



Concept Note

Expert Seminar on Human Rights Impact Assessments for Trade and Investment Agreements

June 23-24, 2010

Venue: South Centre, Geneva

Summary Proposal: To organize an expert seminar to advance the thinking and groundwork for the implementation of human rights impact assessments (HRIAs) for trade and investment agreements. This seminar would be an international collaboration among CSO organizations that have been working on human rights and trade, drawing on academic and UN experts. The seminar will be targeted, involving approximately 35 invited participants, and take place June 23-24 in Geneva. The process aims to contribute to subsequent collaborative HRIA initiatives related to particular international trade agreements.

Background

There has been widespread critique and mobilization against current trade and investment treaties, particularly given governments' orientation to focus exclusively on commercial interests in the negotiations without taking account of their obligations to address human rights, the environment and development. A wide range of case studies indicate that pressures from trade and investment rules to open borders for goods and services, to create a business friendly environment for Foreign Direct Investment (FDI) and to strengthen Intellectual Property Rights (IPR) have often contributed to violations of human rights.

Many studies have documented the displacement of smallholder farmers from local markets, job destruction, forced evictions, the deprivation from access to medicines and seeds, due-- at least partly-- to misguided trade and investment policies. Some of this research has explicitly analyzed these impacts from a human rights perspective. This includes work on the impact of liberalized agricultural trade on the right to food, (Honduras, Ghana, Indonesia, Uganda, Zambia), on the impact of liberalization and/or privatization of goods, investment and services on the right to health, food and water (Bolivia, Tanzania, Argentina). There has also been significant analysis of the impact of trade and investment rules on labor rights (ICFTU), of rising intellectual property standards on the right to health and food, and of the gendered impacts of liberalized trade in various contexts (IGTN).

The triple crises of food, climate, and finance, have heightened public scrutiny of the international trade regime. As a result, there is a growing interest and commitment by civil society and some governments to assess the social and human rights implications of trade policies and agreements — both multilateral and bilateral agreements, more systematically.

Human Rights Impact Assessments as a policy tool have also been gaining interest –from NGOs and academics, to parliamentarians, governments and UN human rights bodies. The Special Rapporteur on the Right to Food Olivier de Schutter has called for HRIAs as an important policy tool for Governments. In June 2008, the Canadian Standing committee on International Trade recommended a HRIA be undertaken prior to implementation of the Canada -Colombia Free Trade Agreement.

How can such tools become a more regular and effective part of policy making to ensure greater consistency of trade and investment agreements with human rights? The aim of the expert seminar is to take stock of past HRIAs, and take our collective knowledge to the next level in order to lay the groundwork that enables more wide spread implementation by CSOs and governments. It shall contribute to the systematization, methodological clarification and improvement of future HRIAs.

Objectives

1. To clarify the lessons of past approaches to HRIAs for trade and investment agreements as well as other relevant assessment and monitoring tools.
2. Based on existing work, develop key principles, indicators and methodological approaches that should guide HRIAs of trade and investment agreements with a focus on both how to address specific human rights concerns (food, health, water and work and overarching process related human rights) and specific kinds of trade provisions (agriculture, investment, negotiating process)
3. To lay the groundwork for the elaboration of guidelines and/or Terms of Reference for HRIA and trade and investment agreements, to be applied in future pilot HRIA initiatives.
4. To strengthen collaboration and international working relationships among CSOs, academics and UN officials with an interest in promoting HRIAs
5. To improve recognition of HRIAs as a feasible and important policy step for States negotiating trade and investment agreements.

Output

A report that documents the conclusions and reflections of the seminar on both methodological and contextual issues for undertaking HRIAs for trade and investment agreements. Report to be made available in English, French and Spanish.

Organizers

UN Special Rapporteur on the Right to Food , Canadian Council for International Co-operation, Misereor, South Centre (Geneva Host) , Brot für die Welt, FIAN , Berne Declaration, Heinrich Böll Foundation, 3D.