



SRMUN ATLANTA 2023
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Esteemed Delegates,

Welcome to SRMUN Atlanta 2023 and the World Trade Organization (WTO)! My name is Noah Vetter, and I have the pleasure of serving as your Director for the WTO. This will be my sixth time as a SRMUN Atlanta staff member, having previously served as an Assistant Director for the United Nations Conference on Trade and Development (UNCTAD), Director for the United Nations Development Programme (UNDP), Under Secretary-General, and Secretary-General. I also attended SRMUN Atlanta and Charlotte five times as a delegate. I currently work in the International Development sector, prior to which I completed a Master's degree in Poverty and Development and Bachelor's degrees in International Business and International Studies. I am joined by our committee's Assistant Directors, Levi Price and Sarah Johnson. This will be Levi's second time as a staff member, having previously served as Assistant Director for the General Assembly First Committee. Levi is currently pursuing a Bachelor's degree in Architecture. This will be Sarah's first time on SRMUN Atlanta staff, having previously participated as a delegate in three SRMUN conferences. Sarah recently graduated with a Bachelor's degree in Political Science and now runs a tutoring business.

The WTO is the only international organization that deals with trade between Member States. At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading Member States and ratified in their parliaments. The WTO's mission is to help its Member States use trade as a means to raise living standards, create jobs, and improve people's lives. The WTO operates the global system of trade rules and helps developing Member States build their trade capacity. It also provides a forum for its members to negotiate trade agreements and to resolve the trade disputes they face with each other.

Focusing on the mission of the WTO, we have developed the following topics for you to discuss come conference:

- I. Promoting Market Transitions to Sustainable Plastics
- II. Expanding the Role of Human Rights and Labor Standards in Trade Agreements

This background guide will serve as the foundation for your research, yet it should not be the extent of the research. Preparation is given to each topic to help guide delegates in their initial research, and to serve as a starting place for more in-depth studies. It is expected that delegates go beyond this background guide in preparation for their position paper and to better prepare themselves for contribution within the committee in November. Further, each delegation is required to submit a position paper for consideration. Position papers should be no longer than two pages in length (single spaced) and demonstrate your Member State's position, policies, and recommendations on each of the two topics. For more detailed information about formatting and how to write position papers, delegates can visit srmun.org. **All position papers MUST be submitted no later than Friday, October 27th, by 11:59pm EST via the SRMUN website to be eligible for Outstanding Position Paper Awards.**

Levi, Sarah, and I are very excited to welcome you all to the WTO. I wish you the best of luck in your conference preparation and look forward to meeting and working with each of you. Should questions arise as you begin to prepare for this conference, contacting us is always encouraged.

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History of the World Trade Organization

The World Trade Organization (WTO), founded in 1995, is the international community's only multilateral organization dedicated to governing trade between Member States.¹ The WTO functions mainly as an open forum that allows Member States to discuss trade agreements and settle disputes.² The WTO is governed by a set of rules and principles agreed upon by Member States to ensure open and efficient international trade.³ Those principles are as follows: nondiscrimination through most-favored-nation (MFN) treatment, negotiating free trade by lowering trade barriers (e.g. tariffs, quotas, subsidies to domestic industries, etc.), transparency, promoting fair competition, and encouraging development and economic reform.⁴ These principles are based on the rules set up during the Uruguay Round of negotiations, which established the WTO, but are also based on the General Agreement on Tariffs and Trade, or the GATT, which preceded the WTO.⁵

The GATT was created in 1947 during the aftermath of World War II as part of the Bretton Woods Conference's efforts to rebuild international economic cooperation, which also included the creation of the World Bank and the International Monetary Fund (IMF).⁶ The GATT was originally envisioned as the rules of the International Trade Organization (ITO), a specialized organization that would have regulated global trade.⁷ In 1948, the UN Conference on Trade and Employment concluded the Havana Charter for the ITO, which would have "created extensive rules governing trade, investment, services, and business and employment practices".⁸ However, the failure of the United States to ratify the agreement led to the downfall of the ITO, but leaving the GATT as the agreement governing international trade.⁹ For 47 years, the GATT defined and facilitated negotiations around the rules of global trade, presiding "over periods that saw some of the highest growth rates in international commerce".¹⁰ The GATT oversaw a total of eight rounds or negotiations, held between 1947 and 1994, of multilateral trade negotiations, the most important being the Uruguay Round (1986-1994). The Uruguay Round, often referred to as the 'round to end all rounds', covered all previous trade issues and introduced new ones, such as the trade in services and intellectual property.¹¹ When the round began in 1986 the goal was for Member States to complete their negotiations within a four-year timeframe; however, negotiating ministers quickly encountered deadlocks as they discussed sensitive trade issues, without easy resolutions.¹² Nevertheless, by 1993, most negotiations were concluded and on April 15, 1994, in Marrakesh, Morocco. The Marrakesh Agreement was signed by most of the 123 participating Member States, effectively signing into the existence the WTO.¹³ In addition to establishing the WTO, the Marrakesh Agreement established three treaties that underpin the WTO: the GATT (for goods), the General Agreement on Trade in Services (GATS), and Trade-Related Aspects of International Property Rights (TRIPS) – which governs trade in knowledge and creativity.¹⁴

¹ "What Is the WTO?," WTO, 2023, https://www.wto.org/english/thewto_e/thewto_e.htm. (accessed May 23, 2023).

² WTO, "What Is the WTO? - Who We Are," World Trade Organization, 2023, https://www.wto.org/english/thewto_e/whatis_e/who_we_are_e.htm. (accessed May 23, 2023).

³ "World Trade Organization (WTO)," Corporate Finance Institute, 2022, <https://corporatefinanceinstitute.com/resources/economics/world-trade-organization-wto/>. (accessed May 23, 2023).

⁴ "Understanding the WTO - Principles of the Trading System," WTO, 2021, https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm. (accessed May 23, 2023).

⁵ "Understanding the WTO - the GATT Years: From Havana to Marrakesh," WTO, 2002, https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact4_e.htm. (accessed May 23, 2023).

⁶ Donald McRae, "General Agreement on Tariffs and Trade," UN Office of Legal Affairs, <https://legal.un.org/avl/ha/gatt/gatt.html>. (accessed March 26, 2023).

⁷ Kym Anderson, "World Trade Organization (WTO)," Encyclopædia Britannica, August 9, 2018, <https://www.britannica.com/topic/World-Trade-Organization>. (accessed May 23, 2023).

⁸ Kym Anderson, "World Trade Organization (WTO)."

⁹ Kym Anderson, "World Trade Organization (WTO)."

¹⁰ "Understanding the WTO - the GATT Years: From Havana to Marrakesh," WTO, 2023, https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact4_e.htm. (accessed May 23, 2023).

¹¹ "Understanding the WTO – the Uruguay Round," WTO, 2023, https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact5_e.htm. (accessed May 23, 2023).

¹² "Understanding the WTO – the Uruguay Round," WTO.

¹³ "Understanding the WTO – the Uruguay Round," WTO.

¹⁴ "Understanding the WTO - Overview: A Navigational Guide," WTO, 2023, https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm1_e.htm. (accessed May 23, 2023).

The WTO is currently made up of 164 Member States, representing 95 percent of global trade. Along with Member States, the WTO has observer states—states who have not yet been made signatories to trade agreements.¹⁵ Observers are required to begin accession negotiations—a series of steps and trade reforms required to become full WTO members—within five years of gaining observer status.¹⁶ The Ministerial Conference is the governing body of the WTO, made up of all Member States involved in the organization and serving as the decision-making authority on multilateral agreements under the WTO.¹⁷ Three other sub-bodies within the WTO oversee most of the daily operations: the General Council (comprised of representatives of all Member States that meet regularly during the year to manage ongoing operations of the organization), the Dispute Settlement Body (authorized to act as an arbitrator and settle disputes between WTO Member States), and the Trade Policy Review Body (responsible for maintaining alignment between the trade policies of the Member States and the WTO's goals).¹⁸

In 2001 the WTO launched the Doha Round, a round of negotiations intended to bolster the trading capabilities of developing Member States.¹⁹ The Doha Round, also known as the Doha Development Agenda, was born from the WTO's fourth ministerial conference in Doha, and sought to improve 20 areas of trade, including agriculture and Intellectual Property.²⁰ As a prelude to the Doha Round, 100 implementation issues surrounding the 20 areas of trade interest were placed on the agenda, 40 of which were resolved before the start of the 2001 conference.²¹ During the Doha round, 157 Member States participated in talks, with unprecedented conversations focused on multilateral environmental agreements, such as subsidies for the fishing industry and barriers to trade for environmental goods (e.g. solar panels, biodegradable goods, goods produced with less environmental harm, etc.). The Doha Round was concluded in 2015 at a conference in Nairobi, Kenya; however talks were never officially completed.²² The Doha Round has been regarded as a failure, mostly regarding the creation of a Special Safeguard Mechanism (SSM), a temporary restraint placed on international trade to favor domestic production over foreign competition — primarily used to prevent a domestic industry from being overwhelmed by imports.²³ Talks stalled over the creation of an SSM through a series of eight ministerial conferences.²⁴ As a consequence, the Doha Round concluded without a formal agreement.²⁵

In 2017, over 66 percent of the Member States of the WTO voted to ratify the WTO's first multilateral trade agreement in its lifetime, the Trade Facilitation Agreement (TFA).²⁶ The TFA is designed to expedite the movement of goods, reducing the amount of time it takes for goods to cross borders. The TFA was projected to shorten the import time of trade goods by over 36 hours, as well as shortening the export time of trade goods by almost 48 hours.²⁷ The TFA also projected a reduction of global trade costs by 14.3 percent.²⁸ Five years after going into effect, the TFA has improved export capacities for Least Developed Countries (LDCs), increasing all exports by 2.4 percent and agricultural exports by 17 percent.²⁹

¹⁵ CFI TEAM, "World Trade Organization (WTO)," Corporate Finance Institute, 2023, <https://corporatefinanceinstitute.com/resources/economics/world-trade-organization-wto/>, (accessed May 23, 2023).

¹⁶ CFI TEAM, "World Trade Organization (WTO)."

