DEMOCRATIZING WORLD TRADE ORGANIZATION; WHAT ROLE WOULD NON-GOVERNMENTAL ORGANIZATIONS PLAY AT WTO?

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Abstract

The World Trade Organization (WTO) is a very important international organization because it deals with matters of trade in the whole world. It is composed of only states. WTO makes very important decisions in trade disputes between member states which decisions affect citizens of members states and those of none members. However, the operations of WTO, in particular, entering into trade agreements and its decision-making process, are less understood by many. Many people argue the WTO is undemocratic and there is absence of transparency in decision-making. Non-state entities cannot participate in the affairs of WTO. However, NGOs are slowly trying to penetrate into WTO system with the aim increasing transparency and legitimacy of WTO business

Key Words: GATT, WTO, NGOs, Democracy, Policy Making, Dispute Resolution

INTRODUCTION

After World War II the importance of co-operation among various countries has increased tremendously and to a very large extent. The need for this co-operation led to the formation of various international institutions. One such institution was the International Trade Organization (ITO). This is an organization which was originally created for the mutual consultation of interested countries regarding their tariffs and trade policies. The formation of this institution was recommended by the United Nations Social and Economic Council (UNSEC) and came into existence in 1944. But the charter of the ITO was not ratified a number of states. United States of America failed to ratify the formation of the said organization and instead opted to join other contracting parties in signing a Protocol of Provisional Application of the General Agreement on Tariffs and Trade (GATT). From 1947 GATT was concerned with issues relating to international trade barriers among the member states. Its main function was to ensure that trade barriers between member states were reduced and each member committed itself to accord trade privileges on a like-product imported from any contracting party or Most Favored Nations (MFN). The World Trade Organization (WTO) is the outcome of one of the
meetings by member countries held in 1994. This meeting is known as the Uruguay Round and is the one that led to establishment of WTO through a package of agreements. However, the Uruguay Round excluded the Protocol of Provisional Application.

The major duties of WTO are to administer and implement trade agreements between member states for purposes of promoting trade. WTO also makes decisions on differences on trade that arise between member states. Such disputes are settled through the Dispute Settlement Understanding (DSU). A panel is established comprised of seven judges or members who hear the dispute and make a decision. Any member who is dissatisfied with the decision of the panel has a right of appeal to the Appellate Body (AB) within WTO.

In this era of globalization, WTO has a wide role to play in settlement of trade disputes among member states. The decisions of the Dispute Settlement Body (DSB) would affect many people worldwide including those countries which are not yet members of WTO. Many parties including Non-governmental organizations (NGOs) have an interest in the manner in which WTO conducts its activities. To a very large extent, international organizations have been accused of lack of transparency and adequate representations. WTO holds closed-door meetings; deliberations are held in camera and none knows which rules they apply in their deliberations. Yet the decisions they make affect the world at large. WTO being such an organization has been accused of being undemocratic. As we all understand democracy is a term with different meanings depending on how it is used. In simpler terms democracy means “a government by the people and for the people.”

However, WTO does not have the many elements of democracy like elections and freedom of choice. Democratic governance relating to WTO would be “the right of citizens to have knowledge of and participate in decisions that will affect their interests.” A decision made by WTO settlement dispute body may affect citizens of a member states, say, for example, the decision may lead to unemployment and loss of income. This will also directly affect the balance of payments of a member country. This explains why interested groups feel that the citizens ought to know how such decisions are made by WTO and the relevant information given to them.

This paper is concerned with one of the interested groups known as Non-governmental organization (NGOs) that would want to see the democratic deficit in WTO filled. These NGOs may operate both at a domestic and international level. Players at WTO are nation-states or simply member states. NGOs that operate at international level do not necessarily speak for a particular state but for all citizens of the world.

