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# PARLIAMENTARY CONFERENCE ON THE WTO

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## OPTIONS FOR A PARLIAMENTARY DIMENSION OF THE WTO

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### **I. Introduction**

1. From a historical perspective, parliaments have often played a pioneering role in launching international debate on questions of war and peace, economic and social development, democracy and human rights. More recently, they have come to focus their attention on issues relating to international trade and, more particularly, on the role that parliaments should play with regard to the multilateral trading system.

2. The reason for this is twofold. On the one hand, it is a reflection of the growing concern of members of parliament with the impact of globalisation on the lives of their constituents and civil societies. On the other hand, it is the realisation by the parliamentary community that, in an inter-dependent world, questions of international trade have become so important that they can no longer be left simply to governments and their bureaucracies and should be subjected to vigorous democratic oversight by parliaments.

3. The need for prompt action was accentuated with the establishment of the World Trade Organization at the end of the Uruguay Round of trade negotiations carried out under the auspices of GATT from 1986 to 1994. Lawmakers are directly concerned with this development. The creation of the WTO with its binding rule-making and adjudication powers, and its consolidation and expansion in subsequent years, has not only placed the multilateral trading system at the heart of global governance, but also encroached on some of the traditional prerogatives of legislators as the primary lawmakers in a democratic state.

4. Soon after the wheels of WTO began turning, an intensive debate ensued inside the parliamentary community and subsequently far beyond it as to whether such an important global policy-making organisation as WTO should have a parliamentary structure associated with it, and if so what the latter's role, functions and structure could be. The debate - and the underlying process of reflection by parliaments and governments alike - has greatly evolved since the early days of enthusiastic but not always workable proposals. As everyone's understanding of the complexity of the issues progressed, so did willingness to seek realistic solutions.

5. The objective of the present paper is to stimulate and advance this process by taking stock of events and arguments and providing an overview of available options. This exercise seems to be all the more necessary in view of preparations for the Parliamentary Conference on the WTO to be held in Geneva in February 2003, as well as plans for holding a parliamentary meeting on the occasion of the fifth WTO Ministerial Conference in Cancun in September 2003.

## II. Chronology of events

6. A number of events and developments that took place in recent years were of particular importance in shaping the contours of the parliamentary dimension of the WTO. A non-exhaustive list of such events is reproduced below.

1 January 1995	<b>Start of WTO</b> activities.
9-13 December 1996 Singapore	<b>The first WTO Ministerial Conference.</b> An informal and spontaneous meeting of MPs attending the Conference took place. No documents were adopted by the MPs.
30 November - 3 December 1999 Seattle, USA	<b>The third WTO Ministerial Conference.</b> At the initiative of US Senator William V. Roth, a group of MPs attending the Conference met on 2 December 1999. Following an extensive debate, it adopted an appeal for the "establishment of a Standing Body of Parliamentarians whereby members of parliaments can exchange views, be informed and monitor WTO negotiations and activities" <sup>1</sup> .
10-11 February 2000 Bangkok, Thailand	<b>Parliamentary Meeting on the occasion of UNCTAD X.</b> Organised by the IPU, the two-day meeting was attended by representatives of 53 parliaments who adopted a Declaration calling on "the Inter-Parliamentary Union, as the world organisation of parliaments of sovereign States, to pursue and strengthen its dialogue and cooperation with multilateral institutions active in the field of trade, finance and development, in particular with WTO, UNCTAD and the Bretton Woods institutions, with the objective of providing a parliamentary dimension enabling members of parliament to convey the concerns of peoples everywhere to these institutions and to assist in forging popular support for their action". The Meeting also invited the governing bodies of IPU "to establish an Ad Hoc Commission to look into issues relating to parliamentary follow-up to the third WTO Ministerial Meeting in Seattle and to make appropriate recommendations for action" <sup>2</sup> .
22-24 February 2000 Seoul, Republic of Korea	<b>International Parliamentarian's Association for Agriculture and Fisheries (IPAAF)</b> was established in the presence of parliamentarians from some 30 countries.
7 March 2000	WTO Director-General, Mike Moore, addressed a <b>circular letter to Speakers of Parliament</b> of WTO members. This unprecedented gesture on the part of the GATT/WTO was meant to demonstrate willingness to see WTO "involve more closely the parliaments and their representatives".
April 2000	The first issue of the WTO <b>Monthly Bulletin for Parliamentarians</b> was published by the External Relations Division of the WTO Secretariat. This electronic newsletter was aimed at facilitating access of parliamentarians to publicly available WTO information.

