Towards a Progressive Trade Politics in the European Union

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A REPORT COMMISSIONED BY THE GUE/NGL (European United Left/Nordic Green Left) in the European Parliament

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LIST OF ACRONYMS

ACTA: Anti-counterfeiting Trade Agreement

BIT: Bilateral Investment Treaty

CETA: Comprehensive Economic and Trade Agreement

CSO: Civil Society Organisation

EC: European Commission

ECJ: European Court of Justice

ECT: Energy Charter Treaty

ETUC: European Trade Union Confederation

EU: European Union

EUSFTA: European Union-Singapore Free Trade Agreement

EVFTA: EU-Vietnam Free Trade Agreement

FTA: Free Trade Agreement

GUE/NGL: European United Left/Nordic Green Left

HRC: Human Rights Council

ICS: Investment Court System

ILO: International Labour Organisation

ISDS: Investor-State Dispute Settlement

MAI: Multilateral Agreement on Investment

JEFTA: Japan-EU Free Trade Agreement

MIC: Multilateral Investment Court

NAFTA: North American Free Trade Agreement

NGO: Non-governmental Organisation

OHCHR: Office of the High Commissioner for Human Rights of the United Nations

SDG: Sustainable Development Goals

SIA: Sustainability Impact Assessment

SME: Small and Medium-sized Enterprise

SSE: Social and Solidarity Economy

TiSA: Trade in Services Agreement

TNC: Transnational Company

TSD: Trade and Sustainable Development

TTIP: Transatlantic Trade and Investment Partnership

UN: United Nations

UNCITRAL: United Nations Commission on Internation al Trade Law

UNCTAD: United Nations Conference on Trade and Development

UNIPCC: United Nations Intergovernmental Panel on Climate Change

WTO: World Trade Organisation

1. THE MAKINGS OF A PROGRESSIVE TRADE POLITICS

The following is a report commissioned by the European United Left/Nordic Green Left (GUE/NGL) European Parliament group. It takes as its starting point a 7 February 2019 meeting hosted by the GUE/NGL in the European Parliament, at which approximately 50 leading experts were brought together to discuss "fair trade alternatives" to free trade and investment agreements.

This work attempts to reflect the results of that meeting, combined with an extensive review of the relevant literature, in order to provide an overview and analysis of recent efforts to advance alternative trade politics in the European Union.

In its **first chapter**, this report will outline its broader political purpose as well as its core objectives. It will continue by explaining its methodology, establishing an inquiry framework and acknowledging limitations and related quality assurances.

In **Chapter 2**, "Trade Policy and Resistance, 2014-2019", this report will provide a brief historical account of recent events related to free trade and investment agreements. The focus will be on the European Union, and the account will range from TTIP to CETA, ISDS to ICS and the MIC, and beyond. The chapter will proceed by outlining resistance to these policies and alternatives as they developed over this same period, including rising public opposition to ISDS, the defeat of TTIP, the advent of the UN Binding Treaty and the just-launched Stop ISDS campaign. The chapter will also include a few significant national and regional victories related to the fight for progressive trade alternatives and corporate accountability.

Chapter 3, "Mapping Progressive Trade Alternatives", will begin by proposing a clustering of some of the central focuses of groups working toward progressive trade alternatives. This will be based on a similar approach taken at the February GUE/NGL event and conditioned by ongoing research related to that event. Within each cluster, a brief argument will outline why this thematic area is particularly relevant as pertains to trade policy. There will then follow a descriptive overview listing some of the major progressive alternatives to the status quo that have been posited within each area.

Chapter 4 will present the major findings from the review of the relevant literature, which will be informed by an analysis of the results of the February 2019 GUE meeting. The findings shall focus on shared features considered characteristic of alternative trade proposals, the scope of these proposals and what debates emerge within the movement in the crafting of these proposals.

Chapter 5 will provide "Conclusions: Towards a Progressive Trade Politics in the European Union". This chapter will draw on the historical account provided in Chapter 2, the mapping exercise in Chapter 3 and the analysis of Chapter 4, with the goal to draw conclusions about the most important elements for a progressive trade politics, now and going forward.

The last chapter, "Final Remarks", will include reflections on the current political conjuncture based on the historical overview and analysis from the preceding pages. Far from a conclusion, the hope is for it to serve as an introduction of the findings of this report to the surrounding political context, toward the shared fight of building a progressive trade politics for the European Union.

1.1 Purpose and objectives

Purpose

Trade relations linking different regions has long been a hallmark of world civilization. At its best, trade allows for an exchange of products, skills and creativity that enriches the lives of people living in all areas involved. However, too often trade has been used as a tool of the powerful to exploit, pillage and further enrich themselves at the expense of others. For every story of trade being used to exchange songs and seeds, there is another of it being used to barter human lives.

In recent decades, increasingly complex bi- and multilateral trade and investment agreements have become the vehicle by which the rich of the world exploit the poor. These agreements seek to eliminate social and environmental safeguards to pave the way for corporate profit. These agreements are designed by the few to take from the many. And they are designed in such a way as to ensure that these systems of exploitation are built into the architecture of our economies and made to last for decades to come.

"Somebody has to take the government's place, and business seems to me to be a logical entity to do that"

David Rockefeller, Newsweek, Feb 1999

In its most recent annual report, the United Nations Conference on Trade and Development (UNCTAD) decries a "free trade delusion" that is failing in the essential task "to make multilateralism work for all and for the health of the planet"[1]. Instead, as the report continues, "a progressive trade policy must put trade agreements at the service of priority goals such as decent employment, social cohesion, equality and sustainable development".

Fortunately, there are others who agree. Hundreds of movements composed of millions of people across the world are not only resisting exploitative trade agreements but fighting to build alternatives that speak to the best spirits of trade, as a tool to build a healthier and happier planet. These alternatives vary widely – from immediate and concrete to long-term and systemic, and from reformist to revolutionary – but all of them are built around values of solidarity, justice, democracy, peace, respect of our shared environment and breadth of humanity that connects us.

In an attempt to learn from these experiences, this report will survey the different progressive trade alternatives pursued during the 2014-2019 period and, on the basis of the findings, draw conclusions toward the implementation of a progressive trade politics during the 2019-2024 parliamentary mandate.

Objectives

The objective of this report, quite simply, is to be useful to all those who are committed to the struggle against neoliberal trade agreements and for progressive alternatives. The hope is that this document serves to provide a basis for shared strategic interventions, both inside the European Parliament and also more broadly among the many movements and communities fighting for a more just trade politics, in the European Union and beyond. It does so by:

- contextualizing the current conjuncture in international politics, particularly as relates to international economy and trade;
- mapping the different proposals for progressive trade and investment policies and providing analysis based on this review exercise;
- communicating several key initiatives, campaigns and policies developed during the 2014-2019 period; and
- providing conclusions based on this mapping exercise and related analysis.