Most people do not know how trade organizations such as WTO operate and make their decisions. Yet, as mentioned earlier, decisions made by WTO affect most people in the world wherever they are. Criticisms have therefore been directed against such organizations for lack of transparency and accountability. For example, the many protesters that took part in the streets of Seattle (USA) in 1999 against WTO Ministerial Conference had one message: WTO is not democratic. They wanted to be heard despite the fact that their governments represented them.

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1 Nicholas N. Kittrie, Democracy; An institution whose time has come, 8 Am. U.J. Int’l. L. and Policy 375, 379
2 Id
This paper aims at discussing the role of NGOs at WTO with the aim of making it more democratic than it is. However, it must be noted that the debate as to what role NGOs will play in democratizing WTO is still on. Some parties have raised objections giving different reasons. Yet others argue that participation of NGOs at WTO is a welcome idea, which had been long overdue. This paper is divided into six parts. Part I explains whom these NGOs are. Part II gives the brief historical background of NGOs in WTO. Part III discusses the role of NGOs in dispute resolution at WTO. Part IV discusses the role of NGOs in policy-making at WTO. Part V looks at some of the arguments in favour of having NGOs out WTO and finally Part VI would give the conclusive remarks of the paper.

I. NGOs; WHO ARE THEY?
In the recent past, NGOs have become major players in all sectors in the international arena. They have become champions of human rights, environmental conservation, democratic and economic development only but just to mention a few. They are found both in the developed and developing countries. They operate both nationally and internationally. Most developed countries today channel their aid to less developed countries through NGOs. But who are these NGOs? They are “private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development”.

Though they operate both at national and international level, NGOs are not affiliated to any government. They operate independently from a government that has licensed them. They do not exist for purposes of making profit. They render voluntary services and they depend wholly or in part on charitable donations. Over the last few years NGOs have become professionals in various fields. They have highly qualified employees in their area of expertise and tend to have strong grass root links at the domestic and international level. Perhaps this may explain why domestic governments yield to pressure from NGOs. They mobilize political actions; provide information, analysis and services.

In relation to WTO, NGOs would fight for transparency in dispute resolution; they will fight for clear rules and procedures of proceedings; they will seek for publication of information and outcome of the dispute. This would go a head to enhance the legitimacy of WTO and hence reduce the democratic deficit that is perceived to exist in WTO.

II. HISTORICAL BACKGROUND OF NGOs AT WTO
In the history of GATT now WTO interested parties were allowed to participate in the GATT meetings in a particular form. For example, the International Chamber of Commerce (ICC) could participate in the organs of GATT. However; any other issue by an interested party to GATT could only be channeled through state governments. From the 1980s NGOs took up issue with GATT especially in areas of development, agriculture, and food safety. This is because of the various policies that were being made by WTO and NGOs got concerned on how these policies and related decisions were being made. Trade talks starting with the

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3 World Bank criteria, categorizing NGOs (Operational Direction 14.70) http://docs.
5 Steve Charnovits; Opening the WTO to Non-Governmental interests; 24 Fordham Int’l. L. J. 173,175
Uruguay Round were not taking place in the open and agreements reached during such talks become of a particular concern to non-participating groups, NGOs included. Some NGOs, which have specialized knowledge in various fields had no way of having their views incorporated in the agreements and they therefore resorted to protest against GATT meetings. For example in December, 1990 a number of NGOs went to the conference site held in Brussels and denounced the same.\(^6\)