<sup>1</sup> "Call for the Establishment of Standing Body of Parliamentarians Representing All Member Countries by the Parliamentarians Attending the Third Ministerial Conference of the World Trade Organization" - quoted from the original text as transmitted to the WTO.

<sup>2</sup> Declaration of the Parliamentary Meeting on the occasion of UNCTAD X (Bangkok, 10-11 February 2000).

30 August - 1 September 2000 New York, USA	<b>Conference of Presiding Officers of National Parliaments.</b> Convened by the IPU on the eve of the UN Millennium Assembly, the Conference called upon "all parliaments and their world organisation - the Inter-Parliamentary Union – to provide a parliamentary dimension to international cooperation" <sup>3</sup> .
10-11 April 2001 Brussels, Belgium	<b>Seminar "Trade, Development and Democracy. The need for reform of the WTO".</b> Organised by the European Parliament, the seminar focused on issues of external and internal transparency of the WTO. Mr. Mike Moore delivered an opening address. Although no formal documents were adopted, the closing statement by the Chairman emphasized that "transparency and democratic legitimacy of the WTO should be strengthened by associating the parliaments of WTO members more closely with the activities of the WTO" <sup>4</sup> .
8-9 June 2001 Geneva, Switzerland	<b>Parliamentary Meeting on International Trade "For a free, just and equitable multilateral trading system: Providing a parliamentary dimension".</b> The first-ever global parliamentary meeting on this scale was organised by the IPU and brought together members of parliaments from over 70 countries. In its Final Declaration, the meeting reaffirmed the "need to intensify activities in national parliaments to oversee and influence government policy in relation to trade negotiations" and to " build a parliamentary dimension to international trade negotiations and arrangements" <sup>5</sup> .
5 September 2001 Strasbourg, France	First session of the <b>Working Group to prepare a parliamentary meeting on the occasion of the fourth WTO Ministerial Conference.</b> Convened and hosted by the European Parliament, the session agreed on priorities and practical arrangements for the parliamentary meeting in Doha and exchanged views on particular problems encountered on the way to establishing the parliamentary dimension of the WTO. No formal documents were adopted.
5 October 2001 Geneva, Switzerland	Second session of the <b>Working Group to prepare a parliamentary meeting on the occasion of the fourth WTO Ministerial Conference.</b> Hosted by the IPU, the meeting finalized arrangements for the parliamentary meeting in Doha. Moreover, it adopted a substantive report on "Parliaments and International Trade", which became a basis for the debate among parliamentarians in Doha.
10 October 2001	IPU was granted <b>observer status</b> by the General Council of WTO and invited to send a delegation to the Ministerial Conference in Doha.
25 October 2001	The European Parliament passed a <b>Resolution on openness and democracy in international trade</b> <sup>6</sup> . Paragraph 28 of the resolution "proposes once again the creation of a parliamentary Assembly within the WTO with consultative powers and instructs its delegation to the WTO Ministerial Conference in Doha to organise, in close cooperation with other parliamentary organisations, a meeting of the parliamentarians present to promote this initiative".
9-13 November 2001 Doha, Qatar	<b>The fourth WTO Ministerial Conference.</b> A one-day parliamentary meeting on the occasion of the Ministerial Conference was convened jointly by IPU and the European Parliament on 11 November and was attended by over 100 MPs. The WTO Director-General, Mike Moore, addressed the meeting. During the discussion, one group of participants

<sup>3</sup> Declaration "The parliamentary vision for international cooperation at the dawn of the third millennium" - adopted by consensus by the Conference of Presiding Officers of National Parliaments (New York, 30 August - 1 September 2000).

