



CENTER FOR INTERNATIONAL
ENVIRONMENTAL LAW



INSTITUTE FOR AGRICULTURE
AND TRADE POLICY

October 10, 2006

Ambassador Susan C. Schwab
Office of the USTR
600 17th Street, N.W.
Washington, DC 20508
United States of America

Subject: Open dispute settlement hearings in the World Trade Organization

Dear Ambassador Schwab:

We would like to express our appreciation to the US Government for consenting to have the hearings in the World Trade Organization (WTO) *Beef Hormones* case in September 2005 and September/October 2006 available to the public in Geneva via closed-circuit television. Attorneys from our Geneva office attended both televised sessions and confirm that the recent process went entirely smoothly, as did the first session in 2005. You and the USTR are to be congratulated for your commitment to greater transparency in WTO dispute settlement, and for taking the first step in opening these hearings to the public.

Inevitably, the number of persons able to view these proceedings is small, especially given the manifest importance of the issues involved. Only a very limited number of interested individuals and groups have the substantial financial resources required to travel to Geneva and spend several days at the WTO. Since many interested citizens, especially those from developing countries, are unable to spend the time and money to travel to Geneva to witness the proceedings in person, the result is that much of civil society effectively does not have access to the hearings. This is particularly true with respect to ordinary citizens and non-industry groups from the Global South.

Web-casting, i.e., broadcasting via the Internet, is the logical way to resolve this dilemma and to further increase the transparency and credibility of the WTO dispute settlement process. Citizens and groups around the world have access to the Internet, which would eliminate the access limitations inherent in the current practice. As with closed-circuit televising of WTO panel hearings, web-casting would neither delay the panel process nor interfere with it in any other way. Moreover, web-casting would be more efficient than using closed-circuit television in several respects: it would not require the WTO to undertake the pre-hearing clearance process it now conducts before individuals are allowed into the WTO premises to watch the proceedings;

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it would not require WTO security personnel to clear people for entrance the day of the proceeding; and it would not require a physical space for observers to watch the hearings. Because the WTO already provides web-casting of major events and for training purposes, it is clear that the WTO possesses the technical capacity to web-cast, as well as the willingness to enable citizens of the world to participate in WTO events via the Internet.

We believe that web-casting should be US government policy with respect to all WTO dispute settlement hearings, and that it should be considered now in that general context, without reference to any specific dispute. We therefore respectfully request that the US Government adopt an official policy to request open web-cast hearings at the WTO whenever it is involved as a party to a dispute.

Thank you in advance for considering this request, and please let us know if we can provide any further information about it.

Yours sincerely,

A handwritten signature in black ink that reads "Daniel Magraw". The signature is written in a cursive, flowing style.

Daniel B. Magraw,
President, Center for International Environmental Law (CIEL)

A handwritten signature in black ink that reads "James Harkness". The signature is written in a cursive, flowing style.

James Harkness
President, Institute for Agriculture and Trade Policy (IATP)