

WRITING SAMPLE

Protecting Human Rights and the Commons via Democratized Trade Negotiations

SUMMARY OF THE WORK

In the European Union, the priorities embedded in bilateral trade agreements and trade policy are primarily organized and conducted by technocrats and lawyers who, while experts in trade, often fail to prioritize human rights or environmental issues. The proposal aims to ensure that the EU's trade policy incorporate sustainable development by adding a body of civil society to the formal bilateral trade negotiation process.

Context

Year written:	2019
University:	Sciences Po (IEP)'s Paris School of International Affairs
Location:	Paris, France
Course:	Global Governance: Overcoming Fragmentation
Assignment:	Write a 1000-word reform proposal that would improve globalization "by making it more humane, and by ensuring that it contributes to sustainable development." Proposals should aim to be innovative and offer new ideas not discussed elsewhere, and must relate to one topic covered in the course.
Professor:	Olivier De Schutter, professor of law at the University of Louvain (UCL), co-chair of the International Panel of Experts on Food Systems (iPES-Food), and former United Nations Special Rapporteur on the right to food (2008-2014)



SciencesPo.

Protecting Human Rights and the Commons via Democratized Trade Negotiations

A Reform Proposal

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Global Governance: Overcoming Fragmentation

Democratize trade negotiations

Public interest issues, including human rights, labor rights, gender rights and the environment should be mainstreamed into domestic trade policy and all types of trade and investment treaties. This reform effort would require *inter alia* meaningful consultation with civil society before, during and after the treaty negotiation process. Ex ante impact assessments (for human rights, gender equality, labor rights, and the environment, in particular) would be conducted before the conclusion of the negotiation, and civil society would review these to suggest revisions to the treaty. A panel composed of public interest advocacy experts and randomly selected citizens would approve the agreement prior to signature or ratification.

Protect public interests and the commons

Trade and investment regulation today is heavily biased to support corporate profits. It also disproportionately benefits highly skilled workers and people who already have access to assets and credit. This system and the global market have not been able to provide, and have thwarted the provision of, public goods that support poor people, small entrepreneurs, or those that depend on subsistence farming. Nor have they been able to protect the commons, which is a threat to humans' long-term survival on this planet. Mainstreaming public interests into trade policy, trade agreement and investment treaties would prioritize human and environmental interests above the profits of corporations and unstick one of the major barriers to limiting global warming to 2°C and to securing human rights for all.

Mainstreaming human rights, labor rights, gender equality and environmental issues into trade would require multiple steps, each one helping to break down these barriers referenced above. To begin with, current ex ante impact assessments are conducted prior to the start of trade negotiations, but without assessing the actual text that would be in force, these evaluations are excessively speculative. Conducting an impact assessment based on a final draft of an agreement

would make the evaluation more realistic, enabling decisions to be made on information that is as close to the truth as economic and environmental models can get.

Further, allowing public interest advocacy groups and citizens to see and offer revisions to the proposed draft as well as these ex ante impact assessments would provide a critical eye to the way gender equality, global warming, ecosystems, labor rights and marginalized groups would be impacted by the new agreement. As trade specialists are often not specialists in every form of public interest, these outside voices would be an added value to the negotiation process, and ultimately enable the agreement to protect human rights and the commons.

In addition to adding meaningful public involvement in revising the final draft, the agreements would need approval by the same body of public interest advocates and citizens. Citizens would need to be chosen randomly as is done for jury duty in many countries. This civic duty would enable a direct connection between the public and these massive state-level decisions, which is currently lacking.

Ultimately these methods of meaningful involvement of and decision-making by citizens and public interest advocates would democratize trade, giving power back to the public in a process that has been lacking any transparency at all. Through these efforts, the world will be in a better position to create gender equality, ensure human rights, protect workers and ecosystems, and limit global warming to 2°C.

Establish a political mandate and renew the European project

Each country or trading block (such as the European Union) would need to adopt these reforms as their domestic trade policy. Focusing only on the European Union, the European Commission is fully responsible today for trade negotiations, through the Directorate General for Trade (DG Trade).

Democratizing this process could be considered a threat to the Commission, and a way of circumventing elected leadership in the European Parliament and the European Council. Current decision-makers such as the DG Trade Commissioner and the EU's trade negotiators may especially feel they have much to lose with this new system. They have long resisted transparency, stating that this would impede the delicate discussions held between trading blocks.

Private corporations and industry advocacy groups may balk at the proposition, which could restrict their profits and the ease of doing business internationally. Behind closed doors, their well-funded lobbying activities would challenge the proposed reforms and may dampen enthusiasm among influenced actors.

Certain export-dependent European nations would anticipate trade restrictions with this process, and be concerned about the impact to their economies. Trade partners themselves may

dislike this initiative as the decisions by the public interest representatives may ultimately restrict their access to the European market.

On the other hand, as voter turnout to European elections has been in decline, the United Kingdom has voted to leave the Union and Eurosceptic parliamentarians are elected in increasing numbers, the European institutions are under threat. There is a desperate need to rejuvenate the European project, and to renew the public's faith in these institutions for the long term. By integrating the voices of citizens into major decision-making processes, the Commission would secure its legitimacy among voters.

Further, a process to limit the harmful effects of globalization is not contrary to what many political groups – Eurosceptic alike – are demanding in their bids during this election. Clear supporters will be the green parties and the anti-capitalists. In addition, Nationalists feel that integrating social and environment issues into trade will protect domestic regulation. In her National Rally party European campaign launch speech Marine le Pen rejected the “tyranny of big corporations,” made multiple references to trade reform and evoked the need to give more power back to the people. Liberals have also expressed the need to align the capitalist model with the social and ecological concerns of our time. Given recent election tendencies supporting these kinds of candidates, a reform effort to add democracy and transparency would be well supported by European voters.

To succeed in generating visibility and sponsorship of this reform proposal, it will be necessary to push parliamentary election candidates to include the reform in their platform, so that if elected, they can promote it as part of their mandate. Outreach to philanthropists will increase funding and reinforce the public interest advocacy community enabling reform visibility campaigns to exist throughout Europe. A well-coordinated advocacy coalition active in every European nation will be needed to lead the effort, and help supportive election candidates be elected by European voters.

Finally outreach to and training for public officials working in both the European Commission and in the trade and foreign affairs offices of European nations would be needed. Expanding understanding among public servants is critical to the success of a reform effort, as they are ultimately responsible for executing trade-related activities of the European Union and of each member state.

A coordinated effort implicating voters, philanthropists, public interest advocacy groups, public servants and political parties would make this reform proposal a political mandate, and be part of a critical effort to reorient public policies to limit global warming to 2°C and protect human rights worldwide.