<sup>4</sup> Seminar "Trade, Development and Democracy. The need for reform of the WTO" - information booklet produced by the European Parliament, p.44.

<sup>5</sup> Parliamentary Meeting "For a Free, Just and Equitable Multilateral Trading System: Providing a Parliamentary Dimension" (Geneva, 8-9 June 2001) - illustrated booklet published by IPU, p.8.

<sup>6</sup> European Parliament resolution A5-0331/2001

	emphasized their "wish to establish a Parliamentary Body formally linked to the WTO", whereas others "believed that the parliamentary dimension to the work of the WTO should be provided through the IPU" <sup>7</sup> . At the end, the participants took a consensus decision to establish a steering group to prepare options for the parliamentary dimension of the WTO.
25-28 February 2002 St. Lucia	<b>CPA Study Group on Parliament and the International Trading System.</b> The Study Group was established by the Executive Committee of the Commonwealth Parliamentary Association with a view to joining the ranks of those parliamentary organisations that were already engaged in the dialogue with the WTO.
29 April - 1 May 2002 Geneva, Switzerland	<b>WTO Symposium "The Doha Development Agenda and Beyond".</b> A parliamentary work session was organised by WTO on 30 April within the overall framework of the Symposium with Mr. Mike Moore, WTO Director-General, playing the role of the moderator. As a first exercise of this nature, the session proved to be a good opportunity for advancing the dialogue on the role of parliamentarians in relation to the WTO. As reflected in the Summary Report of the session, which was subsequently prepared by the WTO Secretariat, "if the time was not yet ripe for a Parliamentary Assembly, the need for parliamentarians to assemble was strongly supported" <sup>8</sup> .
28-29 May 2002 Brussels, Belgium	<b>First session of the Post-Doha Steering Committee.</b> The session was convened jointly by IPU and the European Parliament to continue in-depth consideration of the various aspects of the parliamentary dimension of the WTO as well as to start practical preparations for the Second Parliamentary Conference on International Trade.
1 September 2002	<b>Dr. Supachai Panitchpakdi</b> of Thailand assumes the position of WTO Director-General, taking over from Mr. Mike Moore. In one of his early speeches he stated "We also need civil society to be informed about the negotiations and continue to provide their critical input. Elected representatives, in particular, need to know about decisions which potentially affect the communities they represent and make their interests and concerns known." (Speech delivered at the World Summit on Sustainable Development High-Level Special Roundtable, Johannesburg, 3 September 2002)
14-15 October 2002 Geneva, Switzerland	<b>Second Session of the Post-Doha Steering Committee.</b> The session was again convened jointly by the IPU and the European Parliament and agreed that a Parliamentary Conference on the WTO be jointly organized in Geneva on 17-18 February 2003. Topics, modalities for participation, and structure of the conference, were also agreed upon.

### III. Parliamentary dimension of the WTO

#### A. The rationale

7. The days when foreign policy and relationships with multilateral bodies were the exclusive domain of the executive branch are over. The once clear distinction between domestic and foreign policy no longer exists: international relations are shaping domestic events, and external issues and relations have become part of the domestic agenda.

<sup>7</sup> Full text of the declaration is available at <http://www.ipu.org/splz-e/doha.htm>

<sup>8</sup> The text of the report is available at [http://www.wto.org/english/tratop\\_e/dda\\_e/summary\\_report\\_role\\_parliam.doc](http://www.wto.org/english/tratop_e/dda_e/summary_report_role_parliam.doc)

8. Moreover, gone are the days when international co-operation was limited to issues of peace and security. In an increasingly globalised world, almost every field of human activity is subject to international co-operation which is carried out, more often than not, through global, regional and sub-regional organisations.

9. This evolution in international relations and cooperation calls for different working methods and for the participation of parliaments in the running of public affairs explicitly transcending national borders. Multilateral co-operation and decision-making, especially with regard to UN, WTO and Bretton Woods institutions, has therefore become a new frontier for legislators who aspire to see intergovernmental organisations made more accountable and transparent.

