Making Trade Agreements Work for People with Disabilities:
Why? What's There? And What More is Needed?



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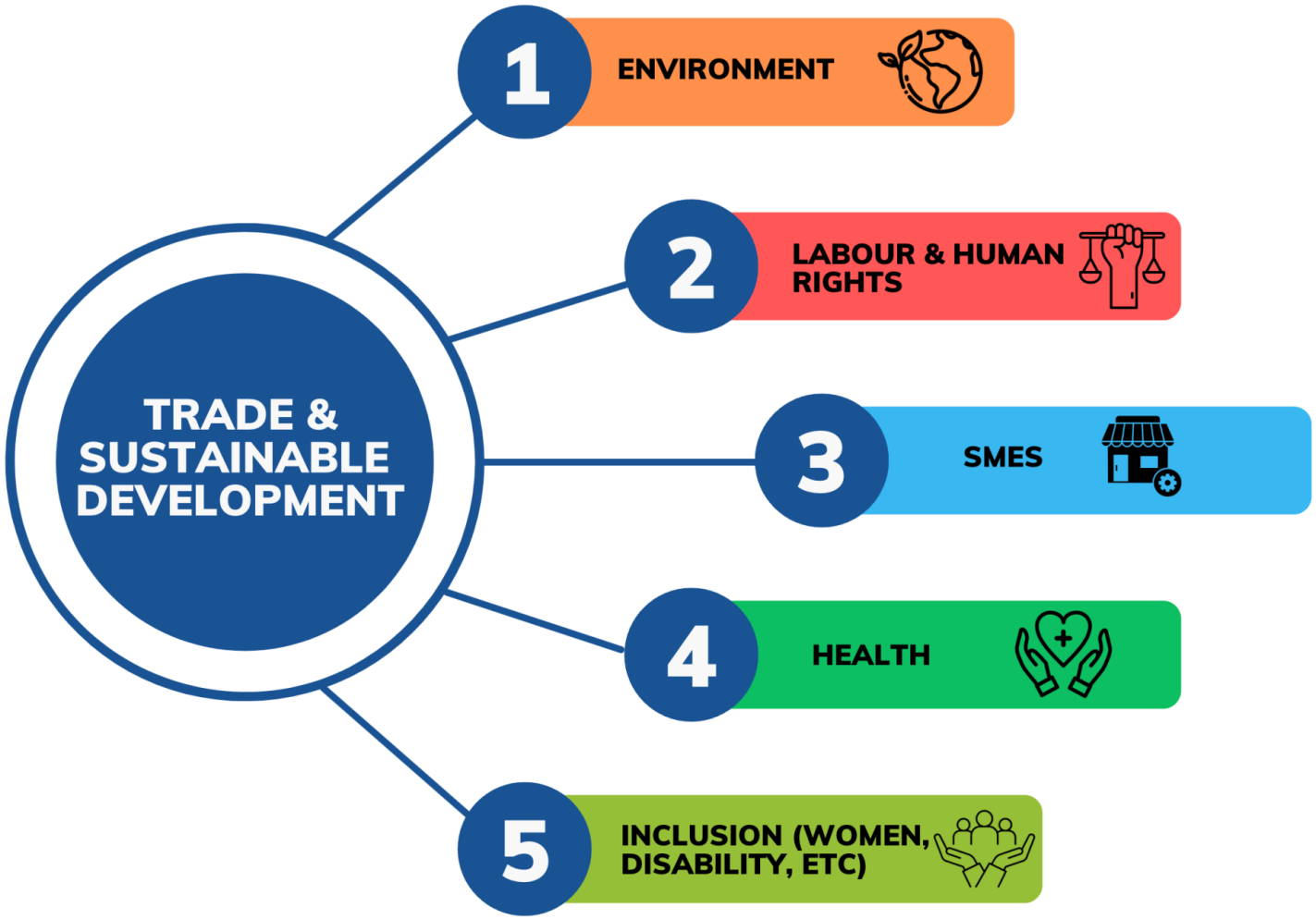
Why? Why Trade Agreements can Help