[1] unctad.org/en/PublicationsLibrary/tdr2018_en.pdf

1.2 Methodology

This report takes as its starting point a meeting hosted by the GUE/NGL on 7 February 2019 in Brussels. Titled "Our Alternatives to Free Trade Deals. A Trade Policy to Serve the People", this gathering brought together leading trade experts from across movements, civil society, academics and trade unions to discuss concrete progressive trade policies. This report is thus informed by the structure, content and outcomes of that meeting. It seeks to build on the ideas developed at this meeting, in dialogue with the interventions of the different people present.

Research for the report focuses on a period starting at the European Parliament elections of May 2014 and running to the present, just ahead of the May 2019 EU elections. The principal form of research was an extensive review of the relevant literature, conducted to understand the current political reality as relates to progressive trade alternatives. A descriptive analysis of findings from this research is accompanied by an analytical review with key insights.

These findings are overlaid with analysis drawn from the 7 February GUE/NGL meeting minutes. All relevant information found is organized by category and included in a matrix, facilitating a crosscutting approach to compare and analyse findings across issue areas. From this, a number of commonalities, as well as unresolved tensions, are uncovered. These findings are then discussed in the reports fourth chapter.

As mentioned, the tools for data collection include an examination of the relevant secondary literature, mostly in the form of written publications from allies working on trade and investment, but also including data provided by the European Union and other transnational political organizations. All primary information was collected from the participants of the 7 February GUE/NGL meeting. A few concrete questions were answered subsequently through an email exchange with experts draw from this same body.

1.3 Inquiry Framework

The inquiry framework comprises the questions of which answers were sought during the development and review of the mapping exercise. Again, the 7 February GUE/NGL meeting was also key to identifying core aspects for the inquiry framework. The core aspects and inquiries were not a static framework. It was used as a starting guiding

Figure 1: Report Timeline

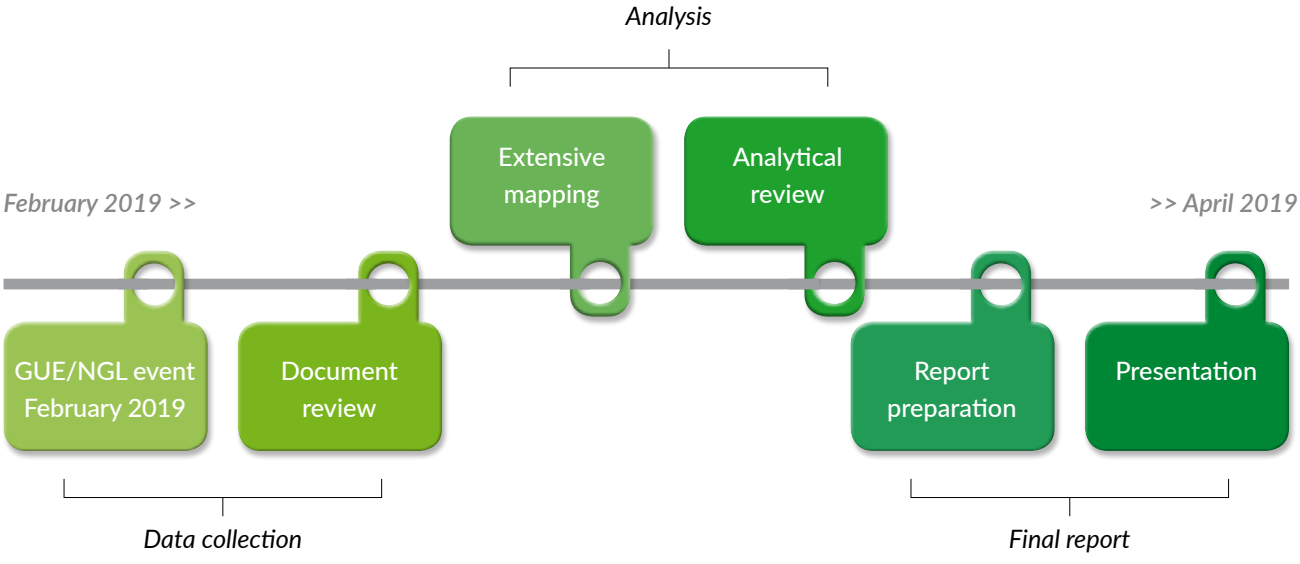
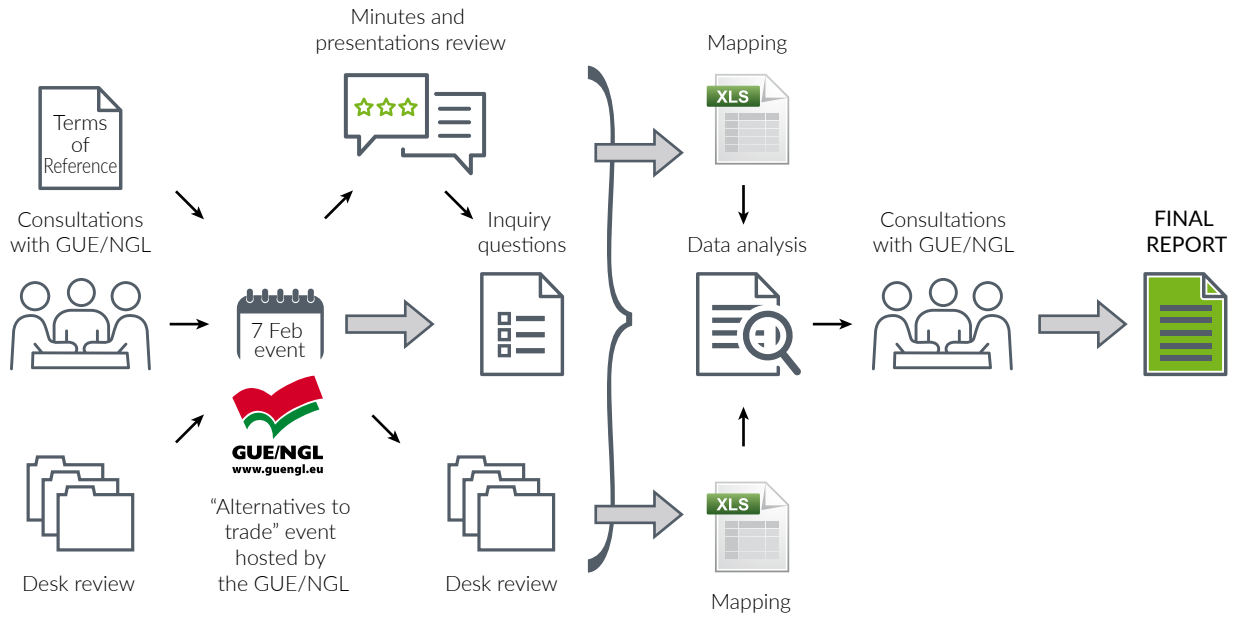


Figure 2: Analytical framework



framework for the analysis of the mapping exercise, yet new enquiries also arose while reading key documents and notes from the meeting.