¹⁷ Mabel Shaw, "Guides: International Trade Law Research Guide: WTO Organization & Decision Making," May 15, 2023, <https://guides.ll.georgetown.edu/c.php?g=363556&p=4154931>, (accessed May 23, 2023).

¹⁸ CFI TEAM, "World Trade Organization (WTO)."

¹⁹ "The history of multilateral trading system," WTO, https://www.wto.org/english/thewto_e/history_e/history_e.htm, (accessed February 17, 2023).

²⁰ Pascal Lamy, "The Doha Round," World Trade Organization, 2023, https://www.wto.org/english/tratop_e/dda_e/dda_e.htm, (accessed February 17, 2023).

²¹ "Doha implementation decision explained," World Trade Organization, 2023, https://www.wto.org/english/tratop_e/dda_e/implem_explained_e.htm, (accessed February 17, 2023).

²² "WTO Negotiations + Doha Round - UPSC Notes," Byju, 2023, <https://byjus.com/free-ias-prep/wto-negotiations-doha-round/>, (accessed February 17, 2023).

²³ "WTO Negotiations + Doha Round-UPSC Notes," Byju.

²⁴ "WTO Negotiations + Doha Round-UPSC Notes," Byju.

²⁵ "WTO Negotiations + Doha Round-UPSC Notes," Byju.

²⁶ "Trade Facilitation Agreement enters into force," WTO, February 22, 2017, https://www.wto.org/english/news_e/news17_e/fac_31jan17_e.htm.

²⁷ "Trade Facilitation Agreement enters into force," WTO, February 22, 2017, https://www.wto.org/english/news_e/news17_e/fac_31jan17_e.htm.

²⁸ "Trade Facilitation Agreement enters into force," WTO.

²⁹ Cosimo Beverelli, et. al, "Trade and Welfare Effects of the WTO Trade Facilitation Agreement," WTO, February 28, 2023, https://www.wto.org/english/res_e/reser_e/ersd202304_e.pdf.

In 2020, the WTO celebrated its 25th anniversary.³⁰ In the WTO lifetime, world trade has expanded by 270 percent and the global value of world trade increased by almost 400 percent.³¹ The world's average tariffs have decreased from 10.5 percent to 6.4 percent.³² The world population living below the World Bank's international extreme poverty line of USD 1.90 per day has also decreased from over 33 percent to under 10 percent.³³ In a statement the WTO's Director General (DG) Roberto Azevedo marveled at the progress of the WTO Member States, outlining progress in raising the efficiency of trade in e-commerce, investments and domestic service regulations.³⁴ Azevedo also highlighted barriers to further progress, outlining new governmental trade restrictions and uncertainty pertaining to market conditions, leading to delayed investments.³⁵

³⁰ "The WTO's 25 years of achievement and challenges," WTO, January 1, 2020, https://www.wto.org/english/news_e/news20_e/dgra_01jan20_e.htm.

³¹ "The WTO's 25 years of achievement and challenges," WTO.

³² "The WTO's 25 years of achievement and challenges," WTO.

³³ "The WTO's 25 years of achievement and challenges," WTO.

³⁴ "The WTO's 25 years of achievement and challenges," WTO.

³⁵ "The WTO's 25 years of achievement and challenges," WTO.

I. Promoting Market Transitions to Sustainable Plastics

Introduction

The invention of synthetic plastics in the early 20th century revolutionized many industries and allowed for advancements that define much of modern life.¹ Plastics offer a versatile, lightweight, durable, and inexpensive alternative to traditional materials such as wood, metals, and ceramics, and are not bound by the same resource and extraction constraints.² Yet, the very advantages that allowed plastics to rise to prominence are now feeding one of the most pressing environmental crises: plastics pollution.³ As the rapidly expanding production of disposable and single-use plastics outpaces the world's ability to manage and dispose of the waste, there is increasing leakage and accumulation in natural environments – most prominently, bodies of water – threatening biodiversity, human and environmental health, and economic growth.⁴ The impact of this pollution is disproportionately felt by small island developing states (SIDS) and impoverished communities around the globe, linking closely to the perpetuation of global inequities, as well as environmental degradation.⁵

International cooperation is needed to coordinate actions throughout global supply chains, the plastics lifecycle, and across Member States.⁶ Various national and international bodies have undertaken efforts to reduce plastics pollution, including the European Union's (EU) restrictions on single-use plastics and the Association of Southeast Asian Nations (ASEAN) Regional Action Plan for Combating Marine Debris.⁷ At the fifth UN Environment Assembly (UNEA) in February 2022, Member States agreed to establish an International Negotiating Committee (INC) to develop an international legally binding agreement by the end of 2024 to end plastic pollution.⁸ While a variety of actions and policies will be needed to limit plastic waste, trade policies – such as trade restrictions, permit requirements, and monitoring and reporting of plastic waste – will play a pivotal role in developing long-term, sustainable solutions.⁹ As the world's only international organization focused on trade rules among nations, both current Member States and those seeking accession, the World Trade Organization (WTO) plays a central role in facilitating dialogue and defining the future of plastics trade.¹⁰

History

Plastics are a wide range of synthetic, semi-synthetic, and organic polymer materials.¹¹ Most often, plastics production is associated with fossil fuels and petrochemicals, although there are also less common plastics derived from natural materials such as cellulose.¹² The plastics life cycle begins with oil and gas extraction and refinement,

¹ Susan Freinkel, "A Brief History of Plastic's Conquest of the World," *Scientific American*, May 29, 2011, <https://www.scientificamerican.com/article/a-brief-history-of-plastic-world-conquest/>.

² Susan Freinkel, "A Brief History of Plastic's Conquest of the World."

³ WTO, "Communication on Trade in Plastics, Sustainability and Development by the United Nations Conference on Trade and Development (UNCTAD)," *WTO*, June 10, 2020, https://unctad.org/system/files/information-document/wto_unctad_CTE2020_en.pdf.

⁴ OECD, "Global Plastics Outlook: Economic Drivers, Environmental Impacts and Policy Options," *OECD*, 2022, <https://doi.org/10.1787/de747aef-en>.

⁵ Sascha Fuller et al., "Plastics Pollution as Waste Colonialism in Te Moananui," *Journal of Political Ecology* 29, no. 1 (August 16, 2022), <https://doi.org/10.2458/jpe.2401>.

⁶ OECD, "Global Plastics Outlook."

⁷ European Commission, Directorate General for Environment, *Turning the Tide on Single-Use Plastics*, (LU: Publications Office, 2021), <https://data.europa.eu/doi/10.2779/800074>; ASEAN Secretariat, "ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States (2021 – 2025)," *ASEAN*, 2021, <https://asean.org/book/asean-regional-action-plan-for-combating-marine-debris-in-the-asean-member-states-2021-2025-2/>.

⁸ UNEP, "Intergovernmental Negotiating Committee (INC) on Plastic Pollution," *UNEP*, n.d., <https://www.unep.org/about-un-environment/inc-plastic-pollution>, (accessed May 22, 2023).

⁹ Kristin Hughes and Kimberley Botwright, "Trade Barriers Are Slowing Plastic-Pollution Action. Here's How to Fix This," *World Economic Forum*, July 29, 2020, <https://www.weforum.org/agenda/2020/07/trade-barriers-are-slowing-action-on-plastic-pollution-here-s-how-to-fix-that/>.

¹⁰ WTO, "Plastics Pollution and Environmentally Sustainable Plastics Trade," *WTO*, n.d., https://www.wto.org/english/tratop_e/ppesp_e/ppesp_e.htm#topics (accessed May 22, 2023).

¹¹ WTO, "Communication on Trade in Plastics, Sustainability and Development by UNCTAD."

¹² EPA, "Plastics: Material-Specific Data," last updated April 21, 2023, <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>, (accessed May 22, 2023).

which generates outputs used in plastic polymers, such as pellets and fibers.¹³ These primary polymers are then sold to manufacturers who transform them into value-added products, either intermediary or final products.¹⁴ Intermediary and final products are then sold internationally as a range of consumer and industrial goods.¹⁵ The final stage of the lifecycle is as plastic waste.¹⁶

International trade happens at all stages of this lifecycle, from the trade in crude oil to the trade in plastic waste for recycling.¹⁷ In trade, plastics can be divided into six categories: primary plastics (resin pellets and sheets– most often used to create other products); plastic-based inputs (synthetic fibers and pipes - parts of other manufactured products); plastic-based finished goods (toys, clothes, and furniture); plastic packaging materials (bottles, bags, and boxes); plastic waste/scrapped plastics (already utilized plastic goods or packaging); and, secondary plastic waste materials (recycled plastic inputs).¹⁸ To be truly effective in addressing plastic waste, trade policies must consider plastics at every stage in this chain.¹⁹

While many types of plastic-based finished goods and inputs ultimately end up as plastic waste, the category of single-use plastic products (SUPPs) is the most prevalent.²⁰ SUPPs, or disposable plastic products, are plastic-derived products that are not designed for circularity, meaning that they cannot be returned to a producer for refill or reuse.²¹ Instead, SUPPs, like food packaging, are designed to be used once and then disposed of by consumers.²² Globally, it is estimated that nearly half of the plastics produced are designed to have a lifespan of less than three years.²³ Because plastics are such durable materials, when disposed of, they remain intact for decades, and are estimated to remain for centuries.²⁴ Those plastics that do degrade often end up as micro-plastics, plastics less than 5mm in length, which have been found in nearly every ecosystem on earth, including our food systems, and pose risks to animal and human health.²⁵

Current Situation

Over the past 20 years, plastic consumption has doubled, driven in part by growth in emerging markets, resulting in production of 460 million tons of plastic in 2019, compared to 234 million tons in 2000.²⁶ In 2021, the United Nations Commission on Trade and Development (UNCTAD) estimated the global trade in plastics topped USD one trillion, or about five percent of total merchandise trade.²⁷ As demand for plastics has grown, production has outpaced the ability to manage the waste, and more importantly, to find ways to reuse and recycle the waste.²⁸ Of the

¹³ Diana Barrowclough, “Global Trade in Plastics: Insights from the First Life-Cycle Trade Database,” *UNCTAD*, December 2020, https://unctad.org/system/files/official-document/ser-rp-2020d12_en.pdf.

¹⁴ Barrowclough, “Global Trade in Plastics.”