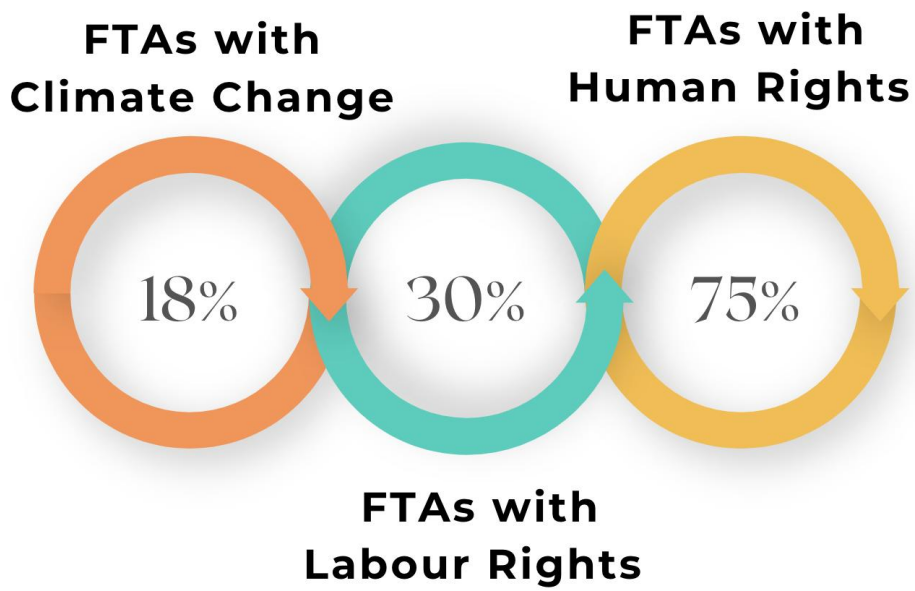
What's there? A Look at Practice Examples

What more is needed? The Disconnect

Going beyond the disconnect!

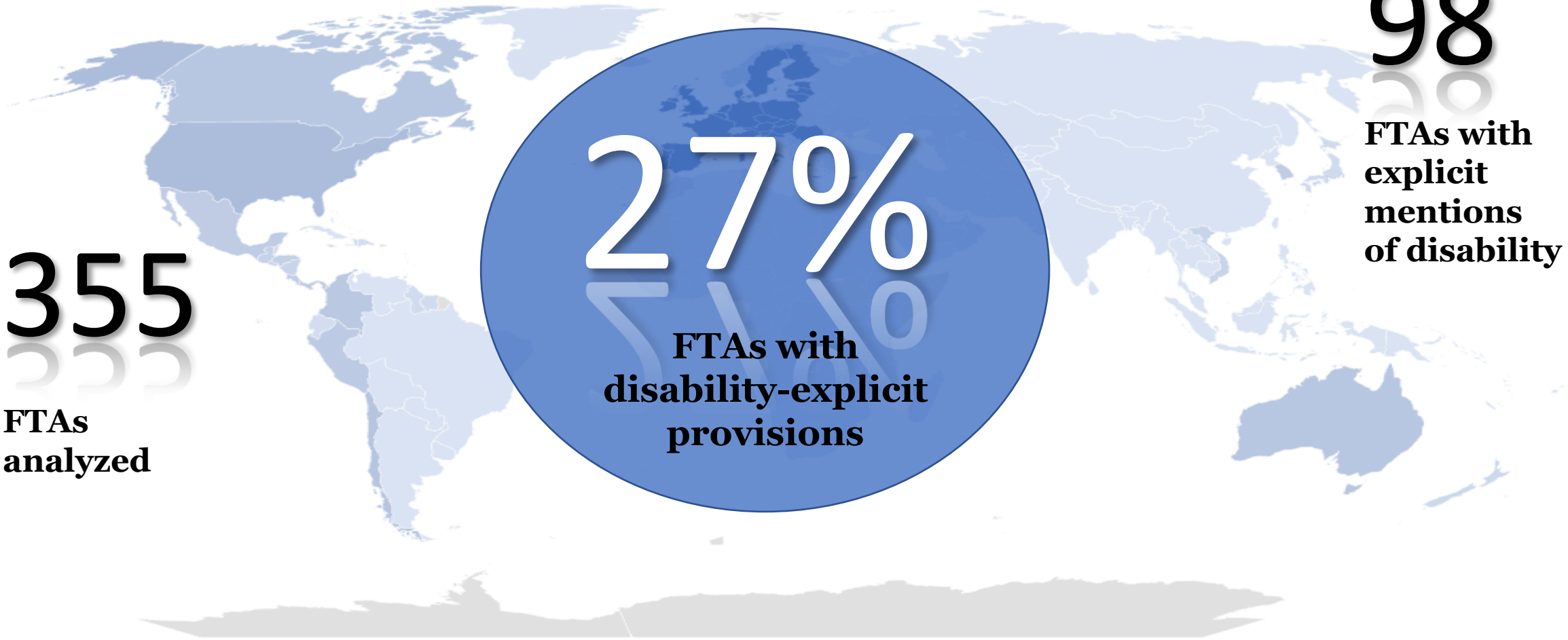
Focus of sustainable development (SD) provisions in FTAs