10. Parliaments embody the sovereignty of the people and can, in all legitimacy, contribute to expressing the will of the people internationally. At the same time, their role is to help citizens understand and cope with the interconnections between globalisation and their daily lives, and translate their concerns into national and multilateral policy. The 150 Speakers and Presiding Officers of National Parliaments meeting at the UN headquarters in New York in August-September 2000 on the eve of the Millennium Assembly expressed this conviction in no uncertain terms when they pledged "to ensure that our parliaments contribute more substantively to international co-operation by making the voice of the peoples heard, thereby introducing a more manifestly democratic dimension into international decision-making and co-operation"<sup>9</sup>.

11. Parliamentary scrutiny and involvement in international affairs start on the home front. As confirmed by the meeting of Speakers in New York, this can be achieved by parliaments in four distinct but interconnected ways<sup>10</sup>:

- Influencing their respective countries' policy on matters dealt with in the United Nations and other international negotiating forums;
- Keeping themselves informed of the progress and outcome of these negotiations;
- Deciding on ratification, where the Constitution so foresees, of texts and treaties signed by governments; and
- Contributing actively to the subsequent implementation process.

12. Most of these duties and responsibilities of parliaments have direct bearing on the functioning of the multilateral trading system as embodied in the WTO. The general principle applies of course: it is for governments to negotiate international trade rules and arrangements on behalf of States, and it is for parliaments to scrutinise government action, influence policies pursued by the government in negotiating trade agreements, ratify these agreements, implement their provisions through the adoption of appropriate legislation and budget allocations, and oversee the implementation process as a whole. The case of WTO, however, is somewhat atypical.

13. Despite its name, WTO is rapidly becoming more than a mere trade organisation. Its rules now extend far beyond the traditional domain of tariffs and trade in goods, and reach deep into domestic affairs affecting areas as diverse as intellectual property, services, banking, telecommunications and government procurement. WTO has a growing impact on national health, education, employment, food safety, environment, as well as the management of natural resource such as forests, fisheries and water.

14. Unlike most other international treaties, not only do WTO agreements bind nations with regard to the definition of common objectives, but their implementation is enforced through an effective dispute settlement mechanism. This has direct economic consequences for entire nations, as well as the private sector.

15. The ongoing expansion of WTO into new areas has broad implications for legislatures which perceive it as a challenge and react by protecting their ability to regulate in accordance with the delicate balance of power struck in each country's constitution. The effects of this process differ from one national system to another but are basically of two sorts: regulatory effects (when the legislator's ability to pass laws is fenced off by new rules at international level) and constitutional ones (transfer of power from legislators to the executive)<sup>11</sup>.

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<sup>9</sup> *Op. cit.*

<sup>10</sup> *Op. cit.*

<sup>11</sup> "Why legislators should care about the WTO" - discussion paper by Matthew Stillwell, Managing Attorney of the Center for International Environmental Law.

16. In many cases, WTO rules promote international trade by defining the sort of laws that legislators can and cannot pass, and by establishing the standards they must meet. Such rules sometimes run counter to the need for parliaments to ensure that governmental regulations correspond to national objectives and popular aspirations. Moreover, the tension between WTO rules and national laws is intensified when governments use WTO's powerful dispute settlement system to challenge each other's national laws.

17. As new domestic policy issues are brought within the competence of the WTO, constitutional effects of WTO expansion come into play and the balance of effective authority under the constitution drifts away from legislators and towards the executive. While many parliaments ultimately ratify trade agreements, more often than not they play little role in defining their scope or content. Once negotiated, trade agreements are brought home to the legislature as an indivisible package deal. While appropriate for determining the levels of border tariffs, this policy-making process rapidly loses its legitimacy when the WTO extends into other national policy spheres requiring significant parliamentary debate and oversight.

18. Without the introduction of substantive and procedural checks and balances similar to those that are usually applied to domestic policy-making, this tendency will inevitably cause a democracy deficit at the international level. The increasing influence of the executive and the internationalisation of decision-making means that the legislatures, and therefore also the people, are underrepresented. As a result, trade policy often fails to reflect the full diversity of views and opinions that are required to ensure a balanced outcome.