¹⁵ Barrowclough, “Global Trade in Plastics.”

¹⁶ Barrowclough, “Global Trade in Plastics.”

¹⁷ Barrowclough, “Global Trade in Plastics.”

¹⁸ WTO, “Communication on Trade in Plastics, Sustainability and Development by the United Nations Conference on Trade and Development (UNCTAD),” *WTO*, June 10, 2020, https://unctad.org/system/files/information-document/wto_unctad_CTE2020_en.pdf.

¹⁹ WTO, “Communication on Trade in Plastics, Sustainability and Development by UNCTAD.”

²⁰ UNEP, “Addressing Single-Use Plastic Products Pollution Using a Life Cycle Approach,” *UNEP*, March 5, 2021, <http://www.unep.org/resources/publication/addressing-single-use-plastic-products-pollution-using-life-cycle-approach>.

²¹ UNEP, “Addressing Single-Use Plastic Products Pollution Using a Life Cycle Approach”

²² UNEP, “Addressing Single-Use Plastic Products Pollution Using a Life Cycle Approach”

²³ Zaynab Sadan and Lorren De Kock, “Plastics: Facts and Futures: Moving beyond Pollution Management towards a Circular Plastics Economy in South Africa,” *WWF South Africa*, 2020, https://wwfafrika.awsassets.panda.org/downloads/wwf_plastics_report_final_2nov2020.pdf.

²⁴ UNEP, “Beat Plastic Pollution,” *UNEP*, n.d., <https://www.unep.org/interactives/beat-plastic-pollution/>, (accessed May 22, 2023)

²⁵ National Oceanic and Atmospheric Administration, “What Are Microplastics?,” *National Ocean Service*, n.d., <https://oceanservice.noaa.gov/facts/microplastics.html>, (accessed May 22, 2023).

²⁶ OECD, “Global Plastics Outlook: Economic Drivers, Environmental Impacts and Policy Options,” *OECD*, 2022, <https://doi.org/10.1787/de747aef-en>.

²⁷ David Vivas-Eugui and Henrique Pacini, “How to Build Concerted Multilateral Action on Plastic Pollution,” *UNCTAD*, November 21, 2022, <https://unctad.org/news/how-build-concerted-multilateral-action-plastic-pollution>.

²⁸ UNCTAD, “Global Plastic Trade 40% Bigger than Previously Thought, Study Finds,” *UNCTAD*, March 3, 2021, <https://unctad.org/news/global-plastic-trade-40-bigger-previously-thought-study-finds>.

total plastic produced between 1950 and 2017, it is estimated that nearly 76 percent became waste.²⁹ Only 15 percent of global plastic waste is collected for recycling, with as little as nine percent actually being recycled, as about 40 percent of plastic collected for recycling ends up in landfills.³⁰ Of the 81 percent unrecycled waste, 19 percent of plastic waste is incinerated, 50 percent ends up in landfills, and 22 percent is disposed of outside of waste management systems, ending up in dumpsites where it may be burned in open pits, releasing noxious chemicals that can affect health, or leak into natural environments.³¹ These numbers are optimistic for some Member States, where recycling numbers lag well below 19 percent due to low capacity to manage plastic waste.³² For example, the Maldives, with only one operable landfill and no significant recycling facilities, reported in 2019 only 0.06 percent of the plastics used in the Maldives was being reused or recycled.³³

In 2019, the Organization for Economic Co-operation and Development (OECD) estimated 6.1 million tons of plastic waste leaked into aquatic environments, including 1.7 million tons that flowed into oceans, causing significant harm to biodiversity and the accumulation of gyres, or the infamous trash islands, as a result of improper disposal, generally dumping.³⁴ Plastics now represent at least 85 percent of total marine waste and are considered the most harmful and persistent fraction of marine waste.³⁵ While there is a focus on these end-of-life consequences of plastics pollution on the environment, there are a variety of negative externalities through the plastics lifecycle, including chemical additives that are harmful for human health and the greenhouse gas emissions associated with production.³⁶ The OECD estimates plastics account for 3.4 percent of global greenhouse gas emissions.³⁷ This percentage is expected to grow to 15 percent of global emissions by 2050 as the production of plastics grows in response to demand.³⁸ Taken together, these impacts of plastic production and waste indicate the need for collective global action at all stages of the plastics lifecycle to promote a more circular approach to plastics production.³⁹ A circular approach or a circular economy is one in which economies move away from the consumption of finite resources – such as fossil fuels – and instead focus on maintaining products at their highest value, meaning that goods are never designed as single-use and feeding waste from one process into another.⁴⁰

Actions Taken

Actions are being taken at a variety of levels, including individual Member States, regional bodies, and the UN.⁴¹ Many of these actions, particularly those by individual Member States, have a limited impact because they lack coordination and the systemic transformation that is needed to fundamentally change the way the world treats plastics.⁴² According to a Pew research study in 2020, current commitments towards plastics reduction would only

²⁹ UNCTAD, “Global Plastic Trade 40% Bigger than Previously Thought, Study Finds”

³⁰ OECD, “Global Plastics Outlook: Economic Drivers, Environmental Impacts and Policy Options,” *OECD*, 2022, <https://doi.org/10.1787/de747aef-en>.

³¹ OECD, “Global Plastics Outlook.”

³² OECD, “Global Plastics Outlook.”

³³ Rachel Karasik, “Plastic Pollution Policy Country Profile: Maldives,” *Duke University*, February 2022, <https://nicholasinstitute.duke.edu/sites/default/files/projects/Plastic-Pollution-Policy-Country-Profile-Maldives.pdf>.

³⁴ OECD, “Global Plastics Outlook.”

³⁵ UNEP, “From Pollution to Solution: A Global Assessment of Marine Litter and Plastic Pollution,” *UNEP*, October 21, 2021, <https://www.unep.org/resources/pollution-solution-global-assessment-marine-litter-and-plastic-pollution>.

³⁶ Geneva Environment Network, “Plastics and the Environment,” last updated June 26, 2023, https://www.genevaenvironmentnetwork.org/resources/updates/plastics-and-the-environment/#scroll-nav__3, (accessed May 22, 2023).

³⁷ OECD, “Global Plastics Outlook.”

³⁸ Zaynab Sadan and Lorren De Kock, “Plastics: Facts and Futures: Moving beyond Pollution Management towards a Circular Plastics Economy in South Africa,” *WWF South Africa*, 2020, https://wwfafrica.awsassets.panda.org/downloads/wwf_plastics_report_final_2nov2020.pdf.

³⁹ World Economic Forum, “Plastics, the Circular Economy and Global Trade,” *World Economic Forum*, July 2020, https://www3.weforum.org/docs/WEF_Plastics_the_Circular_Economy_and_Global_Trade_2020.pdf.

⁴⁰ World Economic Forum, “Plastics, the Circular Economy and Global Trade.”

⁴¹ Annie Greenberg, “Plastic Free July: How 20 Countries Are Taking Action,” *Sustainable Ocean Alliance*, July 5, 2022, <https://www.soalliance.org/soablog/plastic-free-july-20-countries-taking-action>.

⁴² UNEP, “Single-Use Plastics: A Roadmap for Sustainability,” *UNEP*, June 5, 2018, <https://www.unep.org/resources/report/single-use-plastics-roadmap-sustainability>.

reduce pollution by about seven percent.⁴³ In addition, Member States taking individual rather than global action leads to diverging standards, preventing the most effective tracing, recycling, and reuse of plastics.⁴⁴ There is a growing recognition that collective action is needed and plastic pollution is an increasing area of concern among the international community.

Regional bodies have also implemented significant actions against plastics pollution.⁴⁵ In particular, the EU's restrictions on SUPPs, instituted in July 2021, has a significant impact on the global market, as the EU is a major importer.⁴⁶ The restrictions prevent a variety of single-use goods, for which there are alternatives, from being placed on the EU market, including plastic cutlery, straws, and food and beverage containers made of expanded polystyrene (Styrofoam).⁴⁷ Similarly, the East African Community (EAC) instituted a near blanket ban on polythene materials, which is the most commonly produced plastic, within the EAC in 2017, causing behavior changes among manufacturers, importers, and vendors.⁴⁸ While the focus of the EU and EAC's actions have primarily been on limiting supply of single use plastics, members of ASEAN have developed the Regional Action Plan for Combating Marine Debris (2021-2025) to address plastics pollution at multiple stages, including reducing supply, improving collection and reducing leakage, and creating value for waste reuse.⁴⁹ The framework underlying the plan relies on improving policy support and planning; encouraging research, innovation, and capacity building; creating opportunities for private sector engagement; and facilitating public awareness, education, and outreach.⁵⁰

With a rapid growth in waste during the second half of the 20th century, many developed Member States began looking for ways to dispose of residual and hazardous waste.⁵¹ Historically, the solution was to export this waste to developing Member States, where waste was often improperly managed and/or dumped, leading to a variety of environmental disasters.⁵² Responding to outcry from developing Member States, the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal was signed in 1989 to regulate trade in hazardous waste and mitigate dumping.⁵³ In the 21st century, exporting and dumping patterns changed, with Member States increasingly exporting plastics waste for disposal through landfills, incineration, or recycling.⁵⁴ This approach has not yielded the progress desired as many developing Member States receiving exported waste lack the facilities to manage the quantity of waste, resulting in significant leakage.⁵⁵ Thus, during the fourteenth meeting of the Conference of Parties to the Basel Convention in 2019, the parties adopted amendments to the Convention that limit the trade in plastics waste, particularly with non-party members such as the United States, one of the largest

⁴³ Simon Reddy and Winnie Lau, "Breaking the Plastic Wave: Top Findings for Preventing Plastic Pollution," *Pew Charitable Trusts*, July 23, 2020, https://www.pewtrusts.org/-/media/assets/2020/10/breakingtheplasticwave_mainreport.pdf.

⁴⁴ WTO, "Plastics Dialogue Participants Brainstorm on MC13 Outcomes, Welcome US Co-Sponsorship," *WTO News*, March 13, 2023, https://www.wto.org/english/news_e/news23_e/ppesp_14mar23_e.htm.

⁴⁵ European Environment Agency, "The Plastic Waste Trade in the Circular Economy," February 15, 2023, <https://www.eea.europa.eu/publications/the-plastic-waste-trade-in>.