*Numbers and percentage values are approximate

Disability Provisions in Trade Agreements (FTAs)

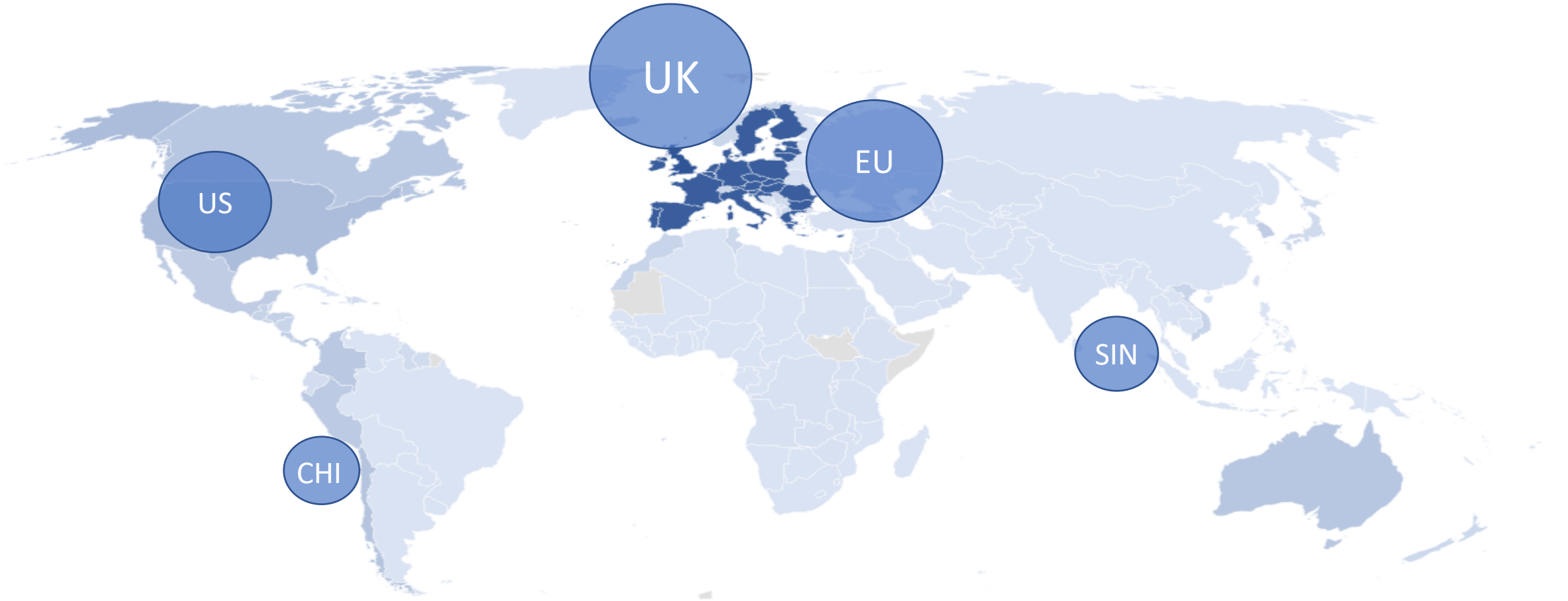


List of explicit keywords:
disabled, disability, disabilities, differently-abled, handicapped, invalidity, PWD

Low High

Top 5 Players

The UK, US, EU, Singapore and Chile have the highest count of disability-explicit provisions in their FTAs



*The colour code reflects the aggregation of the number of times explicit words are used in all WTO notified FTAs signed by each country.
**The darker it is, the higher the frequency of explicit words included in its FTAs.
*** Only FTAs with explicit provisions were considered for the illustration.
**** Only trade agreements notified to WTO and currently in force (as of 15 February 2022) are included in this assessment.