Three levels of analysis were identified:

- the description of what characterizes a progressive alternative;
- the scope of existing alternative proposals, which helped analysing the framework of the progressive alternatives; and
- the emerging issues, challenges and open debates that remain unresolved.

1.4 Limitations and Quality Assurance

- Time constraints did not allow for an extensive interview process following the 7 February GUE/NGL gathering. Rather, targeted follow-up outreach was conducted around specific questions. A fuller interview process would have been more ideal had it been possible, and a recommendation for such a process is to be found in this report's conclusion.
- This report does not try to develop a comprehensive map so much as a one that is representative of the breadth of the progressive trade movement and the relative degree of focus on different thematic areas. Relatedly, the issue clusters and main findings outlined are by no means comprehensive.
- Free trade and investment agreements deal with pretty much everything, from environment to economy, to gender rights and public services. This breadth is both attractive and challenging in the process of analysing them. It is attractive because one can use trade agreements as vehicles to discuss any issue of importance to the current world political situation. It is challenging because one risks, in attempting to discuss everything, actually discussing nothing at all. This is a difficult and necessary balance which this report will strive to maintain, but which may lead to perceived errors of omission or commission.
- For quality assurance, internal validation mechanisms with the GUE/NGL team responsible for this report were used to ensure reliability and credibility of the findings.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2. TRADE POLICY AND RESISTANCE, 2014–2019

This chapter will focus on the recent history of trade policy and progressive alternatives, with a focus on the 2014-2019 period. It will provide a brief narrative account of each, starting with key recent developments in trade policy, from TTIP to CETA, ISDS to the ICS, the MIC and beyond; recounting the devastating results of this new brand of trade and investment agreement as well. The chapter will proceed by outlining resistance to these policies and alternatives as they developed over this same time period, covering public outrage against ISDS, the defeat of TTIP, the UN Binding Treaty and the just-launched "Rights for people, rules for corporations – Stop ISDS" campaign, as well as smaller yet still significant national and regional victories related to the fight for progressive trade alternatives.

2.1 KEY RECENT DEVELOPMENTS IN TRADE POLICY

Starting in 2007-08, the world suffered its worst economic crisis since the so-called Great Depression of 1929. This crisis, which is still felt today in the form of ongoing austerity, rising economic inequality and declining opportunities, especially for younger generations, provoked a crisis of legitimacy of the neoliberal capitalist economic model. Even the International Monetary Fund – one of the key poster children of neoliberalism – questioned the efficacy of the system in a 2016 paper titled "Neoliberalism: Oversold?", determining that "instead of delivering growth, some neoliberal policies have increased inequality"[2].

In spite of this, neoliberal capitalism has stumbled along as a sort of zombie ideology, alive in spite of having lost its theoretical legitimacy, yet nonetheless at least as destructive and perhaps more so than ever[3]. The period since has been described as a "new phase in the crisis of the capitalist state system as transformed by neoliberalism", introducing a period of world-historic interregnum in which hegemonic ideology appears momentarily up for grabs[4].

As diversion to real solutions to solve the crisis created by liberalization of the financial system, the European Commission's proposal was more austerity for ordinary people, and Karel De Gucht, – its member responsible for trade –, proposed more liberalization through free trade agreements including TTIP, CETA and TiSA, with fantastical promises of growth and jobs.

During this interregnum, those status quo powers who most benefit from the existing socioeconomic order have doubled down on efforts to lock in a continued ability to realize ever-increasing rates of profit jeopardizing social standards and environmental regulations. One of their principal tools for doing this has been that of trade and investment agreements.

In its 2014-2019 mandate, the European Parliament comprised a majority of right-wing politicians from liberal and conservative parties. Not surprisingly, this group of conservative elites has made it a key goal to push through free trade and investment agreements at all costs. Undeterred by the defeat of the proposed EU-US Transatlantic Trade and Investment Partnership (TTIP)[5], which was sunk by a massive groundswell of public opposition[6], the EU has marched ahead with a bevy of actions related to the development of binding long-term agreements designed around corporate profit capture.

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[2] imf.org/external/pubs/ft/fandd/2016/06/ostry.htm

[3] mronline.org/2019/02/16/the-neoliberal-project-is-alive-but-has-lost-its-legitimacy-david-harvey/

[4] newleftreview.org/II/104/wolfgang-streeck-the-return-of-the-repressed

[5] ec.europa.eu/trade/policy/in-focus/ttip/

[6] theguardian.com/commentisfree/2016/nov/14/ttip-defeated-activists-donald-trump

ISDS – SMALL AND LARGE VICTORIES, AND A STRUGGLE AHEAD

Perhaps the most notorious feature of contemporary trade policy is the investor-state dispute settlement (ISDS) mechanisms that provide corporations special courts to sue governments whose policies might infringe on profit-making opportunities. Struggle around the extent and form of ISDS has been central to this period, with status quo powers doing everything they can to retain or even enhance it where possible.

In 2015, the European Commission presented the results of a public consultation on the need to maintain ISDS in TTIP. Over 97% of the 150,000 respondents rejected the inclusion of this system that would only give more rights to private investors. Around the same time, more than three million citizens also signed the self-managed European Citizens' Initiative against TTIP and CETA.

Criticism came from a broad range of sectors: professionals, business managers, civil society organizations, trade unions, environmental organisations and even many judges and lawyers, who publicly stood up against these attempts to privatise our justice systems. Many EU member states also raised concerns.

The political toxicity of ISDS forced the European Commission to act. When, in 2015, the European Commission presented a review of all of its investment-agreement negotiations, it included a proposal for a re-branded ISDS, now known as the ICS (International Court System) and proposed for inclusion in CETA and the EU-Vietnam trade agreement.

For years, ISDS has been the core unifying critique for different movements for fair trade; it has also arguably been the area in which the most advances have been made. The European Court of Justice rulings on recent cases have made it difficult for the EU to continue to defend this flawed, privatised justice system. The ECJ Opinion 2/15 on the EU-Singapore deal states that any agreement containing ISDS will have to be ratified by 38 national and regional parliaments. The ECJ ruling on the Achmea v. Slovak Republic case furthermore states that intra-EU bilateral investment treaties containing ISDS should be terminated.

At the same time, a large campaign with over 200 organizations has been launched at the beginning of 2019 to raise awareness of the toxicity of ISDS and at the same time to petition for an international binding instrument to oblige businesses to respect human rights as well as EU and national laws.

This campaign goes on, despite the recent deceiving decision of the ECJ stating that the ISDS mechanism in the EU-Canada CETA, (the so called ICS mechanism) is compatible with EU law.

In terms of specific agreements from this period, CETA (the comprehensive trade agreement with Canada) was provisionally entered into force in late 2017 and continues to inch toward full force through national (and in some cases regional) parliament approval, over the loud objections of an overwhelming majority of those citizens who have chosen to weigh in on the matter. Meanwhile, JEFTA (Japan) entered into force in February 2019[7], while EUSFTA (Singapore) has been signed and consented, and as of this writing awaits only ratification, and EVFTA (Vietnam) has been adopted by the European Commission with expected 2019 ratification. At the same time the EU advances in negotiations for free trade agreements with the United States, Vietnam, Mercosur, Australia, New Zealand, Malaysia, Indonesia, Tunisia, and the extension in scope of existing agreements with Mexico and Chile.