⁴⁶ European Environment Agency, "The Plastic Waste Trade in the Circular Economy."

⁴⁷ European Commission, Directorate General for Environment, *Turning the Tide on Single-Use Plastics*, (LU: Publications Office, 2021), <https://data.europa.eu/doi/10.2779/800074>.

⁴⁸ Jonathan Cocker and Nkiruka Chidia Maduekwe, "Is the East African Community a Model for Plastics Pollution Strategy?" *Environmental Law Insights*, August 17, 2020, <https://www.environmentallawinsights.com/2020/08/17/is-the-east-african-community-a-model-for-plastics-pollution-strategy/>.

⁴⁹ ASEAN Secretariat, "ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States (2021 – 2025)," *ASEAN*, 2021, <https://asean.org/book/asean-regional-action-plan-for-combating-marine-debris-in-the-asean-member-states-2021-2025-2/>.

⁵⁰ ASEAN Secretariat, "ASEAN Regional Action Plan."

⁵¹ Emily Benson and Sarah Mortensen, "The Basel Convention: From Hazardous Waste to Plastic Pollution," *Center for Strategic and International Studies*, October 7, 2021, <https://www.csis.org/analysis/basel-convention-hazardous-waste-plastic-pollution>.

⁵² Benson and Mortensen, "The Basel Convention."

⁵³ Benson and Mortensen, "The Basel Convention."

⁵⁴ Benson and Mortensen, "The Basel Convention."

⁵⁵ Diana Barrowclough, "Global Trade in Plastics: Insights from the First Life-Cycle Trade Database," *UNCTAD*, December 2020, https://unctad.org/system/files/official-document/ser-rp-2020d12_en.pdf.

exporters of plastics waste.⁵⁶ With these amendments, the Basel Convention became the first international regulation to address plastic waste, laying a foundation for future work.⁵⁷

In November 2020, a group of 50 WTO members – led by Australia, Barbados, Canada, China, Fiji, Jamaica and Morocco – launched the Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade to explore how the WTO can promote efforts to reduce plastics pollution and encourage the transition to more sustainable trade in plastics.⁵⁸ As of April 2023, 76 of the WTO’s 164 members had joined this dialogue.⁵⁹ Workstreams for the Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade include: “cross-cutting issues (e.g. transparency, technical assistance); promoting trade to tackle plastic pollution; and reduction to tackle plastic pollution and circular economy for plastics.”⁶⁰ In coordination with the dialogue, the WTO secretariat undertook a survey of Member States to identify priorities for reducing plastics pollution.⁶¹ Of those surveyed, most participants identified SUPPs as the most harmful plastics and those most in need of targeted trade policy interventions – with single use plastic bags and tableware being the highest priority items.⁶² So far participants have proposed 124 interventions related to plastic pollution, including lowering tariffs on plastics substitutes and recycled and bio-based plastics, removing fossil fuel subsidies that keep plastics production artificially cheap, encouraging regulatory cooperation to harmonize requirements across Member States, and encouraging transparency and a method of monitoring and collecting data on trade flows in plastics.⁶³

At the fifth UN Environment Assembly (UNEA) in February 2022, Member States established the Intergovernmental Negotiating Committee (INC) on Plastic Pollution, tasked with development of an international legally binding agreement to end plastic pollution by the end of 2024.⁶⁴ The INC is tasked with promoting sustainable production and consumption of plastics from product design to environmentally sound waste management through resource efficiency and circular economy approaches.⁶⁵ In the INC’s second session, concluding June 3, 2023, the INC Chair was given the mandate to develop a first draft of the agreement ahead of the next session, scheduled for November 2023.⁶⁶

Case Study:

South Africa’s Plastics Market

South Africa is the second largest economy in Africa and one of the most industrialized.⁶⁷ South Africa is also home to the largest plastics industry in sub-Saharan Africa, contributing approximately 2.3 percent of national GDP. Following the global trend, South Africa experiences increasing domestic and regional demand for plastics.⁶⁸ South

⁵⁶ “Basel Convention Plastic Waste Amendments,” *Basel Convention*, n.d., <http://www.basel.int/Implementation/Plasticwaste/Amendments/Overview/tabid/8426/Default.aspx>, (May 22, 2023).

⁵⁷ Emily Benson and Sarah Mortensen, “The Basel Convention: From Hazardous Waste to Plastic Pollution,” *Center for Strategic and International Studies*, October 7, 2021, <https://www.csis.org/analysis/basel-convention-hazardous-waste-plastic-pollution>.

⁵⁸ WTO, “Plastics Pollution and Environmentally Sustainable Plastics Trade,” *WTO*, n.d., https://www.wto.org/english/tratop_e/ppesp_e/ppesp_e.htm#topics (accessed May 22, 2023).

⁵⁹ WTO, “Plastics Dialogue Hails Substantive Progress, Sets Path towards Achieving Concrete Results,” *WTO*, December 7, 2022, https://www.wto.org/english/news_e/news22_e/ppesp_07dec22_e.htm.

⁶⁰ WTO, “Plastics Pollution and Environmentally Sustainable Plastics Trade.”

⁶¹ WTO, “Factual Summary of Discussions on Reduction and Circulatory to Tackle Plastic Pollution,” *WTO*, May 3, 2023, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/TEIDP/RD125.pdf&Open=True>

⁶² WTO, “Factual Summary of Discussions on Reduction and Circulatory to Tackle Plastic Pollution.”

⁶³ WTO, “Factual Summary of Discussions on Reduction and Circulatory to Tackle Plastic Pollution.”

⁶⁴ UNEP, “Intergovernmental Negotiating Committee (INC) on Plastic Pollution,” *UNEP*, n.d., <https://www.unep.org/about-un-environment/inc-plastic-pollution>, (accessed May 22, 2023).

⁶⁵ United Nations Environmental Assembly resolution 5/14, *End plastic pollution: towards an international legally binding instrument*, UNEP/EA.5/Res.14, (March 2, 2022), <https://digitallibrary.un.org/record/3999257>.

⁶⁶ UNEP, “Second Session of the Intergovernmental Negotiating Committee on Plastic Pollution,” June 3, 2023, <https://www.unep.org/events/conference/second-session-intergovernmental-negotiating-committee-develop-international/media#PressRelease>.

⁶⁷ Global Plastic Action Partnership, “Trade and the Circular Economy: Plastics Action in South Africa,” *World Economic Forum*, 2022, <https://weforum.ent.box.com/s/i61sqa419wywegc3fj7k708kl9d5g3>.

⁶⁸ Global Plastic Action Partnership, “Trade and the Circular Economy.”

Africa struggles to manage the waste from this production, with an estimated 40 percent of the 1,876,000 tons of plastics produced in South Africa in 2017 disposed of improperly, either in non-compliant landfills, open dumps, or as litter.⁶⁹ One reason for this high percentage of improperly managed waste is the lack of infrastructure and services for waste management.⁷⁰ An estimated 81.6 percent of households in rural areas are reliant on their own waste dumps, which are often improperly managed, rather than some form of municipal collection.⁷¹ When waste is formally collected, it is often done without any form of sorting for recyclables and disposed of in municipal landfills, which often are not compliant with standards, allowing for further leakage.⁷² Considering the volume of plastics production and waste, South Africa has significant opportunities to embrace a more sustainable and circular model of plastics production and waste management.⁷³ A recent World Wildlife Fund (WWF) study estimates that by pursuing a more circular plastics economy, South Africa could add USD 7 billion to its national GDP.⁷⁴

Recognizing these opportunities, South Africa has begun pursuing a variety of policy measures. In the most prominent example, in May 2021, South Africa introduced Extended Producer Responsibility (EPR) requirements for plastic packaging and electronic equipment.⁷⁵ EPR requirements give producers—both domestic and foreign—physical, financial, and organizational responsibility for their products, including end-of-life management.⁷⁶ This model shifts some of the burden of waste management away from municipal governments and onto producers, which in turn incentivizes the producers to use packaging that is easy to collect and recycle.⁷⁷ Importantly, by including foreign producers in the EPR requirements, South Africa has an influence on international actors, requiring those wishing to enter its markets to participate in the EPR scheme.⁷⁸ While the EPR requirements improved South Africa’s plastics issue significantly, implementation challenges remain, specifically on data collection about plastics production, importation, and waste.⁷⁹ Without quality data collection and reporting, South Africa will have difficulty holding producers responsible for waste.⁸⁰

In terms of trade policy, South Africa has significant opportunities to do more to influence and support its neighbors, as a major producer of plastics within its region and as a member of a number of preferential trade agreements, including the Southern Africa Customs Union (SACU) and the African Continental Free Trade Area (AfCFTA).⁸¹ For example, external analyses highlight the importance of harmonizing definitions and standards for plastics classification and recycling through the African Organisation for Standardisation (ARSO).⁸² Currently, there are few standards around on-pack recycling labels either in South Africa or the region as a whole, making it difficult for consumers to know what can be recycled and how.⁸³ Through harmonization, South Africa and other Member States in the region can make recycling, as well as tracking and managing waste flows, easier.⁸⁴ Similarly, South Africa and other members of the SACU have opportunities to encourage the trade in recycled materials through reductions in tariffs and barriers and restrict imports and exports of undesirable plastic types.⁸⁵

⁶⁹ Zaynab Sadan and Lorren De Kock, “Plastics: Facts and Futures: Moving beyond Pollution Management towards a Circular Plastics Economy in South Africa,” *WWF South Africa*, 2020, https://wwfafrica.awsassets.panda.org/downloads/wwf_plastics_report_final_2nov2020.pdf.

⁷⁰ Sadan and De Kock, “Plastics: Facts and Futures.”

⁷¹ Sadan and De Kock, “Plastics: Facts and Futures.”

⁷² Sadan and De Kock, “Plastics: Facts and Futures.”

⁷³ Sadan and De Kock, “Plastics: Facts and Futures.”

⁷⁴ Hannah Benn et al., “Economic Case for a Circular Plastics Economy in Africa: Findings and Recommendations for Côte d’Ivoire, Kenya and South Africa,” *WWF South Africa*, 2022, https://wwfafrica.awsassets.panda.org/downloads/economic_case_for_a_circular_plastics_economy_in_africa.pdf

⁷⁵ Global Plastic Action Partnership, “Trade and the Circular Economy: Plastics Action in South Africa,” *World Economic Forum*, 2022, <https://weforum.ent.box.com/s/i61siqa419wywegc3fj7k708kl19d5g3>.