FTAS

are…

not neutral in their impact; distributional outcomes of FTAs can vary and can have adverse impact on persons with disability, as they play different roles in society, markets and economies, and enjoy different opportunities & resources access

Contributes to…	**but may lead to…**
Lowering barriers to trade (tariff and non tariff barriers)	Risk of lower revenue for social welfare support for vulnerable groups
Increasing employment and business opportunities for persons with disability	Environmental and health impact from higher consumption and production
Goods and services at lower prices and better quality for consumers	Risk of displacement of job and business opportunities in some industries
Breaking barriers persons with disability face at, within & across borders	Increase in cost and decrease in availability of assistive devices, as a result of strengthened IPRs

which should be addressed by…

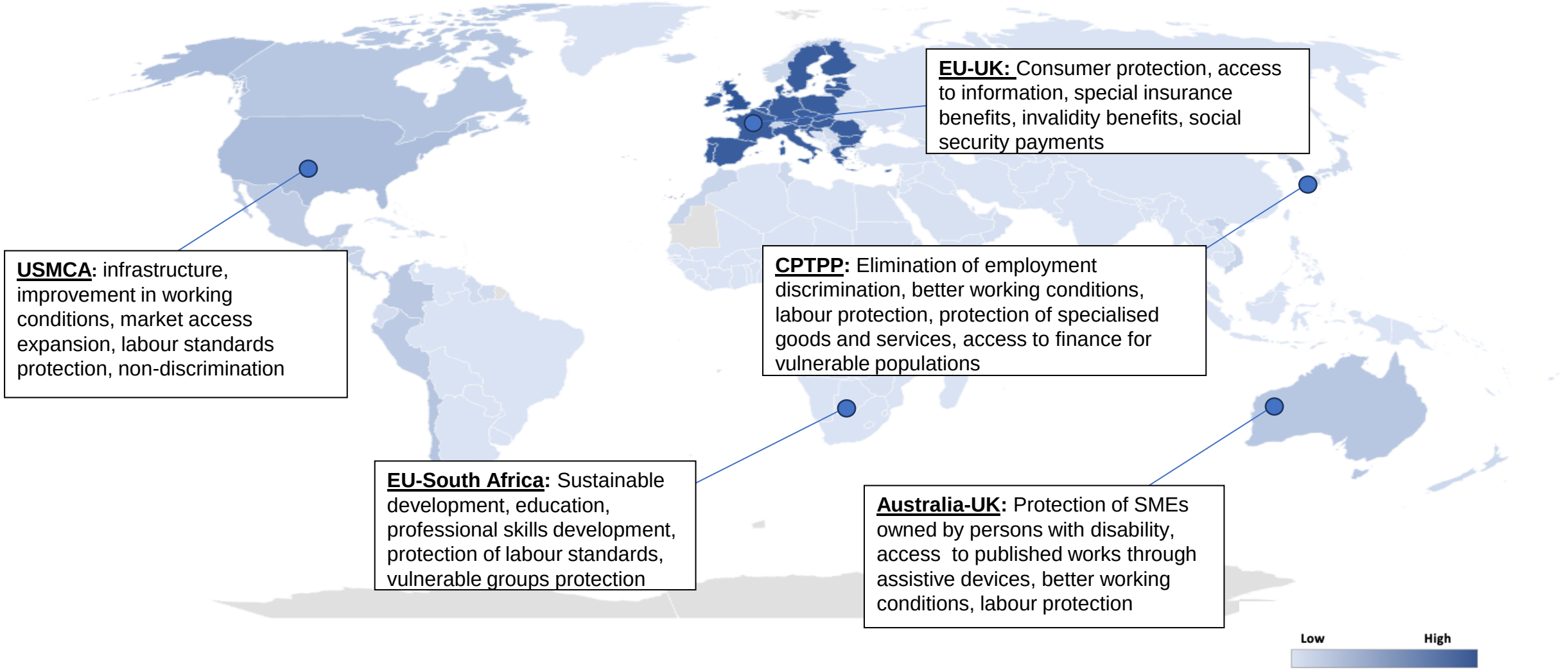
Negotiating FTAs with inclusive lens

Together with Commitments on Disability-Inclusion

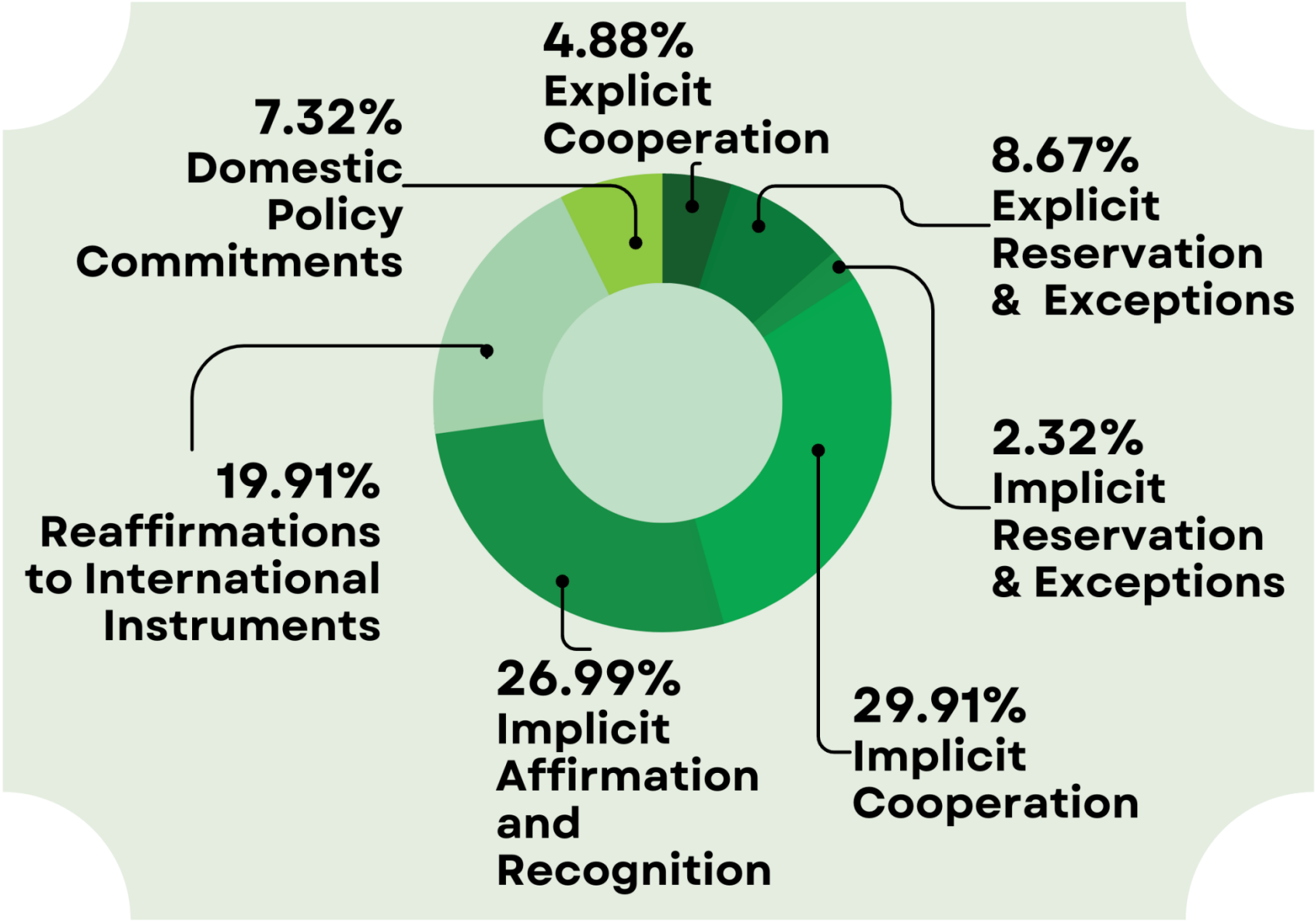
Inclusive Trade

The Frontrunners

The UK and EU are pioneers in terms of the number and content of disability provisions within their FTAs