The first test of GATT decision came into scrutiny by NGOs, which specialize in environmental issues in 1990 – 1991. This was in the case of Tuna-Dolphin Case.\(^7\) In this case the United State of America initiated steps of protecting dolphins from some of the methods that are used to harvest tuna fish. These methods were found to kill a large number of dolphins. The Secretary of Commerce was empowered to impose a ban on exports to the USA of tuna fish by countries whose marine mammal conservation programs did not protect the dolphins. The decision to impose such an embargo affected Mexico, Panama, Vanuatu, Ecuador and Venezuela. The member states that were aggrieved by this decision of America filed a complaint at WTO. They complained that America was in breach of the provisions of the General Agreement which provides that “No prohibitions or restrictions …whether made effective through quotas, imports or exports licenses or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party.”\(^8\) The Dispute Settlement Panel made a finding in favor of Mexico to the effect that the law that USA used to impose a ban on tuna fish was inconsistent with the provisions of Article XI:1 of the GATT Agreement. Some of the NGOs that specialize in environmental matters were not happy with this decision in which the Panel decided against US for adopting environmental conservation, which violated the provisions of the GATT agreement. The decision was challenged for the reason that the hearing was conducted secretly and excluded vital information from environmentalists. Most interested parties argued that the panel was not transparent in its decisions.

In 1991 a clause in the Draft Text in World Trade Organization was included providing for “suitable arrangements for consultation and co-operation with Non-Governmental Organizations concerned with matters within the scope of the WTO”\(^9\). Pressure was mounted against WTO to accommodate interested parties and finally WTO General Council implemented a provision relating to NGOs in the Agreement on Establishing the World Trade Organization\(^10\). The provision found in Article V(2) now states that “the General Council may make appropriate arrangements for consultation and corporation with non-governmental organizations concerned with matters related to those of the WTO”\(^11\). The council later came up with guidelines through which NGOs would participate in various matters.

\(^6\)Id 175

\(^7\) United States – Restriction on Imports of Tuna. GATT B.I.S.D.39S/155 (Sep. 3, 1991)

\(^8\) Article XI.1

\(^9\) Draft of Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations MTN.TNC/W/FFA@ 93 (Dec. 20, 1992)

\(^10\) Supra, Note 5

\(^11\) Article V (2)
In implementing its guidelines on NGOs, WTO started having discussions with NGOs in 1996.\textsuperscript{12} As time went by NGOs started attending Ministerial meetings as observers. WTO finally started to accept \textit{amicus curiae} briefs into its decision-making through its panel of disputes.

\textbf{III. NGOs IN WTO DISPUTE RESOLUTION}

One of the major functions of WTO is dispute resolution between member states that involve trade. Settlement of these disputes does not, as a matter of fact make WTO a judicial organization that deals with settlement of disputes instead of trade issues. Over 200 trade disputes have been registered before WTO by member states and more than 40 reports have been adopted by the Appellate Body\textsuperscript{13}. The disputes handled by the Panel before the WTO may involve the environment, health and Trade-Related Aspects of Intellectual Property Rights (TRIPS). Issues involving TRIPS are expressly provided for in the GATT Agreement. This wide area covered by WTO may not have been expected by member states of WTO. However, by complying with the decisions handed down by the Panel, it may be assumed that member states have accepted that WTO agreement can cover areas that are not directly related to trade and hence these new areas have been accepted by member states of WTO.\textsuperscript{14}

Though the member states seem to have accepted the expansion to non-trade areas by WTO, the civil society has not accepted this expansion. This is because the Panel handling cases may not be equipped with the expert knowledge to handle issues unrelated to trade.\textsuperscript{15} NGOs should be allowed to participate in the proceedings in any of the following ways:-

(i) By offering evidence in their area of expertise during the hearing before the dispute panel.

(ii) Since NGOs, like other private actors, have no \textit{locus standi} to the proceeding, a better method of participating in disputes at WTO may be to allow them to file \textit{amicus curiae} briefs.