⁷⁶ Global Plastic Action Partnership, “Trade and the Circular Economy: Plastics Action in South Africa.”

⁷⁷ OECD, “Extended Producer Responsibility,” *OECD*, n.d., <https://www.oecd.org/environment/extended-producer-responsibility.htm>, (accessed May 22, 2023).

⁷⁸ Global Plastic Action Partnership, “Trade and the Circular Economy: Plastics Action in South Africa.”

⁷⁹ Global Plastic Action Partnership, “Trade and the Circular Economy: Plastics Action in South Africa.”

⁸⁰ Global Plastic Action Partnership, “Trade and the Circular Economy: Plastics Action in South Africa.”

⁸¹ Global Plastic Action Partnership, “Trade and the Circular Economy: Plastics Action in South Africa.”

⁸² Sadan and De Kock, “Plastics: Facts and Futures.”

⁸³ Sadan and De Kock, “Plastics: Facts and Futures.”

⁸⁴ Benn et al., “Economic Case for a Circular Plastics Economy in Africa.”

⁸⁵ Global Plastic Action Partnership, “Trade and the Circular Economy: Plastics Action in South Africa.”

In addition to being shaped by its own domestic policy and trade priorities, South Africa's plastics industry is heavily influenced by its international trading partners.⁸⁶ For example, the Southern Africa Development Community (SADC) – EU Economic Partnership Agreement, a trade agreement between the EU and SADC—which includes South Africa—includes provisions on sustainability.⁸⁷ Thus, the EU's new environmental standards for plastic packaging—set forth in the Packaging and Packaging Waste Directive—which requires that all packaging be reusable or recyclable by 2030, will have a significant impact on South Africa's exports to the European market, where approximately ten percent of South Africa's plastics exports currently flow.⁸⁸

Conclusion

Tackling the problem of plastics pollution will require significant changes to the way that the world produces, trades, and consumes plastic materials.⁸⁹ In addressing this problem, the international community must embrace systemic change that does not just swap one unsustainable method for another, but rather addresses the root issues of design that view products as disposable or single-use rather than circular.⁹⁰ Consideration must also be made for the economic impacts that a circular transition will have on industries and individuals, particularly in communities where the technology and capacity to facilitate this transition is lacking.⁹¹ Therefore, policy must be accompanied by capacity building and technical assistance to ensure an equitable transition that does not further disadvantage communities.⁹² Trade will be fundamental in shifting global actors towards more sustainable and circular behaviors, incentivizing reuse and recycling and disincentivizing single-use plastics.⁹³ As the international body responsible for defining trade rules and building trade capacity, the WTO must be at the center of these discussions, ensuring coordinated global action that enhances trade within the rules of the WTO.

Committee Directive

Delegates in this committee are encouraged to build on the work of the dialogue, bringing it to the whole of the WTO and considering an action plan by which the WTO and its Member States can promote the transition to sustainable plastics and end the crisis of plastics pollution. Consider: How can trade policies be used to facilitate this transition? What existing WTO agreements can be leveraged or adapted to respond to this crisis? What lessons learned from existing bilateral or regional trade agreements can be applied? How can we ensure that this transition benefits all Member States of the WTO?

⁸⁶ Global Plastic Action Partnership, "Trade and the Circular Economy: Plastics Action in South Africa," *World Economic Forum*, 2022, <https://weforum.ent.box.com/s/i61siqa419wywegc3fj7k708kl9d5g3>.

⁸⁷ Global Plastic Action Partnership, "Trade and the Circular Economy: Plastics Action in South Africa."

⁸⁸ Global Plastic Action Partnership, "Trade and the Circular Economy: Plastics Action in South Africa."

⁸⁹ David Vivas-Eugui and Henrique Pacini, "How to Build Concerted Multilateral Action on Plastic Pollution," *UNCTAD*, November 21, 2022, <https://unctad.org/news/how-build-concerted-multilateral-action-plastic-pollution>.

⁹⁰ Vivas-Eugui and Pacini, "How to Build Concerted Multilateral Action on Plastic Pollution."

⁹¹ WTO, "Communication on Trade in Plastics, Sustainability and Development by the United Nations Conference on Trade and Development (UNCTAD)," *WTO*, June 10, 2020, https://unctad.org/system/files/information-document/wto_unctad_CTE2020_en.pdf.

⁹² WTO, "Communication on Trade in Plastics, Sustainability and Development by the United Nations Conference on Trade and Development (UNCTAD)."

⁹³ WTO, "Communication on Trade in Plastics, Sustainability and Development by the United Nations Conference on Trade and Development (UNCTAD)."

II. Expanding the Role of Human Rights and Labor Standards in Trade Agreements

Introduction

The inclusion of human and labor rights provisions in multi- and bi-lateral trade agreements is a long-standing debate among Member States of the World Trade Organization (WTO).¹ Most parties agree that human rights and trade are closely linked, as summarized in statement from a joint report of the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP): “Trade agreements invariably affect the human rights of consumers, residents, workers, those in poverty and others, and the ability of States to regulate and protect the human rights of their people.”² The debate, therefore, centers around whether trade agreements can be used to enforce human rights, through the inclusion of human rights-centered provisions, and whether the standards should become enforceable under WTO rules.³ Proponents for the inclusion of human rights provisions in trade law argue inclusion will enhance working and living conditions for billions of people and that by addressing these issues the WTO can enhance public confidence in the international trade system.⁴ Alternatively, advocates against the addition of human rights provisions in trade agreements argue provisions are merely a form of protectionism, undermining competitive advantage and placing an undue economic burden upon Member States that cannot afford to institute a wide-sweeping standard of trade-related human rights.⁵ This debate has been ongoing within the WTO since the organization’s beginning, and the failure to resolve it has led to a patchwork of different standards being adopted by Member States, creating an undue burden and leading to confusion in trade relations.⁶

History

The modern concept of human rights was officially codified into international law by the United Nations (UN) in the 1948 Universal Declaration of Human Rights (UDHR).⁷ Even before this modern definition, there was a long-standing connection and, at times, tension between human rights and trade.⁸ For instance, world powers used trade to perpetuate slavery for centuries, in a clear violation of human rights.⁹ Yet, in the early 1800s, trade agreements between England, the United States (U.S.), Portugal, Denmark, and Sweden were used to outlaw the trade in slaves.¹⁰ Similarly, in the late 1800s, the U.S., England, Australia, and Canada signed agreements outlawing goods made by conflict labor, early demonstrations of the power of trade agreements in upholding human rights.¹¹ The connection between human rights and trade also came to the fore in the 1919 negotiations that created the International Labour Organization (ILO).¹² Negotiators agreed Member States who do not protect labor rights could distort trade in their favor by undercutting prices and ultimately weaken labor laws in other Member States.¹³

These discussions resurfaced during negotiations for the 1948 Havana Charter, which sought to establish the International Trade Organization.¹⁴ Drafters of the Havana Charter included provisions protecting human and labor

¹ “Trade and Labour Standards”, WTO, n.d., accessed May 23, 2023,

https://www.wto.org/english/thewto_e/minist_e/min99_e/english/about_e/18lab_e.htm.

² “Human Rights in the Trade Arena,” *OHCHR*, October 25, 2011, <https://www.ohchr.org/en/stories/2011/10/human-rights-trade-arena>.

³ “Trade and Labour Standards”, WTO.

⁴ “Human Rights in the Trade Arena,” *OHCHR*.

⁵ Chris Smith, “Human Rights and Trade Deals”, *House of Lords Library*, September 5, 2019,

<https://researchbriefings.files.parliament.uk/documents/LLN-2019-0117/LLN-2019-0117.pdf>.

⁶ Susan Ariel Aaronson and Jean Pierre Chauffour, “The Wedding of Trade and Human Rights: Marriage of Convenience or Permanent Match?,” *World Trade Organization*, 2010,

https://www.wto.org/english/res_e/publications_e/wtr11_forum_e/wtr11_15feb11_e.htm.

⁷ United Nations General Assembly Resolution 217 A, *Universal Declaration of Human Rights*, A/RES/217 A (III), (December 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁸ Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

⁹ Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

¹⁰ Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

¹¹ Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

¹² Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

¹³ Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

¹⁴ Salman Bal, “International Free Trade Agreements and Human Rights: Reinterpreting Article XX of the GATT,” *Minnesota Journal of International Law* 191 10, no. 62 (2001): pp. 62-108, <https://core.ac.uk/download/pdf/217210667.pdf>.

rights in trade.¹⁵ Article 7 of the Havana Charter stated, “The Members recognize that unfair Labour conditions, particularly in production for export, create difficulties in international trade, and, accordingly, each Member shall take whatever action may be appropriate and feasible to eliminate such conditions within its territory.”¹⁶ Additionally, Article 45 allowed Member States to restrict trade where necessary to “protect public morals,” “human, animal, or plant life or health” and where products are derived from prison labor.¹⁷ The Havana Charter was never ratified, and thus, the ITO and its associated labor protections never came into effect.¹⁸ Instead, the 1947 General Agreement on Trades and Tariffs (GATT), originally envisioned as a clause of the Havana Charter, served as the primary agreement for international trade for nearly 50 years and was ultimately absorbed as a core agreement of the WTO in 1995.¹⁹

The GATT does not include any specific references to human rights protections, likely as the GATT was seen as a part of the larger Havana Charter.²⁰ However, in Article XX of the GATT, there is language that trade can be restricted where necessary to protect public morals, life and health, and limit prison labor.²¹ Known as the “Exception Clause,” Article XX is looked upon by some Member States as the means to protect human rights despite the GATT lacking explicit protections.²² However, the broad definition of public morals leaves significant room for interpretation by individual Member States.²³ For example, when applying human rights language in their Preferential Trade Agreements (PTAs), the European Union (EU) applies language from the UDHR.²⁴ On the other hand, the US and Canada tend to include binding language focused on specific rights, such as political participation and labor rights, in their PTAs.²⁵ Without a clearer definition of public morals, it is unclear what, upon adjudication, will be considered a necessity versus protectionism disguised by Article XX.²⁶

Current Situation

It is estimated by research analysts that nearly 75 percent of the global multi- and bi-lateral PTAs currently in effect contain human rights provisions.²⁷ Yet, as discussed above, the ability for individual Member States to interpret Article XX has led to a patchwork of standards with some agreements upholding the UDHR as their standard, others requiring a basic level of labor rights, and some introducing additional standards like protections for the rights of indigenous peoples.²⁸ For example, the South American trade block, Mercosur, affirms democratic principles and

¹⁵ Salman Bal, “International Free Trade Agreements and Human Rights: Reinterpreting Article XX of the GATT,” *Minnesota Journal of International Law* 191 10, no. 62 (2001): pp. 62-108, <https://core.ac.uk/download/pdf/217210667.pdf>.