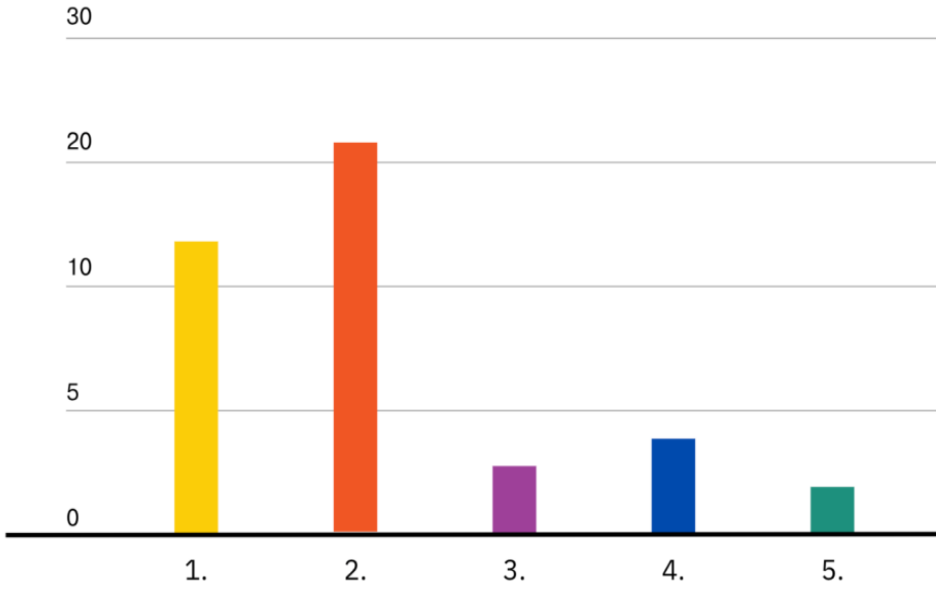


Categories of Disability Provisions and their Frequency of Appearance in FTAs



Types of Cooperation-based Provisions in Current FTAs

1. Cooperation on Labour, Equality, Non-discrimination and Employment Related Aspects
2. Cooperation on Social Security, Health and Employment, Dialogue on Social and Cultural Matters, Human Development, Reduction of Poverty, Combating Discrimination and Social Exclusion
3. Cooperation on Information and Communications Technologies, Protection of Privacy and Digital Trade
4. Cooperation on Education, Capacity Building, Technical Training, Vocational Training and Information Exchange
5. Cooperation on Market Access and Protection of Small and Medium Enterprises

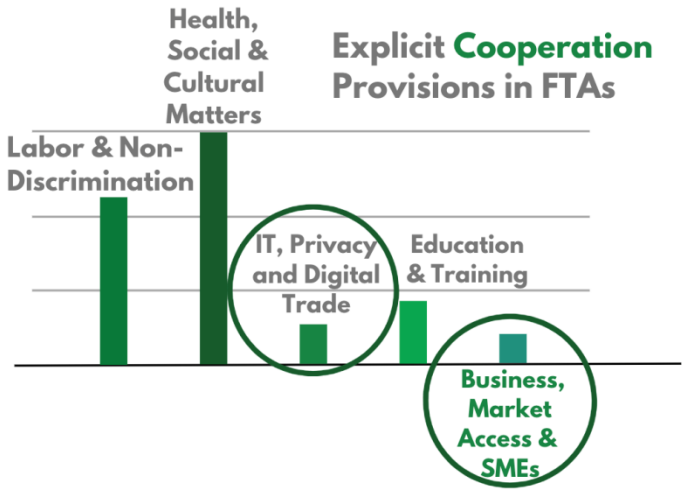


*Number of FTAs that contain a provision relating to the Sub-Categories under this Category



PERSONS WITH DISABILITY SEEN IN TRADITIONAL ROLES

Provisions related to business and entreprenuership appear very infrequently, as most of these provisions seek to focus on persons with disability in their **traditional roles** (i.e., as employees, social or cultural actors and consumers.)



The Deep Disconnect

IF NEGOTIATED WITH AN

INCLUSIVE LENS

FTAs can lead to **positive** results for all including the marginalised groups such as **persons with disability**

27% TRADE AGREEMENTS CONTAIN AT LEAST ONE EXPLICIT PROVISION THAT RELATES TO DISABILITY

BUT THERE IS A DISCONNECT BETWEEN THE BARRIERS THAT PERSONS WITH DISABILITY FACE AND THE CONTENT OF THE DISABILITY PROVISIONS



BECAUSE CURRENT INCLUSIONS DO NOT DIRECTLY RELATE TO BARRIERS EXACERBATED BY INTERNATIONAL TRADE, ONE OF THE MOST SIGNIFICANT BARRIERS BEING LACK OF ACCESS TO ASSISTIVE DEVICES

The Deep Disconnect: 3 Key Reasons

1. High tariff barriers imposed on import and sale of assistive devices



2. Strengthened intellectual property rights protection



3. Lack of Innovation – Copy and Paste Provisions



Some Policy Recommendations

WAIVE THE DUTY

- **Trade liberalisation**, while promising, has increased costs of assistive devices instead of reducing them.
- FTAs should prioritise waivers or **reduced duties** on essential assistive devices for persons with disability.
- The **United Kingdom** exempts certain disability-specific goods from customs duty, setting a precedent for other nations.
- **Heavy taxes** on assistive products hinder affordability, especially for those with limited financial resources.
- Special list of **HSN Codes** could be prepared by countries to exclusively recognise disability-related equipment and reduce duties.



