



Treatment of NGOs at WTO Conference has Violated Human Rights

December 13, 2017. In response to the treatment of NGOs by the Argentinian government in the context of the WTO Conference in Buenos Aires (Over 60 civil society delegates to the conference, who had been accredited by the WTO, were banned from participation by the Argentinian government. Two were deported after arriving at the airport), the Just Net Coalition (JNC) and others have today sent an open letter to UN Secretary-General António Guterres and to the UN High Commissioner for Human Rights.

In view of the important public policy issues that are being discussed at such international conferences, the citizens of the world need ways to ensure that their problems and concerns are appropriately listened to and taken into consideration. The corresponding implications of international human rights law are explained in reports of UN human rights rapporteurs. In conclusion, the treatment of NGOs by the Argentinian government is a human rights violation.

JNC has been particularly affected because one of the deported persons, Sally Burch, is a member of JNC's steering committee.

Attached documents:

- Open letter on civil society rights, as sent today (the letter remains open for further endorsements)
- Statement by Sally Burch (in English and Spanish)

For further information:

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JNC co-convenor and author of the open letter on civil society rights

About the Just Net Coalition (JNC)

The Just Net Coalition (JNC) is a global network of civil society actors committed to an open, free, just and equitable Internet. Founded in February 2014, the coalition engages on topics of the Internet and its governance, with the goal to promote democracy, human rights and social justice.

Website: <https://justnetcoalition.org>

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Open Letter on Civil Society Rights to UN Secretary-General António Guterres and to the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein

December 13, 2017

Your Excellency Secretary-General Guterres,
Your Excellency the High Commissioner for Human Rights,

We write to you because of concerns regarding the ability of civil society delegates to effectively engage with important international conferences, concerns which have been exacerbated by over sixty civil society delegates to the WTO Ministerial Conference of December 2017 (who had been accredited by the WTO) having their accreditations revoked by the host country shortly before the conference. This is not only a violation of the relevant host country agreement, it is also a human rights violation.

On December 8, 2017, two civil society delegates were denied entry at the border and deported:

Sally Burch of Agencia Latinoamericana de Información (ALAI), who is also a member of the Steering Committee of the Just Net Coalition.

Petter Slaatrem Titland, leader of the Norwegian chapter of Association for the Assessment of Financial Transactions and for Citizen Action (Attac).

In both of these cases of deportations, as well as at least in some of the other cases of revoked accreditations, the host country has thereafter reversed its decision. That however is not a full solution to the problem. Many of the civil society delegates had already cancelled their travel plans after having been informed of the host country having revoked their accreditation, or because they were denied visas.¹ Further, the belated authorization of entry for Sally and Petter does not cure the harm that was done to them and the organizations they represent. In Sally's case, she was deported back to her home country, Ecuador, and was not able to fly back to Buenos Aires in order to participate meaningfully in the WTO meeting.

In view of the important public policy issues that are being discussed at such international conferences, civil society engagement is of utmost importance. On one hand, the negotiators who shape the future of our world need to have access to the insights and perspectives of the civil society experts. On the other hand, the citizens of the world need ways to ensure that their problems and concerns are appropriately listened to and taken into consideration. In this context, the recent events are a great cause for concern, especially given that the events concerning the WTO Ministerial, while in some ways unprecedented, are not isolated, but part of a larger problem. For example, in November 2017, the participation of several civil society groups to the Global Conference on Cyberspace (GCCS) in India was delayed and, in several cases, denied.

Such denials can affect especially smaller civil society groups particularly seriously, in more ways than what is obvious. The effective and constructive participation at such conferences requires in-depth preparation which takes a long time. It is not only that the denial of participation results in the preparation being wasted. Already the *risk* that participation can be arbitrarily denied prevents civil society organisations from planning their engagement strategically. Time is also of the essence, as inefficiencies and harms are compounded when the denial occurs immediately before or during events, leaving no meaningful time to appeal the decision.

These problems concern not just civil society engagement with one international organization such as the WTO, but civil society delegates to all international conferences where important public

¹ For further details, we refer you to the Our World Is Not For Sale (OWINFS) Network, ourworldisnotforsale.net

policy decisions are made. It is therefore appropriate for representatives of the UN to address the matter, and this is the reason why we are writing to you.

We respectfully request you to make a strong public statement on the rights that civil society delegates to international conferences have on the basis of international human rights law as well as on the basis of other instruments such as host country agreements.

This kind of response to the events related to the WTO Ministerial Conference of December 2017 will on one hand be valuable for the concerned civil society delegates and their organizations in regard to having their good name and reputation restored after having been unjustly accused (by the host country) of having posted “incitements to violence and chaos” in social media.²

The larger context of these attacks on the honor and reputation of civil society delegates are the provisions in the host country agreement which permit the host country to refuse entry on national security grounds. We do not object to these provisions provided that they are only applied in exceptional cases, and with due justification, and with due process. We do however object to the abuse of these provisions to arbitrarily revoke the accreditation of (in this case, a large number of) civil society delegates who had been accredited by the WTO. In this kind of situation, unless civil society delegates have an effective remedy against such attacks on their honor and reputation, the provisions of the host country agreement—that were intended to guarantee the rights of *inter alia* the civil society delegates—only result in insult and libel being added to the injury of not being able to participate in the conference.