19. Unless corrected, such lack of balance inherent in the current approach may cause more and more citizens to question the legitimacy of the WTO and may ultimately undermine public support for an open, rules-based multilateral trading system. Moreover, failure to do so may pose a threat to national interests and democracy itself, as has been amply manifested by protests seen all over the world - from Seattle to Bangkok and from Genoa to Porto Allegre.

20. Today's legislators are not only called on to examine the new situation and determine what sort of response is required, but to do so promptly and with a sense of realism.

## **B. The constraints**

21. Critics of the WTO speak of its closed-door, non-transparent nature. They claim that the "old GATT culture" continues to prevail in the system, that the notion of "national interests" in negotiations remains the main lever for policy-making, and that the existing framework of the WTO is marked by a contradiction between the new role assigned to the organisation and the lack of evolution of its institutional functioning<sup>12</sup>.

22. Indeed, the institutional nature of the WTO seems to provide little support for meeting the challenge of external transparency in general and the transparency vis-à-vis parliaments in particular. Despite repeated displays of good will and readiness for dialogue with parliamentarians manifested by Mr. Mike Moore during his term of office as the WTO Director-General, and the positive statements that have been made by his successor, Dr. Supachai Panitchpakdi, it would be difficult to imagine that the members of WTO will agree to any fundamental change in its operating procedures involving an enhanced role for parliamentarians.

23. This was once again amply manifested by the outcome documents of the fourth WTO Ministerial Conference in Doha, of which neither the Declaration nor the related decision on the implementation-related issues and concerns contain references to parliaments or lawmakers. Only a remote allusion to this subject can be found in paragraph 10 of the Ministerial Declaration, which reads: "While emphasizing the intergovernmental character of the organisation, we are committed to making the WTO's operations more transparent, including through more effective and prompt dissemination of information, and to improve dialogue with the public. We shall therefore at the national and multilateral levels continue to promote a better public understanding of the WTO and to communicate the benefits of a liberal, rules-based multilateral trading system"<sup>13</sup>. It is noteworthy that the Ministerial Declaration falls short of the proposal put forward by

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<sup>12</sup> "Accreditation Schemes and Other Arrangements for Public participation in International fora. A contribution to the Debate on WTO and transparency" - published by the International Centre for Trade and Sustainable Development in November 1999, p.4.

<sup>13</sup> WTO Ministerial Declaration, adopted in Doha on 14 November 2001.

parliamentarians attending the Doha Conference who called for the recognition of the fact that "transparency of the WTO should be strengthened by associating Parliaments more closely with the activities of the WTO"<sup>14</sup>.

24. After the mass street protests of Seattle, the WTO rightly reached out to NGOs, hundreds of which follow the work of WTO on a regular basis, and much time and effort has been invested in keeping up the dialogue with civil society groups seen as representing the views held - often strongly - by various segments of the public. The case for outreach to parliaments as national embodiments of popular will would seem to be even stronger, but far less progress has been made in this regard.

25. The issue of transparency vis-à-vis legislators is complicated by the fact that WTO is a consensus-based organisation where a formal objection on the part of any member government can block prospects for the association of parliamentarians with WTO in any way. As things stand today, it would be safe to conclude that governments of more than one country are not particularly eager to see developments go in the direction of closer involvement of legislators in WTO work.

26. It will suffice to compare WTO membership with that of the Inter-Parliamentary Union - the world organisation of national parliaments. On 1 August 2002, parliaments existed in altogether 180 sovereign States, 142 of which were represented in the IPU. Out of 141 sovereign States represented in the WTO at that date (as opposed to the total number of 144 WTO members), seven countries had no parliament and three among them had had their parliament suspended for political reasons.

27. The specific nature of WTO as reflected in its membership formula may also pose certain political problems with regard to the organisation's capacity for interaction with the world of parliaments. For example, membership of customs areas in WTO (such as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu) as well as of regional formations (such as the European Community) does not make it easy to reconcile the WTO membership formula with the one based on the notion of sovereign States.