Though some countries initially resisted such briefs, it is now clear that they are acceptable. In the \textit{Shrimp/Turtle case}\textsuperscript{16} the DSU judged a dispute involving the ban of shrimp imports by USA from Malaysia, India, Pakistan and Thailand for the reason that the methods used in harvesting shrimp occasioned the death of sea turtles, an endangered species. In this dispute, USA had passed a law to protect turtles from death as a result of the method used by fishermen harvesting shrimp. The turtles are listed as endangered species under the Convention on International Trade in Endangered Species of Wild Flora Fauna (CITIES). Evidence was available which showed that hundreds of thousands of turtles died every year due to the methods used by fishers of shrimp. The USA passed a law that required the governments of the nations that harvested shrimp to take measures of fishing that reduced the number of deaths of turtles. The measures to be adopted were to be comparable to those of the USA. The aggrieved member states included Malaysia, India, China, Thailand, Honduras and Bangladesh. Responding to the ban, the aggrieved states filed a complaint against USA at the WTO. They alleged that the provisions of the law that USA relied to impose the ban were improper and went beyond the borders of USA hence interfering with the sovereignty of other member states by requiring each

\begin{footnotesize}
\begin{enumerate}
\item Report of the WTO. Informal sessions with Non-Governmental Organization (NGOs) on Trade and Environment, Trade and Environment News Bulletin, TE/016 (Nov. 28, 1996)
\item Id at page 91
\item Id
\item WT/DA 58/AB/R3. 129 (Oct. 12, 1998) at http://www.wto.org/eng\textbackslash;tratop-e\textbackslash;dispute\textbackslash;distab-e.htm
\end{enumerate}
\end{footnotesize}
member states to adopt environmental standards that are comparable to those of USA. The Appellate Body accepted an *amicus brief* from Centre for Marine conservation, the center for International Environment Law, the Red Nacional de Accion Ecological from Chile, the Environmental Foundation from Sri Lanka, Philippine Ecological Network, and World Wide Fund for Nature and Foundation for International Environmental Law and Development.

The use of *amicus briefs* has been an issue of concern among the member states of WTO. While the developed countries like the United States of America support the acceptance of such brief, the developing countries led by India strongly oppose the use *amicus briefs*. This, for some time, caused a division between the developed and developing countries. Some member states argue that by allowing NGOs to file their briefs, is to make the manner of resolving disputes at WTO too open and this also gives NGOs more rights than member states themselves. The argument proceeds, for instance, that while member states have to exercise their third party rights within ten days from the date the Panel is established to hear a dispute, those who present *amicus briefs* have no time limit and *amicus briefs* can be submitted at the Appellate level of the dispute by a party who did not participate at the initial hearing before the Panel while member states are not allowed to join in the dispute at the Appellate level if they did not participate at initial hearing.

Following this argument, the Indian Ambassador to WTO stated that, “a situation is developing in which members have to demand, in such proceedings treatment no less favorable to the treatment being accorded the NGOs”. India appears to have opposed the idea of *amicus briefs* through NGOs and other non-state entities. Its argument went further that *amicus briefs* are “resulting in a situation where not only non-governmental voluntary organizations but also powerful business associations are able to intervene in the dispute settlement process. We do not consider this to be a good development from the point of view of the long-term health of the dispute settlement system, which is meant to a mechanism for resolution of disputes between members”.

Some other countries have also argued that the decision to accept briefs from NGOs should not have been left to the Panel to decide because these NGOs are unknown and since WTO is for member states, the decision as to who should submit and how these briefs are to be filed should have been left to the member states and not the Panel itself. This leads to the question whether the appellate Body has the mandate of accepting the briefs? Critics argue that by accepting both solicited and unsolicited *amicus curiae briefs*, the Appellate Body of WTO in dispute settlement is acting clearly without the mandate of state members of WTO.

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17 Supra, Note 12 at page 95
18 Id at page 98
19 Id at page 99
20 Daniel Pruzin, WTO Members Make Unfriendly Noises on Friends of the Court Dispute Briefs, 17 Int’l Trade Rep (BNA), NO33, at 1285 (August. 17, 2000
21 Id at 1284
22 Supra , Note 13 at page 99
23 Padideh Ala: Judicial Lobbying at WTO, The Debate Over the Use of Amicus Curiae, Briefs and the USA Experience; 24 Fordham Int. Law J. 62, 66 at page 74
Though there is no clear provision in WTO agreement providing parties who have no standing in a dispute to participate in the proceeding in any manner, Article 13 of the DSU does allow the panel to seek information from any source and the Panel “has the discretionary authority either to accept and consider or to reject information and advice submitted to it whether requested by the panel or not.”\(^\text{24}\) Under Article 13 of the DSU therefore the Panel has authority to seek expert advice from any source and therefore the Panel can exercise its discretion to accept briefs and take them into account when making their decision.

