

How can US Trade Policy be Made more Transparent and Accountable
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The US trade policymaking process does not fit expectations for good governance in the Internet age. Herein I argue that the process does not sufficiently involve the broad public and hence represent in full the national interest in trade policymaking; the process is not open and transparent; and US policymakers have promised some reforms.

Public engagement in the trade policy process in the U.S. is sporadic and limited. The public can formally comment before negotiations begin but once initiated, the public cannot directly influence the course of negotiations. Although the US has some 28 advisory committees, these committees generally represent business and labor. No committee represents the general public interests of the taxpayer—e.g. examining the effects of trade agreements on the achievement of other important long term goals such as human rights or the achievement of other policy goals. USTR promised to create such an advisory committee last year—the public interest advisory committee but it has yet to be put in place. As a result, only a small circle of elites makes trade policy in the US.

Although the press informs the public of the outlines and objectives of the negotiations, the actual negotiating documents remain secret. Diplomats have long argued that secrecy builds trust between governments, as they must count on their counterparts to keep information confidential. Trade negotiators expect secrecy to discuss sector-specific tariffs or business confidential information. However, secrecy among negotiators may also engender public distrust. Just because the trade negotiations have been conducted in secret in the past doesn't mean they have to be conducted fully in secret today. After all, the negotiators are negotiating broad topics such as investor-state disciplines; the free flow of information; and regulatory coherence. These topics would benefit from greater sunshine and greater input. Moreover, the public in the U.S. has scuttled several international agreements that were negotiated in secret and not built on a base of public support-- the Anti-Counterfeiting Trade Agreement (<http://keepthewebopen.com/acta>) and the Multilateral Agreement on Investment (<http://tinyurl.com/d8r66cf>).

*U.S. policymakers have promised greater openness in trade policy.*¹ In its “Open Government Plan,” the U.S. Trade Representative's office agreed that it needed to become more responsive to the public at large but officials have not figured out how to do so (See <http://tinyurl.com/n7ztdug>. Senior officials U.S. have noted that the failure to be transparent can undermine the credibility of the negotiations and necessitates a search for new ways to involve stakeholders. (See <http://tinyurl.com/logrhr4>.) We believe that public involvement and transparency in current US trade negotiations is especially important because, the negotiations address potentially controversial regulatory issues. Trade negotiators may benefit from increased trust in the negotiations as well as greater credibility and creative thinking from public involvement.

¹On May 9, 2013, President Obama's “Open Data Policy” declared that government data should be public, accessible, fully described, reusable, complete, timely, and managed post-release. On May 21, 2013, members of Congress of both parties, in both chambers, introduced the DATA Act, which will transform the U.S. government's spending information from inaccessible documents into open data. On June 18, 2013, the United States signed the G8's “Open Data Charter,” committing to open data as a default.