In parallel, in September 2017 the European Commission published a "Recommendation for a Council Decision authorizing the opening of negotiations for a Convention establishing a multilateral court for the settlement of investment disputes (or Multilateral Investment Court). Under the auspices of the United Nations Commission on International Trade Law (UNCITRAL), the proposed Convention would create a multilateral ISDS mechanism with potentially global reach. Widely viewed as a response to popular outcry against ISDS, this system would provide considerable political coverage for the continued efforts to include investor-state or similar measures in future bi- and multilateral trade and investment agreements[8].

At the same time, some older agreements have begun to show the extent of their reach. The Energy Charter Treaty (ECT), entered into force in 1998[9], for example allowed Swedish energy firm Vattenfall to launch a $1.9 billion investor-state suit against Germany over environmental regulations that delayed the openings of a coal-fired power plant in Hamburg[10]. Following an undisclosed settlement, the power plant opened in 2014, in spite considerable German public outrage.

All the while, the multinational corporations that most benefit from these agreements continue to commit unspeakable human rights violations against those who would challenge their predominance; and the world continues to march toward the 12-year mark and 1.5C threshold recently set by the UN Intergovernmental Panel on Climate Change (UNIPCC), past which the consequences of our current economic model on our planet will be some combination of "long-lasting or irreversible"[11].

2.2. Recent movements for an alternative trade policy

While there has certainly been a lot of bad news during the last years on the subject of trade, the EU (and indeed the whole world) has seen reason for hope, in a series of overlapping people's uprisings and movements against FTAs, some of which have won substantive victories.

For one, while US President Donald Trump might have served as the formal executioner for TTIP, it was the activism of EU and US civil society and popular movement that raised awareness across broad swaths of the political spectrum and ensured that the agreement would-be dead-on arrival following the US presidential election.

In September 2016, hundreds of thousands of people turned out in cities across Europe to protest the thoroughly neoliberal Transatlantic Trade and Investment Partnership then being negotiated between the European Union and the United States. It was but one highlight in a sustained movement begun in 2013 that mobilized millions of people[12], bringing ordinary people across

[7] old.guengl.eu/policy/publication/making-sense-of-jefta

[8] s2bnetwork.org/isds-dangerous-crossroads/

[9] energycharter.org/process/energy-charter-treaty-1994/energy-charter-treaty/

[10] isds.bilaterals.org/?case-study-vattenfall-v-germany-i

[11] ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/

[12] foeeurope.org/sites/default/files/eu-us_trade_deal/2018/trade_alternatives_designreport_v6_ld.pdf

Europe together in opposition to an intentionally arcane trade agreement that would have given unprecedented power to transnational corporations over an area that accounts for more than one third of total world economic output. The core unifying critique for these movements was the inclusion of ISDS investor-state measures.

More recently, on 6 March 2018, the European Court of Justice (ECJ) found an arbitration clause in an international investment agreement between two European Union Member States incompatible with EU law. The so-called Achmea ruling essentially determined that ISDS measures in intra-EU bilateral investment agreements contravened EU law. The implications of this, while not yet clear, could extend well beyond this ruling to include other agreements that contain ISDS measures and only one EU partner[13].

In response to the Achmea ruling, countries such as the Netherlands have been putting forward proposals for new Bilateral Investment Treaties that "create more balance between the rights and duties of host States and investors"[14]. In fact, the Netherlands has recently terminated a Bilateral Investment Treaty with Tanzania[15]. Meanwhile, outside of Europe, countries have begun to implement new models of BITs that put these values into practice. For example, a recent BIT between Morocco and Nigeria notably safeguards states' discretion in enacting regulation and imposing obligations on investors, while making its top-line goal to promote poverty alleviation and sustainable development[16].

At the same time, overlapping movements, and the public awareness they raised, were responsible for bringing to a halt negotiations of the proposed Trade in Services Agreement (TiSA)[17], which would have harmonized pro-corporate trade rules in the realm of services including e-commerce and the finance sector for an area encompassing 70% of the world's trade in services.

Also in parallel, in June 2014 the Human Rights Council (HRC) of the United Nations adopted Resolution 26/9 on the "Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights"[18]. The adoption of the Resolution was an historic achievement and the culmination of long, hard work by CSOs, social movements, and left political groups. Its adoption re-energized and gave renewed sense of purpose to these organizations, many of whom had been working simultaneously to stop the passage of TTIP and other such trade agreements.

Following this development and working together with the trade union movement and parliamentarian network of the Treaty Alliance[19], the Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power and Stop Impunity, representing more than 200 social movements and civil society organizations across the world, began to actively advocate for a "UN Binding Treaty"[20].

Along the way, the Alliance received a boost in the form of the French Corporate Duty of Vigilance Law, adopted in March 2017, which "establishes a legally binding obligation for parent companies to identify and prevent adverse human rights and environmental impacts resulting from their own activities, from activities of companies they control, and from activities of their subcontractors and suppliers, with whom they have an established commercial relationship"[21]. Coupled with the increasing decision of countries around the world to either curtail (Brazil, India) or abandon (South Africa, Ecuador) ISDS measures, as well as to exit agreements that contain them (Italy, from the Energy Charter

[13] ciel.org/reports/implications-of-achmea/

[14] lexology.com/library/detail.aspx?g=20d6a620-0908-4a85-8327-9959826adb67

[15] netherlandsworldwide.nl/latest/news/2019/03/22/notice-on-termination-bilateral-investment-agreement-netherlands---tanzania

[16] arbitrationblog.practicallaw.com/the-morocco-nigeria-bit-a-new-breed-of-investment-treaty/

[17] ec.europa.eu/trade/policy/in-focus/tisa/

[18] ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/9

[19] treatymovement.com/

[20] stopcorporateimpunity.org/call-to-international-action/

[21] corporatejustice.org/documents/publications/french-corporate-duty-of-vigilance-law-faq.pdf

Treaty[22]), these decisions breathed further wind into the movement's sails, proving that it is possible to mobilize and succeed in reigning in big business.

On 20 July 2018, the Zero Draft of that UN Binding Treaty was published[23]. This Zero Draft has since elicited a comprehensive response from the Global Campaign[24]. In it, they welcomed the Draft as a "step forward in the process to build an instrument that regulates the activities of [transnational corporations]". However, the Campaign went on to bemoan a document that "does not reflect the debates held" and which ultimately "will not be effective, as it does not foresee any direct obligation for transnational corporations, nor the establishment of an effective international implementation mechanism". With their defiant response, the Global Campaign signalled that it would not be mollified by a lukewarm document, and the battle for a truly Binding Treaty would go on.