28. At the same time, there are constraints from the parliamentary side. Over the past decade or so, there has been a burgeoning of regional and global parliamentary organisations and fora, many of which compete with each other for their membership base, support resources and spheres of competence. This proliferation of ad hoc parliamentary bodies which seek to develop a formal or informal relationship with different inter-governmental structures - be it WTO, UN agencies or the Bretton Woods institutions - is highly preoccupying, and in time could lead to the erosion of the very idea of effective parliamentary participation in the work of these structures since with limited resources, including time and access to documents, the "value-added" contribution by parliamentarians to the work of such intergovernmental bodies could be brought into question.

29. Financial considerations are a serious impediment for many parliaments. Budgets for international cooperation have their limits in every parliament, and so do human resources. More often than not, new and additional commitments can only be made at the expense of the existing ones, which places the leadership of parliament in front of some difficult choices. As a result, many parliaments have voiced their discontent at the growing number of parliamentary organisations and have advocated instead better use of the capacity and expertise of the existing structures for parliamentary cooperation.

30. It was for this reason that the Declaration adopted by Presiding Officers of National Parliaments in New York specifically recommended making "the best possible use of regional inter-parliamentary organisations and through them seek to influence the corresponding intergovernmental bodies. Parliaments should examine closely the work of such organisations in order to increase their efficiency and avoid duplication"<sup>15</sup>. Such considerations cannot be overlooked when final decisions about the parameters of the parliamentary dimension of the WTO are to be taken.

### **C. Making the right choice**

31. For some time now, two main schools of thought have existed in regard to a parliamentary dimension for the WTO - each with its own arguments and groups of parliamentary followers. The first of them calls for a speedy establishment of a "standing body of parliamentarians", which could either be formally

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<sup>14</sup> Final Declaration/Conclusions of the Parliamentary Meeting on the occasion of the fourth WTO Ministerial Conference in Doha.

<sup>15</sup> *Op. cit.*

linked to the WTO or exist as a separate and independent body with its own Secretariat, budget and other organisational attributes.

32. The second approach postulates that there is no need to create new structures and impose additional financial burdens on legislatures by multiplying parliamentary organisations, and that working with WTO through existing structures - such as the IPU – is a reasonable alternative. The main political argument in favour of this approach springs from the reasoning that the future parliamentary dimension of the WTO should be of a truly global nature as opposed to regional or trade-block based.

33. It was only recently, during two consecutive events held in May 2002 - the WTO Symposium "The Doha Development Agenda and Beyond" in Geneva and the First session of the Post-Doha Steering Committee in Brussels - that some sort of convergence of the two different approaches started to take shape. The debate in Brussels was particularly fruitful in this regard. Through a somewhat paradoxical exercise in formal logic, the discussion revealed that all actors in the process were able to agree about what the parliamentary dimension could not be. What it could be was therefore a matter of logical deduction.

34. Members of the Steering Committee felt that trying to create a WTO parliament or assembly with legislative and oversight functions would be a futile undertaking at this stage: only a few governments, if any, are ready to agree to such an arrangement. On the other hand, an independent parliamentary watchdog that is detached from WTO would be pointless. In order to establish a system of checks and balances, a set of formal mutual obligations must be in place, which would be impossible without explicit readiness on the part of WTO (meaning 100% of its members). Finally, creating a rubber-stamp parliamentary screen-shield for WTO - a sort of lobby group - would also defeat the purpose of the exercise.

35. It therefore seemed possible to agree that a parliamentary mechanism for the WTO should not seek to be endowed with legislative and oversight function. Throughout the discussions, however, there has always been a tacit agreement that, at a minimum, the mechanism should allow lawmakers from around the world to exchange views, be informed and monitor WTO negotiations and activities. These objectives can be fulfilled by organising parliamentary meetings on international trade issues on a regular basis with explicit linkage to the WTO. This would not need any bureaucratic structures. It only requires political will and commitment.