RELAX IPR PROTECTION

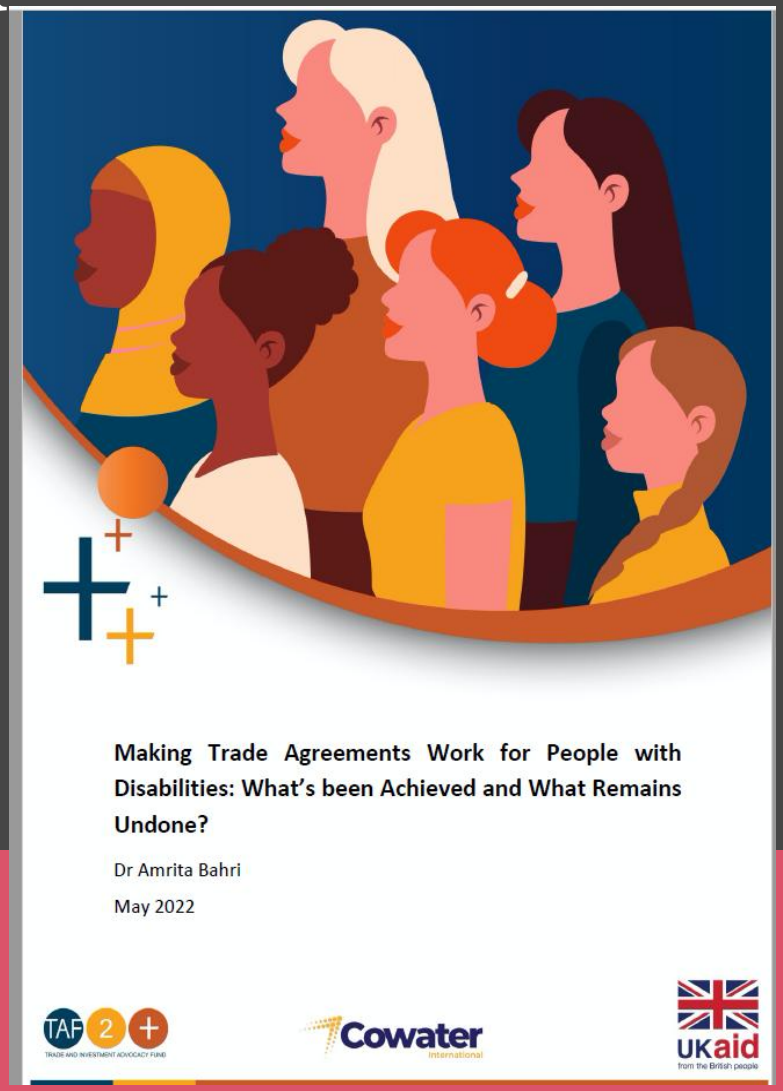
- IPRs in pharmaceuticals can boost innovation but limit accessibility.
- An important step could be to negotiate provisions on the relaxation of intellectual property rights for goods and services required by persons with disability
- Waivers can allow for the production of generic versions of these equipment and technology, thereby reducing costs and increasing accessibility
- IP waivers can also facilitate the development and dissemination of more affordable assistive technologies
- Waivers in the publishing sector can make it easier to produce and distribute educational material in formats that are accessible to persons with disabilities, such as Braille or audio books
- FTAs can foster R&D cooperation for disability-focused solutions.

INNOVATE - DO NOT COPY PASTE



- Even though the understanding on disability concerns has evolved, policymakers have not made substantial alterations in the traditional GPA template relating to disability
- Persistent "copy-paste" practice hinders genuine disability inclusion concerns
- The practice of using a pre-used template obstructs innovation in the negotiation and inclusion of more ambitious commitments that can effectively address barriers
- Enhanced public-private dialogue can help countries overcome the current disconnect between the barriers and policy solutions as it can help policymakers gain practical insights on barriers faced and hence negotiate provisions in light of those barriers.

Thank you



Coming up…..



ITAM WTO CHAIRS PROGRAMME