The issue of concern with *amicus brief* is the procedure of accepting them to the proceedings. However, this was solved by the Panel in the measure concerning *Asbestos*\(^\text{25}\) between Canada and the EU in which the Panel accepted briefs from various interested parties and upon adopting two of the briefs in its submission, the Panel allowed Canada to respond to them. The Panel was also of the view that such briefs should not be accepted when the proceedings are almost over. A deadline for submission should be set and a limit of the number of pages submitted should be enforced.

The purpose of such briefs would be to render views of diverse nature to the panel and enable the Panel to arrive at a better decision. This would be in line with Article 11.2 which provided that dispute settlement Panels should seek advice from experts in issues relating to environment, health, science or issues that are technical in nature. Courts in some states allow interested parties to file *amicus briefs* without necessarily being parties to the dispute. Such briefs may sharpen the debates held in dispute resolution at WTO.

It can also be argued that *amicus curiae* briefs that are relevant to the matter before the panel may be of considerable help to the Panel. More so, since the use of the expert knowledge from NGOs and other private professionals on issues of facts before the Panel may not necessary interfere with the intergovernmental nature of WTO.\(^\text{26}\)

It should be made clear that NGOs are not seeking to be plaintiffs or defendants in the dispute. They are also not seeking a right to present oral arguments or a right to cross-examine any of the parties to the dispute. They are only seeking an opportunity to participate in WTO dispute resolution because unlike any other international organization, WTO has become a forum in which issues global in nature are discussed and settled. As mentioned elsewhere in this paper, such issues include environmental concerns, health and protection as set out in the provisions of GATT Article XX (b), and (g).

There are two possible reasons as to why NGOs should participate in dispute resolution at WTO;

(i) If allowed to participate in this area, it is possible that NGOs would avail more information to the Panel that is making decision.

\(^{24}\) Understanding on Rules and Procedures Governing the Settlement of Disputes, WTO Agreement, LEGAL TEXT (Reprinted in 33 I.L.M. 1226)

\(^{25}\) Supra, Note 16

\(^{26}\) WTO Panel Report on European Communities measures Affecting Asbestos and Asbestos containing Procedures (WT/DS 135/R (Sep. 18, 2000))
This in turn, would enable the Panel to make good quality and well-informed decisions. Chances of making erroneous conclusions on the part of the Panel would be very minimal, as NGOs would offer their expertise in a particular dispute.  

Most intergovernmental Organizations now recognize the expertise and technical knowledge offered by NGOs. For example Agenda 21, a Program of action implemented by United Nations Conference on Environment and Development (UNCED) states that:  

“All intergovernmental organizations and forums should, in consultation with NGOs, take measures to enhance existing or, where they do not exist, establish, mechanisms and procedures within each urgency to draw on the expertise and views of NGOs in Policy and Programme Design, implementation and evaluation, and provide access for NGOs to accurate and timely data and information to promote the effectiveness of their programmes and activities”  

The International Labor Organization (ILO) now allows or accepts a limited number of workers as delegates in its meetings; the World Bank seeks special types of employees who are NGOs.  

(ii) If NGOs were allowed to participate, it would be seen that a dispute is resolved in the open and hence would be supported by many.  

It is clear that any process of resolving a dispute that is not open to the public is not democratic and would not be supported. The general public is concerned with the process of resolving disputes. A decision would be deemed to be fair if it is made in the open and many are likely to comply more with the requirements of the decision unlike when the decision is made in private and to the exclusion of interested parties. By participating in the dispute resolution at WTO, the legitimacy of the decision of the state government to comply is enhanced and the popular supports of the majority of the citizens would not be undermined.  