36. Avoiding the creation of yet another inter-parliamentary structure has the added advantage of making better use of existing structures and allowing for closer cooperation between a number of global and regional parliamentary organisations and assemblies that are active in the field of international trade. Other than the IPU and the European Parliament, the Parliamentary Assembly of the Council of Europe (PACE), the Latin American Parliament, the Commonwealth Parliamentary Association (CPA), the African Parliamentary Union (APU) and the ASEAN Inter-Parliamentary Organisation (AIPO) are all active in this field in varying degrees.

37. Parliamentary meetings do not require the establishment of any formal membership in terms of countries or individual MPs, and their sessions would be open to all members of parliament involved in activities dealing with international trade, in particular with regard to multilateral trade negotiations. More precise criteria for invitations/participation would need to be established, particularly concerning participation of non-sovereign state parliaments. Here, UN procedures could prove useful.

38. The holding of parliamentary meetings on international trade would serve to monitor WTO activities, maintain dialogue with governmental negotiators, and facilitate information exchange and capacity building of national parliaments in matters of international trade, in particular the WTO. One of the strong points of this scheme could be its reliance on an open-ended debate conducted with fewer restraints than those imposed on governmental representatives participating in formal WTO negotiations. This approach could be beneficial to all parties - as is often the case when parliamentary diplomacy is applied with tact and skill. Debated subjects should not be too technical and could include, for example, internal and external transparency of the WTO, implementation issues, political will to arrive at negotiated solutions, the financing and coordination of technical assistance, the role of trade in development, etc.

39. Over time, the operating modalities for the parliamentary meetings on international trade, their role and functions vis-à-vis WTO could be established with more precision, taking into account the accumulated experience as well as institutional evolution of the WTO itself. It would seem fair to suggest, though, that connection with civil society would be a very important factor. Indeed, one of the principal objectives of the

exercise - and one more reason for the WTO to provide support to it - could be the re-establishment of popular confidence in the WTO through an exercise of transparency and democratic accountability vis-à-vis parliamentarians as legitimate representatives of the people. To that end, the parliamentary meetings on international trade should be open to dialogue with civil society groups and NGOs and, on the other hand, be able to convey to the WTO questions and concerns of citizens. Such input would be a valuable complement to WTO members' discussions, but would not prejudice in any way their prerogatives.

40. The holding of regular parliamentary meetings on international trade would also offer other advantages to the WTO and its members. For example, it could provide the WTO with a channel for conveying information to parliaments and - through them - to the wider public; would enhance external transparency of the WTO and reduce some of the perceived "democracy deficit"; and serve as a free-wheeling arena with parliamentarians leading non-binding debate on topics that cannot be candidly discussed by national representatives within the WTO itself.

#### **IV. Recommendations**

41. Based on the above considerations, the following course of action could be recommended:

- (a) To establish an inter-parliamentary process for the WTO which would evolve around regular parliamentary meetings held initially once a year plus on the occasion of WTO Ministerial Conferences;
- (b) The objective of this process would be to monitor WTO activities; maintain dialogue with governmental negotiators; and facilitate information exchange, sharing of experiences and capacity-building of national parliaments in matters of international trade, in particular concerning the WTO, and to exert some influence on the direction of discussions within the WTO;
- (c) Because of its event-oriented format, the inter-parliamentary process would have no formal membership in terms of countries or individual MPs, and its sessions would be open to all members of parliament involved in activities dealing with international trade, in particular with regard to multilateral trade negotiations. More precise criteria for invitations/participation could also be established;
- (d) The inter-parliamentary process for the WTO would not require any significant administrative machinery, such as a Headquarters, Secretariat, large budget, etc. It could rely upon the partnership of existing parliamentary assemblies, such as the IPU, European Parliament, PACE, CPA, Latin American Parliament, APU, AIPO, and other regional and international parliamentary organizations;
- (e) The task of inter-session political administration of the parliamentary process for the WTO - including setting the agendas of future conferences - could be fulfilled by a body of parliamentary representatives, the composition of which could be similar to that of the Post-Doha Steering Committee;
- (f) As soon as a permanent parliamentary process for the WTO is put in place, efforts should be directed at developing practical forms of cooperation and formal channels of communication with WTO.