Most recently, in February 2019 an overlapping alliance of more than 200 European organizations, trade unions and social movements, issued the "StopISDS.org" campaign call "in favour of corporate accountability rules for companies, and against Investor to State Dispute Settlement, a parallel, one sided and unfair justice system for corporations"[25]. This campaign represents a renewed effort to continue the battle against pro-corporate trade agreements not just at the global but also at the regional, national and sub-national level. At the moment of writing this report the mass petition launched by the campaign has already collected half a million signatures.

[22] globalarbitrationnews.com/italy-withdraws-from-energy-charter-treaty-20150507/

[23] stopcorporateimpunity.org/zero-draft-of-the-un-binding-treaty-published-on-20th-july-2018/

[24] stopcorporateimpunity.org/un-binding-treaty-written-contribution-of-the-global-campaign-march-2019/

[25] stopisds.org/alliance/

¡SÍ, SE PUEDE! THE LONGER HISTORY OF VICTORY AGAINST NEOLIBERAL FTAS

Since 1999, when thousands of citizens disrupted the trade negotiations in Seattle over the World Trade Organization, a number of trade negotiations have been stopped. Among the most significant examples are:

The Multilateral Agreement on Investment (MAI)

Between 1995 and 1998, negotiations were held within the Organization for Economic Cooperation and Development (OECD) to create a Multilateral Agreement on Investment (MAI). This proposed agreement, whose objective was to protect the investments of signatory countries, was negotiated among Western countries and with little consideration for other countries or stakeholders. However, following a wave of demonstrations, and finally the decision of France in 1998 that they would not sign the agreement because it undermined their sovereignty, the MAI became the first of many agreements that never took place.

The Doha Rounds

The latest round of WTO negotiations, known as the Doha Round, has thus far met a similar fate. Its main objective has been to open the global market to new sectors that have thus far been protected, particularly agriculture, public services and public procurement. However, sustained protests combined with opposition from an important bloc of developing countries brought the negotiations to an abrupt end in Cancun in 2003 and finally provoked their collapse in Geneva in 2008. Since then the Doha Round, and WTO liberalization efforts more broadly, have made very little progress on the world stage.

The Free Trade Area of the Americas (FTAA)

The FTAA, better known as ALCA, was promoted by the USA with the goal to expand the North America Free Trade Agreement (NAFTA) across the American continent. In a very short time, protests across a continent that had been facing the consequences of neoliberal policies for the past twenty years took place under the banner of the “No al ALCA” campaign. Shortly after, the favourable political context created by a surge of progressive governments in the region, including in Argentina, Brazil, Venezuela and Bolivia, ensured the abrupt end of negotiations in 2005.

The Anti-Counterfeiting Trade Agreement (ACTA)

The ACTA was a multilateral agreement proposed to establish standards for intellectual property rights enforcement. However, a broad coalition of experts and civil society organizations argued that the agreement was a threat to fundamental rights such as freedom of expression and privacy. The agreement was also criticized by Doctors Without Borders as a threat to access to medicines in countries where they were badly needed. The ACTA was subsequently rejected in the European Parliament in 2012 by a vote of 478 to 39 (with 165 abstentions).

2.3. GUE/NGL CONTRIBUTIONS 2014-2019

During the 2014-2019 period, GUE/NGL supported many of the progressive trade movements in a variety of ways. It commissioned a series of studies, all of them available on its website[26], to provide information and analysis on the ongoing and most recent negotiations. It also proposed for the INTA Committee to commission studies, for example the one on "*The inclusion of financial services in EU free trade and associations agreements: Effects on money laundering, tax evasion and avoidance*"[27]. Through this work, GUE/NGL played an important role in dismantling the arguments of the European Commission regarding the supposed benefits of free trade agreements, while also questioning the economic methodology used by the Commission to realize its impact assessment studies.

GUE/NGL also organized numerous hearings, as well as took part in various mobilizations and international meetings organized by allies. In this way, it helped to give the floor to alternative voices for debate, eventually in confrontation with the Commission, and to consolidate the resistance to the continuous neoliberal FTA offensive.

The he group has been struggling continuously in the parliamentary field, lifting up demands from social movements and grassroots bases, and trying to ensure their inclusion in the texts adopted by the Parliament. Very often, the result was not deemed good enough to vote in favour of these final texts, but the struggle was nonetheless often worthwhile, ensuring that these neoliberal policies would not pass uncontested and in some cases forcing important concessions. **Some of the more relevant resolutions, recommendations and legislative texts adopted during this mandate include:**

- European Parliament resolution of 8 July 2015 containing the recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) (Rapporteur Bernd Lange, GUE/NGL Shadow Helmut Scholz) (2014/2228(INI))[28], in which important conditions were ensured for the TTIP negotiations.

- European Parliament resolution of 3 February 2016 containing the European Parliament's recommendations to the Commission on the negotiations for the Trade in Services Agreement (TiSA) (Rapporteur Viviane Reding, GUE/NGL Shadow Stelios Kouloglou) (2015/2233(INI))[29], in which interesting limits were placed on TiSA negotiators.

- European parliament resolution (Rapporteur Lola Sanchez Caldentey) of 14 April 2016 on the private sector and development (2014/2205(INI))[30], which attempted to improve the possible positive contribution of the private sector to the development of the law, while respecting and ensuring the specific role of public services.

- European Parliament resolution (Eleonora Forenza report) of 27 June 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility (2015/2038(INI))[31], with the left fighting to make these standards compulsory.

- Position of the European Parliament of 16 March 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (Rapporteur Iuliu Winkler, GUE/NGL Shadow, Helmut Scholz) (2014/0059(COD)).[32] Despite the fact that the

26 see Bibliography, page 48.

27 europarl.europa.eu/thinktank

28 europarl.europa.eu/doceo/document/TA-8-2015-0252_EN.html

29 europarl.europa.eu/doceo/document/TA-8-2016-0041_EN.html

30 europarl.europa.eu/doceo/document/TA-8-2016-0137_EN.html

31 europarl.europa.eu/doceo/document/A-8-2016-0217_EN.html

32 europarl.europa.eu/doceo/document/TA-8-2017-0090_EN.html

Rapporteur is member of the EPP group, an alternative majority was able to change the position of the Commission and to broaden the measure's scope and efficiency.

- European Parliament resolution (Rapporteur Katerina Konecna) of 4 April 2017 on palm oil and deforestation of rainforests (2016/2222(INI))[33], an important step toward the ban of the import of palm oil, which DG trade is nonetheless still trying to circumvent.

- European Parliament resolution (Rapporteur Lola Sanchez Caldentey) of 26 April 2017 on the EU flagship initiative on the garment sector (2016/2140(INI))[34], requesting concrete action from the Commission following the Rana Plaza crime.

- European Parliament resolution of 18 May 2017 on the implementation of the Free Trade Agreement between the European Union and the Republic of Korea (Rapporteur Adam Szejnfeld, GUE/NGL Shadow Helmut Scholz) (2015/2059(INI))[35], insisting on the compulsory application of the BIT conventions on labour rights.