¹⁶ “Final Act of the United Nations Conference on Trade and Employment,” conclusion date: March 24, 1948, *United National Conference on Trade and Employment*, https://www.wto.org/english/docs_e/legal_e/havana_e.pdf.

¹⁷ “Final Act of the United Nations Conference on Trade and Employment,” *United National Conference on Trade and Employment*

¹⁸ Jacques Berthelot, “The Havana Charter is not the model to reform the WTO”, *WTO*, January 4, 2019, https://www.wto.org/english/forums_e/ngo_e/the_havana_charter_is_not_the_model_to_reform_the_wto_sol_4_januar_y_2019_e.pdf.

¹⁹ Berthelot, “The Havana Charter is not the model to reform the WTO.”

²⁰ Oonagh E. Fitzgerald and Centre for International Governance Innovation, “Reuniting Trade and Human Rights,” *Reshaping Trade Through Women’s Economic Empowerment: Special Report*, Centre for International Governance Innovation, (2018): pp. 3-6, <https://www.jstor.org/stable/resrep43894.5>.

²¹ “Article XX General Exceptions,” *WTO*, accessed May 18, 2023, https://www.wto.org/english/res_e/booksp_e/gatt_ai_e/art20_e.pdf.

²² Rachel Harris and Gillian Moon, “GATT Article XX and Human Rights: What Do We Know from the First 20 Years?” *Melbourne University Law Review* 16:52 (2015): pp. 1-52, https://law.unimelb.edu.au/_data/assets/pdf_file/0007/1687786/Harris-and-Moon.pdf.

²³ Harris and Moon, “GATT Article XX and Human Rights.”

²⁴ Susan Ariel Aaronson and Jean Pierre Chauffour, “The Wedding of Trade and Human Rights: Marriage of Convenience or Permanent Match?,” *World Trade Organization*, 2010, https://www.wto.org/english/res_e/publications_e/wtr11_forum_e/wtr11_15feb11_e.htm.

²⁵ Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

²⁶ Harris and Moon, “GATT Article XX and Human Rights.”

²⁷ Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

²⁸ Susan Ariel Aaronson and Jean Pierre Chauffour, “The Wedding of Trade and Human Rights: Marriage of Convenience or Permanent Match?,” *World Trade Organization*, 2010, https://www.wto.org/english/res_e/publications_e/wtr11_forum_e/wtr11_15feb11_e.htm.

allows for the suspension of members for a “rupture in democratic order.”²⁹ There are also many agreements that do not include human rights or labor rights at all – leaving it entirely to the discretion of individual Member States.³⁰ This patchwork presents a number of problems. First and foremost, it is difficult and expensive to enforce the variety of standards being pushed through these agreements.³¹ Secondly, because the GATT and WTO do not have a standard definition of what is allowed under Article XX, it is unclear to what extent these various clauses would be upheld if brought before the WTO’s Dispute Settlement System (DSS).³²

As of 2023, no cases brought to the DSS have been explicitly related to the inclusion of human rights and labor standards in trade agreements under Article XX.³³ However, there have been cases in which the Appellate Body and WTO panels under the DSS interpret aspects of Article XX in relation to human rights, highlighting their ability to take a flexible approach in interpretation.³⁴ Article XX has three policies that are directly related to general human right measures: (1) the public morals exception (ART XX (a)), (2) the human life and health exception (ART XX (b)), and (3) measures which secure “compliance with other laws or regulations which are not inconsistent with the provisions of the GATT” (ART XX (d)).³⁵ In the case *US-Gambling*, the WTO panel interpreted Section A of Article XX, and more specifically the term “public morals”, as a fixed standard of right and wrong universally.³⁶ However, in the case *China-Publications and Audiovisual Products*, the Panel took a different approach, stating due to the Member States’ social, economic, and ethical diversity, the term is more evolutionary than a set standard.³⁷

Cases have also been brought to dispute mechanisms established under individual trade agreements. One such example is the 2017 U.S.-Guatemala dispute under the Dominican Republic-Central American Free Trade Agreement (CAFTA-DR), in which the U.S. argued Guatemalan authorities failed to protect certain laborer rights under this FTA.³⁸ Two issues were addressed in this case: (1) whether Guatemala failed to effectively enforce labor laws and (2) whether their failure affected trade between the parties in the case.³⁹ The U.S. lost the dispute because it failed to prove how the situation directly affected the trade between the two Member States. However, this case did open up a path of analyzing the pros and cons of labor rights in trade agreements as highlighted in the previous section.⁴⁰ The Panel’s decision in this case further highlights the limitations in enforcing certain labor laws in FTAs and other trade agreements.⁴¹

Actions Taken by the UN

The international community has agreed to two framework agreements defining human and labor rights, the UDHR and the Declaration on the Fundamental Principles and Rights at Work. The UDHR recognizes the importance of fundamental human rights and their place in government and laws, independent of standards such as race, color, religion, language, sex, political affiliation, geographic origin, and international status.⁴² The UDHR contains specific articles related to work and employment, shown in Articles 4 and 23. Article 4 protects individuals against

²⁹ CFR.org Editors, “Mercosur: Sought America’s Fractious Trade Bloc,” *Council on Foreign Relations*, May 9, 2023, <https://www.cfr.org/backgrounder/mercotur-south-americas-fractious-trade-bloc>.

³⁰ “Trade and Labour Standards”, *WTO*, n.d., accessed May 23, 2023, https://www.wto.org/english/thewto_e/minist_e/min99_e/english/about_e/18lab_e.htm.

³¹ Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

³² Rachel Harris and Gillian Moon, “GATT Article XX and Human Rights: What Do We Know from the First 20 Years?” *Melbourne University Law Review* 16:52 (2015): pp. 1-52, https://law.unimelb.edu.au/_data/assets/pdf_file/0007/1687786/Harris-and-Moon.pdf.

³³ Harris and Moon, “GATT Article XX and Human Rights.”

³⁴ Harris and Moon, “GATT Article XX and Human Rights.”

³⁵ Harris and Moon, “GATT Article XX and Human Rights.”

³⁶ Harris and Moon, “GATT Article XX and Human Rights.”

³⁷ Harris and Moon, “GATT Article XX and Human Rights.”

³⁸ Phillip Paiement, “Leveraging Trade Agreements for Labor Law Enforcement: Drawing Lessons from the US-Guatemala CAFTA Dispute,” *Georgetown Journal of International Law* 49, (2018): pp. 675-692, <https://www.law.georgetown.edu/international-law-journal/wp-content/uploads/sites/21/2018/08/GT-GJIL180022.pdf>.

³⁹ Paiement, “Leveraging Trade Agreements for Labor Law Enforcement.”

⁴⁰ Paiement, “Leveraging Trade Agreements for Labor Law Enforcement.”

⁴¹ Paiement, “Leveraging Trade Agreements for Labor Law Enforcement.”

⁴² United Nations General Assembly Resolution 217 A, *Universal Declaration of Human Rights*, A/RES/217 A (III), (December 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

the practice of slavery and prohibits the slave trade in any form.⁴³ Article 23 protects the right to form and to join trade unions for everyone, as well as permitting the right to equal pay, freedom of employment, and agreeable working conditions without discrimination.⁴⁴ In 1998, the ILO published the ILO Declaration on Fundamental Principles and Rights at Work, symbolizing a commitment to uphold human social and economic qualities in labor such as freedom of work, collective bargaining, ending forced labor and child labor, eliminating employment discrimination, and promoting safe working conditions, much like the goals communicated by the UDHR.⁴⁵ Also communicated in this Declaration is an emphasis on preventing the use of labor standards for protectionist trade purposes.⁴⁶ Clause 5 of the Declaration on Fundamental Principles and Rights at Work mandates that “labour standards should not be used for protectionist trade purposes, and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes,” referencing preambulatory statements communicating that “economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty.”⁴⁷

These two frameworks form an important part of international law and, because many WTO members are signatories on the agreements, can serve as important precedents for WTO disputes and agreements.⁴⁸ In the case *United States – Standards of Reformulated and Conventional Gasoline (US-Gasoline)*, the WTO Appellate Body recognized that it cannot ignore public international law, such as the UDHR and Fundamental Principles and Rights at Work, and that the WTO is not isolated from the rest of the international system.⁴⁹ Yet in practice, the WTO tends to remain trade focused, leaving the debates over international law in the realm of other international bodies.⁵⁰

Ultimately, the debate over human rights in trade relies on whether the WTO and the trade agreements regulated under it are the correct forum for upholding and promoting human rights.⁵¹ As of 2023, the WTO rules do not enforce labor standards.⁵² Certain Member States argue the WTO must be used to uphold labor standards to create a stronger trade system and strengthen the legitimacy of the WTO.⁵³ These Member States suggest including provisions to eliminate discrimination in the workplace, eliminate child labor, and allow free collective bargaining in WTO agreements will progress governance and help Member States to improve working conditions.⁵⁴ Advocates for the inclusion of human rights provisions argue these provisions are a way of incentivizing good governance through trade.⁵⁵ Opposition often comes from developing Member States, believing the WTO is not the correct forum for human rights provisions.⁵⁶ The opposition’s argument is not against human rights but rather enforcement through the trade agreements, arguing that attempts to impose standards through binding agreements are a way to undermine the competitive advantage of developing economies and are, therefore, protectionism.⁵⁷ Opponents also argue that many Member States are unable to bear the costs of implementing or enforcing the provisions that are being imposed, creating situations where Member States are likely to be in violation.⁵⁸

⁴³ United Nations General Assembly Resolution 217 A, *Universal Declaration of Human Rights*.