In addition to the established diplomatic practices with host country agreements, we would suggest that the requested statement on civil society rights could mention the following human rights aspects:

- The right to peaceful assembly/association (Article 20 of the UDHR and Article 21 of the ICCPR);
- the recommendation of the former Special Rapporteur on the rights to freedom of peaceful assembly and of association, who called on States members of multilateral institutions to: "Refrain from unduly preventing NGOs from obtaining accreditation with multilateral institutions, arbitrarily withdrawing accreditations, or deferring the examination of periodic reports of accredited organizations;" ([A/69/365](#))
- the call from the current Special Rapporteur on the freedoms of opinion and expression for “broader and simpler accreditation of organizations to participate in and monitor” at inter-governmental and international institutions. ([A/72/350](#))

We are very concerned about the future of the international discourse. Certainly the events in the context of the WTO Ministerial of December 2017 must not be allowed to set a precedent for the *arbitrary refusal or revocation of accreditation* and *libel* of civil society delegates.

Sincerely,

Just Net Coalition (international)

Electronic Frontier Foundation (USA)

Australian Fair Trade and Investment Network

² <http://www.mrecic.gov.ar/sobre-la-acreditacion-de-ongs-la-conferencia-ministerial-de-la-omc-en-buenos-aires>

Access Now (USA)
Attac (Argentina)
Agencia Latinoamericana de Información – ALAI (Ecuador)
SonTusDatos (Artículo 12, A.C.) (Mexico)
Association for Proper Internet Governance (Switzerland)
Friends of the Earth International
Trades Union Congress (TUC) - Ghana
TEDIC (Paraguay)
Fundación Vía Libre (Argentina)
IUF (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations)
Public Knowledge (USA)
PowerShift e.V. (Germany)
Association for Progressive Communications (APC) (international)
Ecologistas en Acción (Spain)
CGIL (Confederazione Generale Italiana del Lavoro) (Italy)
European Digital Rights (EDRi)
Usuarios Digitales del Ecuador
Columbia Global Freedom of Expression (USA)
Ecologistas en Acción (Spain)
Argentina Solidarity Campaign (UK)

Michael J. Oghia (Serbia)
Craig Fagan
William Drake (Switzerland)
Legborsi Nwiabu
Victor Agüera (UK)

Cc: Mr. Roberto Azevêdo, Director-General of the WTO

Mr. David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ms. Annalisa Ciampi, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mr. Edison Lanza, Inter-American Commission of Human Rights' Special Rapporteur on Freedom of Expression

Aarhus Convention Secretariat

Statement by Sally Burch

I have participated in many UN meetings over the years, either as a journalist or communication rights activist, always with a constructive perspective. I have never expressed disruptive attitudes, much less advocated violence. Therefore, the only explanation I can find for my deportation from Argentina is that the government finds my opinions and analysis “disruptive” (to use the term employed by a member of the foreign ministry) of its neoliberal and pro-corporate agenda. Some of these ideas might include:

- That issues of grave importance for humanity, with implications for human rights, development, freedom of expression or the environment, should not be decided behind closed doors, between big governments and big corporations, with no participation of civil society nor democratic process, such as often occurs in the WTO.
- That the proposals tabled for e-commerce negotiations in the WTO serve the interests of the big transnational internet corporations, and not those of the people or of developing countries.
- That proposals for “free flow of data” mean that everyone’s personal data become a commodity for the big corporations to exploit, with no personal benefit and no privacy rights.
- That the present model of the Internet and artificial intelligence, concentrated in the hands of big corporations, runs contrary to the public interest and presents serious threats to democracy. The e-commerce negotiations, as presented, would tend to strengthen this model.

In any case, if it is true that this is the reason, it would be a very serious matter to exclude participation on the basis of opinions, and all the more serious for the WTO if they admit that.

Sally Burch, December 10, 2017

Pronunciamento de Sally Burch

He participado en muchas reuniones de la ONU a lo largo de los años, ya sea como periodista o activista de los derechos de la comunicación, siempre desde una perspectiva constructiva. Nunca expresé actitudes disruptivas, y mucho menos he abogado por la violencia. Por lo tanto, la única explicación que puedo encontrar para mi deportación de Argentina es que el gobierno considere que mis opiniones y análisis son "disruptivos" (para usar el término empleado por un vocero del Ministerio de Relaciones Exteriores) de su agenda neoliberal y pro-corporativa. Algunas de estas ideas podrían incluir:

- Que asuntos de gran importancia para la humanidad, con implicaciones para los derechos humanos, el desarrollo, la libertad de expresión o el medio ambiente, no deben decidirse a puertas cerradas, entre grandes gobiernos y grandes corporaciones, sin participación de la sociedad civil ni procesos democráticos, tal como ocurre a menudo en la OMC.
- Que las propuestas presentadas para las negociaciones de comercio electrónico en la OMC sirven a los intereses de las grandes corporaciones transnacionales de Internet, y no a los de la ciudadanía ni de los países en desarrollo.
- Que las propuestas de "libre flujo de datos" significan que los datos personales de todos y todas se convierten en un commodity que las grandes corporaciones pueden explotar, sin ningún beneficio personal y sin derechos de privacidad.
- Que el modelo actual de internet e inteligencia artificial, concentrado en manos de grandes corporaciones, va en contra del interés público y presenta serias amenazas a la democracia. Las negociaciones de comercio electrónico, tal como se presentan, tenderían a fortalecer este modelo.

En todo caso, si esto fuera cierto que esta es la razón, sería muy grave que se excluya una participación sobre la base de opiniones, y aún más grave para la OMC si lo admite.

Sally Burch, diciembre 10, 2017