WTO is meant to deal with trade issue involving member states. However, there are other different concerns, which become relevant in trade issues as set out in Article XX of the GATT Agreement. Disputes involving the environment have been an area of concern because the decisions made by the Dispute Settlement Panel have been subject to criticism mainly because the decision-makers are not experts in environmental issues as they are in trade. This, perhaps, can explain why NGOs should come in. Some NGOs specialize in environmental issues and could therefore be a source of the required information in this area. The dispute settlement Panel has not made well-reasoned decisions because of lack of decision-makers with adequate knowledge. In one of the landmark cases the Tuna-Dolphin case commentators have argued that the decision of the panel was not well-reasoned, leave alone being logical. It would be evident from this case that an

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27 Supra, Note 23 at page 74  
29 Agenda 21, Ar. 27 (9), U.N. Doc. A/CONF. 151/126  
31 Id at page 336  
32 Supra, Note 7
input of the necessary information from experts who have knowledge in environmental matters will go along way to improve the quality of decisions made by the Panel. NGOs with diverse expertise in such areas would provide such information.

**IV. NGOs IN POLICY-MAKING IN WTO**

Various committees perform much of the work in WTO. These committees are the ones that make policies that are applied by WTO. For example, the committee for Technical Barriers to Trade (TBT) deals with issues relating to barriers to free trade between member states. NGOs, if allowed would assist in negotiation in such technical barriers by providing expert knowledge. WTO officials may not have all the expert knowledge that may be required in solving an issue. Since NGOs have people with knowledge in various fields, it is advisable to allow NGOs to participate in policy-making so that they can provide expert knowledge. One area that WTO may not have experts is the environmental field. NGOs could provide intellectual knowledge, which would assist in developing better policies and strategies that could be used in solving disputes of environmental concern. This would improve the quality of decision-making within WTO. It has to be admitted that most of the trade ministers and government officials attending WTO meetings have no diverse knowledge and hardly develop new approaches to issues facing WTO.\(^{33}\) NGOs qualify as providers of new ideas because of their diverse areas of expertise.

Most governments are slow to approve and implement policies made by WTO. Unless pressure is asserted on them, it would take a while for them to implement them. NGOs are capable of manipulating public support which forces state governments to approve WTO policies and they also ensure that such governments commit themselves in implementing the policies.\(^{34}\)

The WTO may wish to expand its role in new areas. It may wish to deal with the investments, environmental issues and standards for labour.\(^{35}\) In such event the ordinary trade ministers may not be in a position to handle these broad areas because of lack of expertise knowledge. NGOs may be better providers of such expert knowledge. Recognizing the role of other stakeholders in completing the negotiations’ of Doha Development Agenda, the Director – General of WTO Dr. Supachai Panitchpakdi said;

“We have now reactivated the negotiating groups and other bodies and our collective task is to find that elusive between political will and concrete progress. What we are doing here is immensely important to economic growth, stability and development prospects for all stakeholders of the multilateral trading system. Therefore need active input and support from all of them and hope to see some of symposium” \(^{36}\)

This was in reference to the WTO Public Symposium held between 25th and 27th May, 2004. The Symposium dealt with the challenges WTO and its members are facing in completing the Doha Development Agenda

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\(^{35}\) Supra, Note 19 at 341

\(^{36}\) Id 347
successfully. The Director General of WTO has recognized the need of extending his invitation to other stakeholder because, the WTO shall no longer be a club or else it would not achieve its objectives. Perhaps this may explain why governments, parliaments, civil society, the business community, the media and academicians were invited to attend the Symposium. These specialized groups will offer much in their area of expertise. WTO cannot therefore afford to make policies alone.