- European Parliament resolution (Eleonora Forenza report) of 13 March 2018 on Gender Equality in EU Trade Agreements (2017/2015(INI))[36], which is an essential topic that should always be supported by the left.

- European Parliament resolution of 4 October 2018 (requested by Lola Caldentey on behalf of GUE/NGL at the opening of the Parliamentary session) on the EU's input on a UN binding instrument on transnational corporations with respect to human rights (2018/2763(RSP))[37]. This was an important victory led by GUE/NGL MEPs and bringing together MEPs from other groups to get this resolution adopted despite the opposition of corporate interests in the Parliament and Commission.

[33] europarl.europa.eu/doceo/document/TA-8-2017-0098_EN.html
[34] europarl.europa.eu/doceo/document/TA-8-2017-0196_EN.html
[35] europarl.europa.eu/doceo/document/TA-8-2017-0225_EN.html
[36] europarl.europa.eu/doceo/document/A-8-2018-0023_EN.html
[37] europarl.europa.eu/doceo/document/TA-8-2018-0382_EN.html

- European Parliament non-legislative resolution of 12 December 2018 on the draft Council decision on the conclusion of the Agreement between the European Union and Japan for an Economic Partnership (Rapporteur Pedro Silva, GUE/NGL Shadow Anne-Marie Mineur) (07964/2018 – C8-0382/2018 – 2018/0091M(NLE))[38]. GUE/NGL's Shadow tried to apply limits to the application of JEFTA despite the strong support of the neoliberal majority inside the European Parliament, including from a big part of the S&D group.

- European Parliament resolution of 16 January 2019 on the implementation of the Trade Agreement between the European Union and Colombia and Peru (Rapporteur Santiago Fisas, GUE/NGL Shadow Helmut Scholz) (2018/2010(INI))[39]. GUE/NGL and the Greens voted against this resolution because of the lack of political will of the majority in Parliament to consider the negative consequences of the FTA and to clearly request to the Colombian authorities to improve its human rights components.

- European Parliament legislative resolution of 14 February 2019 on the proposal for a regulation of the European Parliament and of the Council establishing a framework for screening of foreign direct investments into the European Union. (Rapporteur Franck Proust, GUE/NGL Shadow Stelios Kouloglou) (COM(2017)0487 – C8 0309/2017 – 2017/0224 (COD))[40], in order to monitor and regulate the direct investments, particularly of Chinese companies.

- European Parliament resolution of 26 March 2019 on financial crimes, tax evasion and tax avoidance (Rapporteur Jeppe Kofod, GUE/NGL Shadow Miguel Urban) (2018/2121(INI))[41]. In the so-called Tax 3 resolution, GUE/NGL included some points (Art 357 to 361) related to the necessity to design trade agreements so that they do not facilitate tax evasion and elusion.

[38] europarl.europa.eu/doceo/document/TA-8-2018-0507_EN.html

[39] europarl.europa.eu/doceo/document/TA-8-2019-0031_EN.html

[40] europarl.europa.eu/doceo/document/TA-8-2019-0121_EN.html

[41] europarl.europa.eu/doceo/document/TA-8-2019-0240_EN.html

3. MAPPING PROGRESSIVE TRADE ALTERNATIVES

The report will now continue by proposing a clustering of the most important thematic areas of work being done by the main groups working toward progressive trade alternatives. This will be based on a similar approach taken at the February event "A trade policy that serves the people" convened by GUE/NGL at the European Parliament, and conditioned by ongoing research related to that event.

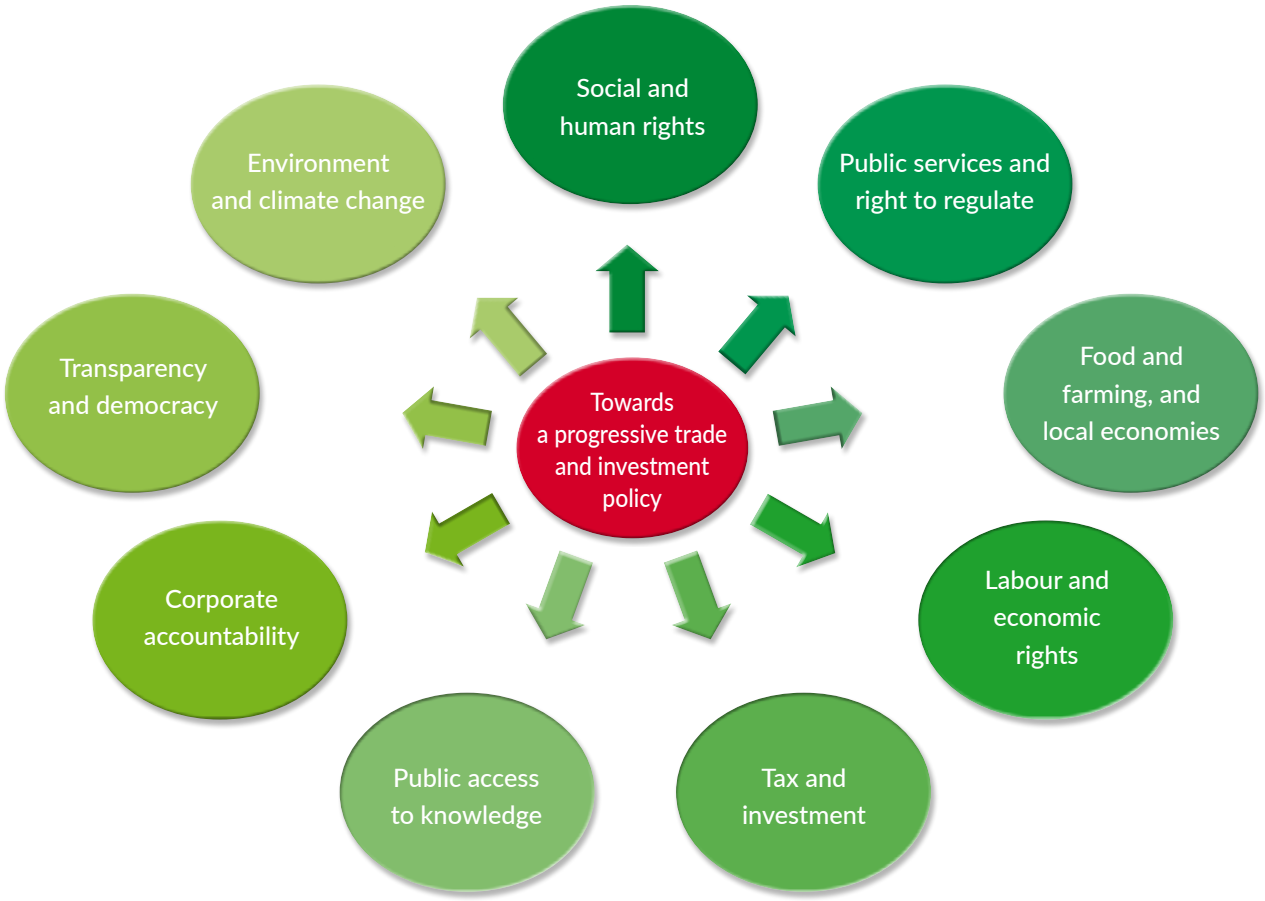
Within each cluster, a brief argument will outline why this thematic area is particularly relevant as pertains to trade policy. After, there will follow a descriptive overview listing some of the major progressive alternatives to the status quo that have been posited within each area.

