

## Human Rights Language in the 2009 TRADE Act

Congressman Wu championed this new language, and as a "New Democrat" who did not cosponsor last year, it is a big step forward to see him as one of the cosponsors this year.

On Human Rights, the 2009 House TRADE Act:

- Requires this issue be included *in the core text* of a trade agreement
- Recognizes the U.N. Universal Declaration of Human Rights as the standard (Note: The U.S. is a signatory to that Declaration)
- Prohibits a party in the trade agreement from waiving laws relating to fundamental human rights
- Acknowledges a dispute resolution and enforcement mechanism for failure to meet the fundamental human rights required by the agreement
- Argues that penalties must be at least as effective as those for commercial provisions of the trade agreement, and
- Establishes a commission of representatives specializing in international and comparative human rights

The specific language is listed below.

From page 19 of the House TRADE Act bill:

10 (2) HUMAN RIGHTS STANDARDS.—The human  
11 rights provisions shall—  
12 (A) be included in the core text of the  
13 trade agreement;  
14 (B) require each country that is a party to  
15 the trade agreement to recognize the United  
16 Nations Universal Declaration of Human  
17 Rights as a common standard of achievement  
18 for all peoples and all nations;  
19 (C) prohibit each country that is a party to  
20 the trade agreement from waiving or otherwise  
21 derogating from its laws and regulations relat  
22 ing to fundamental human rights;  
23 (D) provide that failures to meet the fun  
24 damental human rights required by the trade  
25 agreement shall be subject to effective dispute

Page 20

1 resolution and enforcement mechanisms and  
2 penalties that are included in the core text of  
3 the trade agreement and that are at least as ef  
4 fective as the mechanisms and penalties that

5 apply to the commercial provisions of the trade  
6 agreement;  
7 (E) strengthen the capacity of each coun  
8 try that is a party to the trade agreement to  
9 promote and enforce fundamental human  
10 rights;  
11 (F) provide for the establishment of a com  
12 mission composed of representatives specializing  
13 in international and comparative human rights,  
14 including representatives of independent human  
15 rights organizations of countries who are par  
16 ties to the trade agreement and academic re  
17 searchers, to receive, investigate, review, and  
18 participate in the adjudication of any complaint  
19 filed under the human rights provisions of the  
20 trade agreement, and vest the commission with  
21 the authority to establish objective indicators to  
22 determine compliance with the obligations set  
23 forth in subparagraphs (B), (C), and (D); and  
24 (G) require any other country that is a  
25 party to the trade agreement to cooperate fully

Page 21

1 with investigations by the commission required  
2 under subparagraph (F).