Some third world countries cannot afford to send representatives to such symposiums or any WTO meeting that are held in different parts of the world. Countries from Africa, especially those that have been involved in civil wars or have no formal government like the Republic of Somalia may well be assisted by NGOs. Internal problems would not allow their representatives to attend WTO meetings. At the same time same third world countries may not understand how WTO operates. NGOs would better represent such countries, which cannot afford to send representatives or which could better present the case of such countries in WTO meetings. For example, Foundation for International Environmental Law and Development, (FIELD)) a non-governmental organization based in London represented Sierra Leone before the committee on Trade and Environment (CTE). This happened because Sierra Leone, being involved in a civil war, did not consider attending before CTE as a matter of priority and had no resources to represent its stakeholder interests.

V. NGOs OUT OF WTO

One of the major arguments against allowing NGOs participation is that which presents the view that WTO is an organization of member states. Therefore other entities are not welcome. The argument explains that since organizations for inter-governments who speak for the interests of their citizens, NGOs have none to speak for.

One scholar argues that, an issue relating with governance, the scenario at the national level is different from that of the international level. He gives the example that while the domestic level the idea of citizenship exist, it does not apply at the global level as there are no people to be governed. Similarly, commenting on the Tuna, Turtles and Red Herings, Martin Wolf says that Red as an agreement among states, the WTO itself cannot be democratic.

Another theory has it that WTO is accountable to state government since it only acts on the mandate given to it by states. WTO is therefore accountable to state governments and not any other entity. Since people in each

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39 Gary P. Sampson; Trade, Environment, and WTO: The Post-Seattle Agenda 13 (2000) (Stating that because WTO is an intergovernmental organization member governments” are presumed to be acting on behalf of the collective interests of their diverse constituents”)

state elect their governments, the WTO is therefore doing exactly what the elected governments mandate it to do hence the governments should be accountable to their electorate. Note that the WTO cannot act outside the mandate of state government.\textsuperscript{41}

At the same time, it is argued that at WTO states bargain at arms length and takes a consensus in certain trade issues. If NGOs are allowed in the WTO, then they are likely to interfere with such negotiations.\textsuperscript{42} For example a delegate may propose the side of the government while a NGO that is present at meeting would give a different opinion as to what are the wishes of the citizens of that country are. This may create a mix up in the meeting as who is speaking for whom. This point in summary argues that the WTO is an intergovernmental organization and should not therefore include any other entitles like NGOs who have no mandate from citizens like legitimate governments.\textsuperscript{43}

VI. CONCLUSION

The battle as to whether to admit NGOs into WTO meetings went for a number of years. Finally, NGOs have been accepted in WTO. The major theme has been; what role should they play in WTO? Though critics argue that NGOs should have no role, it is clear that their participation in WTO can be justified. They should not be seen as overshadowing particular governments but rather as a boost in promoting democracy in WTO. Some countries are better represented by NGOs. Domestic NGOs may channel their views through their governments but international NGOs have no specific states to represent and hence should offer their views to WTO by direct participation. NGOs provide a lot in terms of domestic governance at the domestic level but there is no reason why they should not do so at WTO. They have the ability to provide the necessary information about policies and settlement of dispute at WTO. They would therefore act as a link between citizens and WTO that is assumed by many to make decision from a distant place. The participation of NGOs would open up WTO that may in one way enhance the legitimacy of WTO. WTO deals with issues which are for the common heritage of mankind, and is no longer a preserve of trade ministers and their governments. Opening WTO to NGOs would to a very large extent democratize WTO.

\textsuperscript{41} Martin walf, Of Tuna Turtles and red Herrings: Concern about Environment, Labor Rights or Even Democracy Have Little To Do With Globle Commerce; Fin. Times, Nov. 7, 1999 at page 27

\textsuperscript{42} Supra, Note 39 at page 196

\textsuperscript{43} Jeffrey L. Dunff; the Misguided Debate over NGO Participation at WTO; l Int’l Econ. L. 433, 438 – 39 (1998)