3.1. OVERVIEW OF THE MAPPING

At the February 2019 event, expert interventions were separated into the following five categories: climate friendly trade; trade for development, jobs, and economic diversification; trade and public goods, food security, public services; trade and values, democracy, gender rights; fair rules to stop corporate power, democracy and trade.

This study builds off these categories, incorporating results from follow-up research and positing the following nine clusters of analysis.

Figure 3: Alternative proposals organized by clusters



In addition to the results of the February GUE/NGL meeting, the following descriptive analysis of proposed alternatives will draw on a broad reading of the relevant literature. Because its intention is to draw out the most commonly posited alternatives from across the movements for progressive trade policy, this section will not cite individual reports.

That said, it is worth briefly highlighting the following texts, which were instrumental in the development of this section: the European Trade Union Confederation's "Resolution for an EU progressive trade and investment policy"[42]; Friends of the Earth Europe's "Setting Course for Sustainable Trade: A new trade agenda that serves people and the environment"[43]; the Alternative Trade Mandate Alliance's "Trade: time for a new vision"[44]; the Global Campaign to Dismantle Corporate Power and Stop Impunity's "International Peoples Treaty on the Control of Transnational Corporations"[45]; and the UNCTAD Trade and Development Report 2018: Power, Platforms and the Free Trade Delusion"[46].

3.2. SUMMARY OF THE TRADE POLICIES AND ALTERNATIVES

The purpose of this section is to outline the *why* (why we need an alternative trade policy for each of these areas), and the *what* (what sorts of alternatives have been proposed). An executive summary on the results of the mapping exercise is presented organized by clusters. Three brief disclaimers at the outset of this section.

First, such systems of categorization, in which complex phenomena are clustered according to type, are necessarily imperfect and even messy pursuits. Some topics could belong to different, or even multiple, clusters; others might appear as relative outliers in the cluster in which they sit.

Second, the selections of proposed alternatives include overlapping or indeed identical proposals from one cluster to the next; as well as proposals within clusters that contradict each other; and of course, which might be more reformist or revolutionary from one to the next. The point here is not to resolve these contradictions but rather to hold them up, in non-judgmental fashion, as those which represent the general thrust of different organizations and communities working toward the development and implementation of alternative trade policies that could broadly be described as progressive in nature.

Figure 4: Crosscutting and thematic clusters

Third, as mentioned at this report's outset, the below represents only a selected overview of proposed alternatives based on perceived relevance in the reviewed literature. This does not mean that there are no other proposals which could be considered for further research or policy making.

The sources of information included in this section can be found in the bibliography annex to this document.

[42] etuc.org/en/document/etuc-resolution-eu-progressive-trade-and-investment-policy#_ftn8

[43] foeeurope.org/sites/default/files/eu-us_trade_deal/2018/trade_alternatives_designreport_v6_ld.pdf

[44] s2bnetwork.org/wp-content/uploads/2013/11/trade-time_for_a_new_vision1.pdf

[45] stopcorporateimpunity.org/wp-content/uploads/2016/11/PeoplesTreaty-EN-mar2015-1.pdf

[46] https://unctad.org/en/PublicationsLibrary/tdr2018_en.pdf

3.2.1. TRANSPARENCY AND DEMOCRACY

Why this is important:

In the EU, trade policy is also largely determined by the European Commission and not the relatively more democratic European Parliament. Citizens' consultations are rare and largely ignored (taking as one example the consultation in which 97% of respondents rejected ISDS in TTIP), while corporate lobbyists are given broad access to influence proceedings.
Once ratified, trade agreements constrict the ability of elected governments to make future decisions based on the democratic will and consent of its people. It should come as no surprise that this process leads to results that favour not the majority but rather a minority of well positioned special interests, undermining and eroding our democracies, both present and future.

A selection of proposed alternatives:

- requirement for the European Commission to conduct full-scale and fully transparent public consultations before providing mandate for negotiation;
- obligation for the EC to additionally establish clear, transparent and binding road-maps in the pre-negotiating phase;
- requirement that all negotiating proposals and drafts tabled by the EC be made available to the public;
- inclusion of European Parliament in drafting and approving negotiating mandate;
- opportunity for EP to conduct full and open debate, and to subsequently submit amendments that must be brought to the negotiating table;
- equitable and transparent consultation and participation process for all stakeholders at every stage of the process;
- implementation of adequate and independent monitoring mechanisms in consultation with the EP and civil society and community stakeholders; and
- introduction of suspension and/or termination clauses whenever it is shown that trade agreements lead to violations.

3.2.2. Environment and climate change

Why this is important:

In October 2018, the United Nations Intergovernmental Panel on Climate Change released a landmark report prepared by a group of the world's leading climate scientists. In it, they gave urgent shape and specificity: the world has only 12 years to keep global warming to a maximum 1.5C, a red line of sorts past which changes become long-lasting if not irreversible, with imminent risk to entire ecosystems alongside increased drought, famine, extreme heat, and resulting poverty, natural resource conflict, and reactionary geo-political responses. Basically, a fast approaching climate *and human* nightmare.

Considering the extent to which they have been captured by transnational corporations that champion profit above all else, international trade and investment agreements are veritable hornet nests of policies that make it impossible to even hold the line at 1.5C, let alone begin to reverse global warming. And on a basic level, international trade itself accounts for around one quarter of all CO_2 emissions. However, for this same reason, the possibility to transform trade agreements presents a massive opportunity to not only halt global warming but also to address the economic systems that drive carbon emissions and climate change.

A selection of proposed alternatives:

- implementation of reverse sequencing in negotiations, requiring that environmental protections be agreed before other issues are negotiated;
- no liberalisation of goods or services that are responsible for high levels of greenhouse gas emissions;
- border carbon adjustment tax for goods that do not somehow levy equivalent price for carbons emissions;
- broad safeguarding of rights of countries to tax products that have significant environmental impacts;
- tax on aviation and especially shipping transport emissions, which accounts for 80 percent of world trade by volume;
- binding sustainability clauses enforceable through public interest dispute settlement mechanisms;
- subjection of all agreements to ex ante and ex post public sustainability impact assessments;
- impact assessments containing requirements related to the environmental damage caused by global chains;
- implementation of a supremacy clause by which international climate treaties always take precedence over trade agreements in case of conflict; and
- ratification of the Paris Climate Agreement and mandatory compliance with its nationally determined contributions.

3.2.3. Labour and economic rights

Why this is important:

We live increasingly in a world of labour insecurity, social dumping, declining unionisation and rising precarity of work. Not surprisingly, the result is rising inequality and concentration of wealth; the rich get exponentially richer, while opportunities for the middle and working classes stagnate and billions across the world live in extreme poverty.