⁴⁴ United Nations General Assembly Resolution 217 A, *Universal Declaration of Human Rights*, A/RES/217 A (III), (December 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁴⁵ “Declaration on Fundamental Principles and Rights at Work and its Follow Up,” adopted 1998 and amended 2022, *International Labor Organization*, <https://www.ilo.org/declaration/lang--en/index.htm>.

⁴⁶ “Declaration on Fundamental Principles and Rights at Work and its Follow Up,” *International Labor Organization*.

⁴⁷ “Declaration on Fundamental Principles and Rights at Work and its Follow Up,” *International Labor Organization*.

⁴⁸ “WTO Public Forum 2011: Seeking Answers to Global Trade Challenges,” *WTO*, 2011, https://www.wto.org/english/res_e/booksp_e/public_forum11_e.pdf.

⁴⁹ “WTO Public Forum 2011,” *WTO*.

⁵⁰ “WTO Public Forum 2011,” *WTO*.

⁵¹ Susan Ariel Aaronson and Jean Pierre Chauffour, “The Wedding of Trade and Human Rights: Marriage of Convenience or Permanent Match?,” *World Trade Organization*, 2010, https://www.wto.org/english/res_e/publications_e/wtr11_forum_e/wtr11_15feb11_e.htm.

⁵² “Trade and Labour Standards,” *WTO*, n.d., accessed May 23, 2023, https://www.wto.org/english/thewto_e/minist_e/min99_e/english/about_e/18lab_e.htm.

⁵³ “Trade and Labour Standards,” *WTO*.

⁵⁴ “Trade and Labour Standards,” *WTO*.

⁵⁵ Susan Ariel Aaronson and Jean Pierre Chauffour, “The Wedding of Trade and Human Rights: Marriage of Convenience or Permanent Match?,” *World Trade Organization*, 2010, https://www.wto.org/english/res_e/publications_e/wtr11_forum_e/wtr11_15feb11_e.htm.

⁵⁶ “Trade and Labour Standards,” *WTO*, n.d., accessed May 23, 2023, https://www.wto.org/english/thewto_e/minist_e/min99_e/english/about_e/18lab_e.htm.

⁵⁷ “Trade and Labour Standards,” *WTO*.

⁵⁸ Aaronson and Chauffour, “The Wedding of Trade and Human Rights.”

In 2011, a WTO public forum panel addressed the question of how human rights provisions could be incorporated into the WTO through the Dispute Settlement and Trade Policy Review Mechanisms.⁵⁹ The first panelist, Ms. Sanya Reid Smith, legal advisor and senior researcher for the Third World Network, presented how strict adherence to the obligations of the WTO could have a negative impact on human rights, providing the example of AIDS medication which is generally sold at a price point beyond the reach of those who need it.⁶⁰ Yet, because the medication is the intellectual property of the manufacturer, Member States cannot produce it at a lower price without violating obligations under the WTO. This argument, while important to many people, is often overlooked by those Member States advocating for human rights provisions as, in many cases, they are also advocates for upholding intellectual property rights because it is in the economic best interest of their national industries.⁶¹ The final panelist, Dr. James Harrison, an Associate Professor and Co-Director of the Centre for Human Rights in Practice, University of Warwick School of Law, approached human rights as an analysis of justice in trade.⁶² He regarded the human rights in trade debate as a power struggle between human rights lawyers and trade lawyers, with both sides vying for legal superiority.⁶³ He referenced *Suez v. Argentina*, an investment case surrounding rising water prices in Argentina perpetuated by foreign owned companies.⁶⁴ In court, the ideological divide between the human right to water and the rights of corporations was ignored, with the court blankly ruling that Argentina had to satisfy its obligation to both trade and human rights laws.⁶⁵ Through this ruling, the court didn't necessarily explore what the right to water meant, how human rights could be used as an economic problem solving device, or its effect on the controlling of prices.⁶⁶ Dr. Harrison concluded that by overlooking the implicit power of human rights in trade laws, the court overlooked the ability of human rights provisions to analyze and separate actions which affirm human rights and actions which use human rights to justify protectionism.⁶⁷

Case Study

North American Free Trade Agreement (NAFTA) & United States-Mexico-Canada Agreement (USMCA)

The North American Free Trade Agreement (NAFTA) – an agreement between the U.S, Canada, and Mexico – eliminated most trade barriers on goods and services between the three Member States.⁶⁸ NAFTA also sought to implement labor and environmental safeguards.⁶⁹ NAFTA went into effect in 1994 and was replaced in 2020 by the United States-Mexico-Canada Agreement (USMCA).⁷⁰ The North American Agreement on Labor Cooperation (NAALC) was a side agreement to NAFTA with 11 provisions that define labor standards, including: prohibition of forced labor, labor protections for children and young persons, elimination of employment discrimination on the basis of race, religion, age, and sex, and equal pay for men and women.⁷¹

The NAALC was the first agreement of its kind to introduce labor protections into a multilateral trade agreement.⁷² The agreement has had some success, including creating the Commission of Labor Cooperation that is responsible

⁵⁹ “WTO Public Forum 2011: Seeking Answers to Global Trade Challenges.”, *WTO*, 2011, https://www.wto.org/english/res_e/booksp_e/public_forum11_e.pdf.

⁶⁰ “WTO Public Forum 2011: Seeking Answers to Global Trade Challenges.”, *WTO*, 2011, https://www.wto.org/english/res_e/booksp_e/public_forum11_e.pdf.

⁶¹ “WTO Public Forum 2011”, *WTO*.

⁶² “WTO Public Forum 2011”, *WTO*.

⁶³ “WTO Public Forum 2011”, *WTO*.

⁶⁴ “WTO Public Forum 2011”, *WTO*.

⁶⁵ “WTO Public Forum 2011”, *WTO*.

⁶⁶ “WTO Public Forum 2011”, *WTO*.

⁶⁷ “WTO Public Forum 2011”, *WTO*.

⁶⁸ Peter Bondarenko, “North American Free Trade Agreement”, *Encyclopedia Britannica*, accessed May 19, 2023, <https://www.britannica.com/event/North-American-Free-Trade-Agreement>.

⁶⁹ Andrew Chatzky, James McBride, & Mohammad Aly Sergie, “NAFTA and the USMCA: Weighing the Impact of North American Trade”, *Council on Foreign Relations*, July 1, 2020, <https://www.cfr.org/background/naftas-economic-impact#chapter-title-0-2>.

⁷⁰ Bondarenko, “North American Free Trade Agreement.”

⁷¹ North American Agreement on Labor Cooperation: A Guide, *Bureau of International Labor Affairs, U.S. Department of Labor*, October 2005, <https://www.dol.gov/agencies/ilab/trade/agreements/naalcgd>.

⁷² North American Agreement on Labor Cooperation: A Guide, *Bureau of International Labor Affairs*

for labor matters in all Member States.⁷³ However, the NAALC also had major constraints, such as exclusions for women in Mexico.⁷⁴ Women residing in Mexico did not benefit as much as they should have with this provision, more specifically those who worked in Mexican maquiladora factories – American-owned factories operating in Mexico.⁷⁵ Maquiladora workers, especially women, worked in harsh environments and were underpaid, facing gender discrimination and inequality.⁷⁶ The NAALC failed to explicitly recognize and address issues affecting women in the workforce, such as parental leave, affordable childcare, and fair representation and treatment in unions.⁷⁷ The agreement, more importantly, did not establish general standards of treatment for workers within the three Member States, allowing each to establish their own labor laws to fit their individual standards – which consequently allowed multinational corporations to take advantage of workers in the country with the least stringent labor laws.⁷⁸

The subsequent USMCA does, incorporate a chapter on labor provisions, specifically Chapter 31.⁷⁹ The provisions of this chapter “impose a significant shift from the outdated and longtime unused NAALC provisions...reaffirming each Party’s obligations as members of the International Labor Organization.”⁸⁰ The USMCA’s provisions allow Member States to submit their concerns to the organization, which will be responded to accordingly, and reemphasizes Mexico’s role in the provisions.⁸¹ The updated provisions also establish a rapid response mechanism, allowing the Member States to independently investigate issues concerning non-compliance of labor laws.⁸² The rapid response mechanism is an expedient process, unlike the traditional processes taken in NAFTA.⁸³ Also, unlike traditional dispute processes, in the case that a laborer’s rights are being denied or violated, the facility involved can be issued direct sanctions.⁸⁴

Conclusion

Trade holds a pivotal role in the recognition of human rights and their benefit on society.⁸⁵ Trade can be used to raise productivity levels of a Member State’s citizens and can improve the wellbeing of a population.⁸⁶ Successful trade provisions outlining human rights have been included in bi- and multilateral agreements and adopted by regional bodies, but have not been passed on the international level as of 2023.⁸⁷ The question of whether human rights provisions should be incorporated into trade agreements must weigh the benefits of human rights in trade against valid critiques about the cost of human rights enforcement, the encroachment on Member State sovereignty,

⁷³ The North American Agreement Labor Cooperation: An Overview of the Institutions, Activity, and Accomplishments, accessed July 28, 2023, <https://govinfo.library.unt.edu/tdrc/hearings/21jan00/aolaborde1.pdf>.

⁷⁴ Nicole L. Grimm, “The North American Agreement of Labor Cooperation and Its Effects on Women Working in Mexican Maquiladoras”, *American University Law Review* 48, 1 (1998): accessed May 19, 2023, <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1315&context=aulr>.

⁷⁵ Grimm, “The North American Agreement of Labor Cooperation and its Effects on Women”

⁷⁶ Grimm, “The North American Agreement of Labor Cooperation and its Effects on Women”

⁷⁷ Grimm, “The North American Agreement of Labor Cooperation and its Effects on Women”

⁷⁸ Grimm, “The North American Agreement of Labor Cooperation and its Effects on Women”

⁷⁹ Octavio Lecona, Juan Pablo Moyano, Ronald A. Oleynik, Carlos Vejar, Jose Luis Villareal, and Laura Yvonne Zielinski, “USMCA Replaces NAFTA: An Overview of Key Provisions”, July 2, 2020, <https://www.hklaw.com/en/insights/publications/2020/07/usmca-replaces-nafta-an-overview-of-key-provisions>.

