

The 10th session of the Expert Mechanism on the Right to Development

Item 5 of the Provisional Agenda

Implementation of the mandate and programme of work –

Focused thematic discussion and interactive dialogue

Palais des Nations, Room XXI, Geneva

Bilateral, regional and multilateral trade: friends or enemies of the right to development?

Wednesday 30 October 2024, 10h to 12h

Concept Note

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Introduction

Despite or because of an increasingly challenging and interdependent environment, the number of regional trade agreements has been on the rise, from fewer than 50 in 1990 to more than 350 today. Major players include the United States, the European Union, and China. Some agreements are even “mega-regional,” with partners in Asia, Australia, and the Western Hemisphere. The African Continental Free Trade Agreement (AfCFTA), signed in 2018, spans an entire continent and is the world’s largest regional trade agreement, covering more than 1.3 billion people. This kind of deep and large trade agreements aimed at reducing market fragmentation should be in principle welcomed and encouraged.

Many observers see regionalism and multilateralism as opposing forces. They argue that global tensions that are weakening the multilateral trading system—including protectionism and rising nationalism—will inevitably push Governments towards regional arrangements. Others contend the exact opposite, that multilateral and regional integration complement each other in several ways.

Purpose

From the perspective of the right to development and its implementation, can we consider regional trade agreements to be or potentially be more inclusive than existing multilateral frameworks? Does geographical proximity allow for broader participation and better integration of diverse actors and populations in the negotiation, and their benefiting in terms of development therefrom?

Guiding questions

These are the questions and experiences that we want to address and share during this panel:

1. With certain exceptions, discrimination and protectionism are in contradiction with WTO rules. From a right to development perspective, what is the difference between protectionism and protection?
2. Some regional trade agreements pursue objectives such as improved environmental or decent work standards. Is this the appropriate vehicle, and in practice, do the terms and application of these agreements provide a development advantage for local actors and producers, who are often the most vulnerable in the value chain?
3. Does conditionality in terms of standards constitute an obstacle to the sovereignty of the Governments negotiating them? Should such conditionality be accompanied by

corresponding measures or resources? In the implementation phase of regional trade agreements, how is this conditionality measured, and by whom?

4. How can we promote and ensure meaningful and effective participation of local actors in the negotiation of trade agreements? What are the positive experiences or notable failures in this respect?
5. What additional measures, beyond existing WTO rules and the arbitrations they give rise to, would better anchor regional trade agreements within a multilateral approach?

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