

**To the  
Federal Parliamentary Joint Standing Committee on  
Treaties**

**United Nations Association of Australia submission  
to the Committee's public inquiry into  
Australia's relationship with the WTO**

Addressing the Terms of Reference

- Opportunities for community involvement in developing Australia's positions on matters with the WTO

The jurisdiction of the World Trade Organisation now covers a broad range of human, governmental and intergovernmental activity. There has not been, however, a commensurate degree of readily available public information, public education materials, and public sphere discussion, about the implications of WTO areas of jurisdiction, manner of operation, decision-making processes, dispute procedures, priorities, or indeed about how power is exercised within the WTO.

Nor have either WTO negotiations, or Australia's policy positions, been open to public scrutiny.

There also need to be public debate on what are 'the global commons' and 'global public goods', which should be globally protected, and exempted from trade negotiations.

The Department of Foreign Affairs and Trade has failed to provide readily accessible public, and media, briefings to allow, and encourage, public debate among an informed public, of the very significant global directions in which the functioning of the WTO is taking the world, and of Australia's role, and policy positions.

Opportunities for community organizations to be heard, in this regard, either by Government or by the public at large, have been extremely inadequate.

Against the fears that community input may lead to only vested interests being heard, adequate public debate would allow for reasoned public responses to emerge.

Such public debate, with sufficient information, encouragement and resources could be facilitated by organisations such as the United Nations Association of Australia, as well as by the mass media.

- The transparency and accountability of WTO operations and decision making

Many of the negotiations of the WTO take place in secret, and its processes are not accountable.

There is a very real danger that the WTO, subject to the power of the major forces within it, ie the USA, the EU, Canada and Japan, and they themselves subject to Transnational Corporation manipulation, has the capacity to override the policies and decisions of elected national governments.

There is abundant evidence that, under the WTO regime, the poorest people in the world have become more disadvantaged.

Further in terms of accountability to global equity, developing countries often do not have the resources to take part in negotiations in a meaningful way, even when the opportunity theoretically exists, which often it doesn't.

For these reasons of accountability, in the light of the effects that WTO operations are having, there is an urgent need to review and, if it can be done adequately, revise, the mode of operation of the WTO. Damage caused so far by WTO operations also need to be repaired.

It is imperative that no further trade negotiations go forward before such review occurs.

Australia is able to take a leading role in calling for such review, changes, and repair.

- The effectiveness of the WTO dispute settlement procedures and the ease of access to these procedures

WTO dispute procedures are currently operating without regard to international law and UN Conventions. Thus, these dispute procedures are, of themselves, a danger to global sustainability.

Because global sustainability is the primary objective, the UNAA judges the current dispute procedures to be extremely ineffective. Because the system of punitive trade embargoes as a remedy adversely affects poorer countries in a disproportionate way, the UNAA judges the current dispute

settlement procedures as also ineffective for maintaining balanced trade, and the wellbeing of populations.

- Australia's capacity to undertake WTO advocacy

Australia's capacity to undertake WTO advocacy is directly affected by the degree of public consultation that takes place. Without public debate amongst an informed public, the Australian Government has no capacity to advocate on Australia's behalf, regardless of the fact of whether the WTO consultation door is open to Cairns Group members, such as Australia, or not.

- The relationship between WTO agreements and other multilateral agreements including those on trade and related matters, and on environmental, human rights and labour standards

As stated, the undefined relationship between United Nations Conventions and Treaties and the operations of the WTO are of great concern, as there appears to be many cases where WTO regulations and dispute settlement procedures are overriding UN international agreements.

There is an urgent need for the importance of United Nations international agreements over trade rules, to be definitively established, and UN international agreements must be the prior consideration in WTO trade agreements and dispute settlement.

Australia can take the lead in calling for the establishment of these priorities.

- The extent to which social, cultural and environmental considerations influence WTO priorities and decision making

The WTO does not presently take account of any such considerations. WTO priorities must be examined, against standards of social, environmental and cultural development, and revised, or discarded and abandoned if they do not, or are incapable of, meeting such criteria.

The Australian Government can take a lead in establishing the precedence of these criteria.