies, to ensure that poor countries are able to import affordable generic medicines.

However, there are signs that Northern environmental NGOs concerned with international trade are also finding common ground with Southern civil society groups and states. In February 2003, for example, over 30 environment and development NGOs took part in an 'international civil society hearing' in Geneva on a proposed WTO Agreement on Agriculture, charging the US and EU with defending inequitable farming systems. And the Geneva-based International Centre for Trade and Sustainable Development is currently involved in a two-year project facilitating consultations with developing countries to promote a more unified communication of a 'Southern agenda on trade and environment'. These efforts to construct trade agendas compatible both with ecological and development-oriented needs anticipate a fairer representation of transnational environmental interest in future WTO-civil society relations. To the extent that they widen member state support for trade and environment linkages within the WTO, they are also likely to be politically more effective in the organisation in securing a deeper institutionalisation of NGO involvement.