⁸⁰ Lecona et. al., “USMCA Replaces NAFTA: An Overview of Key Provisions”

⁸¹ Lecona et. al., “USMCA Replaces NAFTA: An Overview of Key Provisions”

⁸² Labor Rights and the United States-Mexico-Canada Agreement (USMCA), *Bureau of International Labor Affairs, U.S. Department of Labor*, accessed July 3, 2023, <https://www.dol.gov/agencies/ilab/our-work/trade/labor-rights-usmca#:~:text=The%20Rapid%20Response%20Labor%20Mechanism,association%20and%20collective%20bargainin g%20laws>.

⁸³ “USCMA’s Rapid Response Mechanism: A Primer on How to Use this New Labor Enforcement Trade Tool to Fight for Workers’ Rights”, September 2022, https://rethinktrade.org/wp-content/uploads/2022/09/RRM-Primer_English_Web_FV.pdf.

⁸⁴ “USCMA’s Rapid Response Mechanism”

⁸⁵ Chris Smith, “Human Rights and Trade Deals”, *House of Lords Library*, September 5, 2019, <https://researchbriefings.files.parliament.uk/documents/LLN-2019-0117/LLN-2019-0117.pdf>.

⁸⁶ Oonagh E. Fitzgerald and Centre for International Governance Innovation, “Reuniting Trade and Human Rights,” *Reshaping Trade Through Women’s Economic Empowerment: Special Report*, Centre for International Governance Innovation, (2018): pp. 3-6, <https://www.jstor.org/stable/resrep43894.5>.

⁸⁷ Jennifer Zerk and Rosie Beacock, “Advancing Human Rights through Trade Why Stronger Human Rights Monitoring Is Needed and How to Make It Work,” *Chatham House*, May 2021, <https://www.chathamhouse.org/2021/05/advancing-human-rights-through-trade/01-introduction>.

and how human rights provisions can be used as a form of economic protectionism.⁸⁸ Subsequently, it must be considered whether the GATT and other WTO agreements, which currently lack well defined human rights provisions, should be amended to recognize these protections.⁸⁹

Committee Directive

The place of human rights provisions in international trade is a contentious and nuanced debate, as such measures to protect human rights in trade should represent the concerns of individual Member States. Delegates should consider: Should human rights provisions be included in trade agreements? Should the WTO play a role in defining a standard set of human rights provisions? If so, how can human rights provisions in trade policy be guided to best serve their purpose without undermining international trade and placing an under burden on Member States? Delegates should consider these questions closely, based on the stated position of their Member State, and consider realistic solutions that can address the needs of all parties.

⁸⁸ Susan Ariel Aaronson and Jean Pierre Chauffour, “The Wedding of Trade and Human Rights: Marriage of Convenience or Permanent Match?,” *World Trade Organization*, 2010, https://www.wto.org/english/res_e/publications_e/wtr11_forum_e/wtr11_15feb11_e.htm.

⁸⁹ “General Agreement on Tariffs and Trade: Article XX General Exceptions,” signed January 1, 1948, https://www.wto.org/english/res_e/booksp_e/gatt_ai_e/art20_e.pdf.

Annotated Bibliography

Topic I. Promoting Market Transitions to Sustainable Plastics

World Trade Organization Factual Report, *Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP)*, INF/TE/IDP/W/3, (October 4, 2021),

<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/TEIDP/W3.pdf&Open=True>

The 2021 IDP Report summarizes the work of the IDP in its first year, 2021, providing an overview of WTO dialogues, mapping of international efforts, summary of discussions on the six topic areas in IDP meetings, and the state of the dialogue inclusive of policy options. This report provides an understanding of recent WTO discussions on this topic, as well as a grounding in what is within the WTO's mandate.

ASEAN Secretariat, *ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States - Action Plan Summary*, Jakarta, Indonesia: ASEAN Secretariat, May 2021, <https://asean.org/book/asean-regional-action-plan-for-combating-marine-debris-in-the-asean-member-states-2021-2025-2/>.

The ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States (2021-2025) is one of the most comprehensive, action-oriented solutions undertaken by a multilateral body to date. The Action Plan lays out a framework of four components: policy support and planning, research, innovation, and capacity building; private sector engagement; and public awareness, education, and outreach. Under each, it presents actions that will be taken to reduce inputs into the system, enhance collection and minimize leakage, and create value for waste reuse. While not all actions undertaken by ASEAN are within the mandate of the WTO, the Action Plan provides concrete solutions for consideration.

World Economic Forum, *Plastics, the Circular Economy and Global Trade*, Geneva, Switzerland: World Economic Forum, July 2020, <https://www.weforum.org/whitepapers/plastics-the-circular-economy-and-global-trade/>.

The World Economic Forum is a global forum that facilitates public-private cooperation. The paper provides an overview of the challenges preventing a circular plastics economy and trade policy solutions to tackle the problem of plastics pollution. Included are actions that could support the shift to a more circular plastics economy, including bilateral and multilateral trade deals, refining the international plastics classification system, trade facilitation support, and transparency on domestic plastic-waste measures.

Pew Charitable Trusts and SYSTEMIQ, *Breaking the Plastic Wave: A Comprehensive Assessment of Pathways Toward Stopping Ocean Plastic Pollution*, Philadelphia, United States: Pew Charitable Trust, July 2020, https://www.pewtrusts.org/-/media/assets/2020/07/breakingtheplasticwave_report.pdf.

The Pew Charitable Trusts is a research group dedicated to providing data to change the world. *Breaking the Plastic Wave* is a global analysis that uses modeling to show how annual plastic flows into the ocean can be cut by 80 percent in the next 20 years. The report details failings in the current system of regulations and commitment, such as focus on specific items rather than the systemic changes that are needed. Laying out a series of solutions it refers to as the "System Change" scenario, the report details how, based on its model, the scenario could significantly reduce plastics flow into the ocean. The report provides a valuable overview of the current situation as well as a variety of policy streams that can reduce plastics pollution.

"Update: Plastics and the Environment," *Geneva Environment Network*, last modified March 3, 2023, https://www.genevaenvironmentnetwork.org/resources/updates/plastics-and-the-environment/#scroll-nav_9.

The *Geneva Environment Network* describes itself as a "global hub for environmental governance", researching environmental fields and chemicals in context of the United Nations 2030 Sustainable Development Goals. The "Plastics and the Environment" series provides links to a variety of resources related to the plastics crisis, including its impact on health and the environment, actions being taken by the international community, and sector-specific resources.

Topic II. Expanding the Role of Human Rights and Labor Standards in Trade Agreements

Christian Vidal-Leon, "Corporate Social Responsibility, Human Rights, and the World Trade Organization," *Journal of International Economic Law* 16, no. 4 (December, 2013): 893-920, https://drive.google.com/file/d/13J9ydy6XVqM_8mEVoG6T_zkbOrKLPFID/view?usp=sharing.

The *Journal of International Economic Law* is a law journal run by Oxford Academic, a branch of Oxford University's University Press. This article analyzes the role of the WTO, as well as other governing bodies and organizations in the realm of Corporate Social Responsibility (CSR) and explores how these groups must be bound to the upkeep of human rights and labor standards through all aspects of trade. The article outlines the need for CSR principles in global supply chains and how members of the WTO should take action to ensure human rights in trade. This article also explores the role of the GATT in CSR principles and how Member States use the GATT in international interactions.

Robert Howse and Makau Mutua, *Protecting Human Rights in a Global Economy: Challenges for the World Trade Organization*, ITAP, 2000, https://www.iatp.org/sites/default/files/Protecting_Human_Rights_in_a_Global_Economy_Ch.htm.

The Institute for Agriculture & Trade Policy is a research and advocacy organization that promotes sustainable food, farming, and trade systems on a global scale. This article analyzes the importance of human rights and labor standards in trade agreements, with emphasis on transparency. The article looks at cases where the WTO does not have the ability to take human rights into account.

Jennifer Zerk and Rosie Beacock. "Advancing Human Rights through Trade: Why Stronger Human Rights Monitoring Is Needed and How to Make It Work," Chatham House, May 2021. <https://www.chathamhouse.org/sites/default/files/2021-05/2021-05-26-human-rights-trade-zerk-beacock.pdf>.

The Chatham House is an independent open forum whose goal is to allow people and governments to adapt to change, offering solutions to global challenges and promoting empowerment. This research paper focuses on the transparency and monitoring aspect involving human rights and trade agreements. The paper highlights that Member States have been receptive to the need for human rights provisions in trade agreements and have been active in making a change concerning that. However, the issue of transparency remains. The paper highlights the need for consistent monitoring of these provisions and emphasizes the different types of monitoring that can take place between Member States as well.

Caroline Dommen, "Trade and Human Rights: Towards Coherence," *Sur-International Journal on Human Rights*, August 12, 2017, <https://sur.conectas.org/en/trade-human-rights-towards-coherence/>.

Sur-International Journal on Human Rights is an open access publication that serves as a platform to share perspectives on various human rights topics. This article gives insight on two perspectives when focusing on human rights and trade agreements: the coherence and the conditional perspective. The coherence perspective states trade and trade-related rules do not undermine human rights, and the conditional perspective states the trade-related rules must be used to ensure respect for human right standards. The article focuses on the lack of transparency in trade agreements for human rights standards and brings forth concern that the WTO hinders efforts to promote transparency.

Wenonah Hauter, "The Limits of International Human Rights Law and the Role of Food Sovereignty in Protecting People from Further Trade Liberalization under the Doha Round Negotiations," *Vanderbilt Journal of Transnational Law* 40, no. 4 (January 1, 2007): 1071, <https://scholarship.law.vanderbilt.edu/vjtl/vol40/iss4/8>.

Vanderbilt Journal of Transnational Law is a longstanding legal journal with publications concerning current and emerging regional and international legal issues. This journal article focuses on food insecurity as a human right issue and its relation to the WTO and various trade agreements. Along with that, the article places a strong emphasis on food sovereignty and removing food as a tradable commodity from WTO agreements. The article describes the negative impact food insecurity has had on a global scale and how the issue is undermined by trade liberalization.