

FACT SHEET

Challenges & Opportunities in Public Submission Processes for Non-Compliance

Comparative Analysis of Trade and Sustainable Development (TSD) Provisions for Identification of Best Practices to Support the TSD Review

Key takeaways on public submission processes



Having an **informed, enlightened and engaged civil society** can provide considerable leverage in monitoring, encourage public submissions for non-compliance and add pressure on implementing the provisions.



Public submissions for non-compliance can help **improve labour, environmental standards, and human rights** on the ground. In those cases, trade agreements can offer opportunities to **make civil society voices heard** when domestic channels are blocked.



Among the selected third countries, **Canada and the US** have established the **most specific public submission processes** for non-compliance.



Procedural certainty is an essential part of the public submissions approach which enables close cooperation between partner countries and stakeholders. Detailed guidelines with established timelines, submission criteria and transparency requirements all contribute to procedural certainty and make public submissions more accessible, transparent, and effective.

Public submissions become more accessible, transparent, and effective when detailed guidelines are in place.

LESSONS LEARNED FROM...



... the North American Agreement on Environmental Cooperation (NAAEC)

- ◆ The case of the Sumidero Canyon filed by a Mexican community organization showed that, despite procedural hurdles, the NAAEC's citizen submission of enforcement matters (SEM) could have **empowering effects for local communities**. This confirms the **importance of civil society participation in FTA enforcement mechanisms** through public submission.
- ◆ The USMCA's environmental chapter builds upon this model by **imposing specific timelines, transparency, and disclosure requirements**. Through a learning-by-doing approach, these procedural elements have thus improved over time to **build trust among civil society actors**.

... the Canada-Colombia Agreement on Labour Cooperation


- ◆ The **"public communication" process** led to an investigation of allegations that Colombia had failed to meet its labour obligations in the agreements. The report from the Canadian National Administration Office (NAO) brought **tangible change** on the ground because both Parties were compelled to find a solution.
- ◆ One of the good practices of the Canadian public communication process pertains to the **very clear guidelines offered for citizens' submissions**, including a detailed step-by-step description of the process, clear time limits for every step, guidance on submission, criteria for acceptance and review of public communications and ambitious transparency requirements.
- ◆ An advantage of the public submission mechanism is its **openness**: NGOs, businesses, and citizens in general can submit a public communication.
- ◆ **Challenges** related to the public communication/submission procedure include short time limits and non-negligible costs related to investigation.





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