Over the past generation, free trade agreements have been uniquely focused on the capital accumulation of the transnational corporate class and related elite, and their substantial role in the construction of the global economic architecture has contributed to attacks on labour and economic rights, both through acts of omission and commission. For the same reasons, these same agreements deny developing countries the space and needed tools to transform their economic systems in a way that moves them up the global value chain. As such, EU trade policy is not just a hindrance to labour and economic rights within the EU, but across the world as well. A truly progressive trade policy must put trade agreements at the service of priority goals such as decent employment, social cohesion, equality and sustainable development for all.

A selection of proposed alternatives:

- implementation of reverse sequencing in negotiations, requiring that labour protections be agreed before other issues are negotiated;
- strong and binding rules on minimum labour standards, as well as a framework that permits upward regulatory convergence to prevent a downward race based around lower wages, worse working conditions, and social dumping;
- absolute protection of the right to form unions, right to collective bargaining and right to strike;
- creation of a new EU regulation allowing people, communities, civil society, or trade unions to appeal to the European Commission regarding labour rights violations emanating from trade agreements;
- fair distribution of income within global value chains, guaranteeing a stable and decent income for producers and workers, and affordable prices for consumers, particularly for necessities such as food and medicines;
- permission for the application of tariffs and local procurement rules under given conditions for LDCs to protect and grow their economic structures;
- guarantee of right to free movement of persons and application of working and contractual conditions of destination countries if more favourable than those of origin; and
- mandatory compliance with existing ILO standards, particularly the ratification and implementation of ILO core 8 labour standards, as well as compliance with ILO conventions and other similar instruments.

3.2.4. Food, farming and local economies

Why this is important:

Food, farming and local economies, at a very fundamental level, comprise the essential building blocks of society. They are also nearly superfluous to free trade and investment agreements in the way they are currently written. Based around specific transnational corporate interests and macroeconomic growth figures, trade agreements do nothing to protect small-scale enterprise and too often work to undermine them. Barriers to the full liberalization of markets are labelled nothing more than unnecessary trade barriers. Attempts to foster sustainability and resilience in local communities are considered little more than inefficiencies.


Trade agreements should not only respect but actually foster food sovereignty, sustainable land use, and robust local economies, allowing communities and indeed countries to prioritise the well-being of its people over the bottom line of corporate profit.

A selection of proposed alternatives:

- allowance of and support for buy-local schemes;
- inclusion of specific sustainability criteria for public procurement;
- use of subsidies, tariffs and other instruments to support the local development of sustainable goods, services and energy production;
- allowance of governments to use tariffs, other trade instruments and local procurement rules to promote local production and development of sustainable goods and services, and regional industries;
- setting tariffs and import quotas so as to better protect local markets from cheap imports that undermine food sovereignty and the livelihoods of farmers;
- reduction in trade in agricultural commodities, in order to allow other countries to develop food systems and to reduce EU's resource footprint;
- exclusion of agriculture from the WTO and bilateral or plurilateral free trade agreements;
- full effective application of the precautionary principle;
- promotion of social and solidarity economic plans at national and regional level; and
- addition of social and environmental clauses to public procurement and guarantee the right to regulate of local and regional governments.

3.2.5. PUBLIC SERVICES AND THE RIGHT TO REGULATE

Why this is important:

Regulatory cooperation, as it is called, is designed to align regulations and standards between and among trade agreement signatories. This approach has become increasingly common in trade agreements and typically involves a "lowest common denominator" approach to maximize corporate profit, often at the expense of working people and planet, through downward convergence of regulations designed to protect public interest.

Similarly, public services have been a favourite pursuit of most free trade agreements over the past generation. The GUE/NGL outlined the multiple consequences of public service liberalisation on European society in a recently commissioned report. FTAs often include obligations that require the cross-border liberalisation of public services and their subjection to international market forces. Also similarly, these efforts are borne not just out of a desire to increase corporate profit, but also with the explicit intent to undermine the role of the public sector and, as such, of democratic consent at the national level.

Trade agreements should be designed around a broader interpretation of the European precautionary principle, with wide carve outs for the application of national regulations and provision of public services based around public interest and democratic consent.

A selection of proposed alternatives:

- replacement of "race to the bottom" regulatory cooperation designed to maximize corporate profit with "race to the top" cooperation to maximize sustainability based on regulatory best practices and upward regulatory convergence;
- full transparency and democratic consent in all regulatory cooperation, with stewardship provided by public interest issue experts;
- limitation that regulatory cooperation commitments can never interfere with government adoption of further-reaching regulations to protect people and planet;
- stipulation that regulatory cooperation not be voluntary nor subject to dispute settlement mechanisms;
- prohibition of "negative lists" that allow all services to be considered for liberalisation if not explicitly exempted;
- broad to full exemption clause for public interest policies in areas dealing with public goods such as water, health and education, or financial services;
- explicit language allowing for the creation of new public services, expansion of existing services, and reversal of privatisations without threat of monetary or other reprisal;
- creation of space for the development of state-owned enterprises, including carve outs for preferential treatment in acquisition and provision of local goods and services; and
- protection for the creation and expansion of public monopolies such as health insurance.

3.2.6. SOCIAL AND HUMAN RIGHTS

Why this is important:

The adoption of the Universal Declaration of Human Rights is one the great achievements of modern international politics, enshrining rights that are "inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status [...] equally entitled [...] without discrimination [and] are all interrelated, interdependent and indivisible". The Office of the High Commissioner for Human Rights of the United Nations draws attention to the potential detrimental impact trade treaties and agreements may have on the enjoyment of human rights as enshrined in legally binding instruments, whether civil, cultural, economic, political or social.

Their warning is a response to the extensive research showing the myriad human rights violations being committed by transnational corporations as well as States under the auspices of free trade and investment agreements, which so often undermine and erode national law (in which human rights is more often enshrined). And as always with human rights, the burden of violations is felt incredibly unevenly, falling on women, indigenous groups, people of colour, immigrants, LGBT groups and other minorities. A progressive approach to trade agreements must re-assert the responsibility, and ability, of the State to take appropriate steps, in line with human rights obligations, to prevent abuses and ensure that people affected by trade-related human rights abuses have access to effective recourse, through judicial and other channels. Sanctions imposed by States for human rights violations must additionally be enforceable and mandatory.

A selection of proposed alternatives:

- trade agreements subjected to ex ante and ex post public human rights impact assessments, with results that condition negotiations and subsequent amendments introduced by parliaments;
- introduction of stringent due diligence practices to manage human rights risks and impacts, with the goal to identify, prevent and mitigate possible adverse impacts resulting from any trade agreement;
- ban on products with severe negative human rights impacts;
- guarantee of the free movement of persons and adherence to human rights commitments in the case of human rights abuses in origin countries;
- commitment to include a gender dimension in trade policy, particularly through application of ILO Conventions 100 (equal remuneration); 11 (Employment Discrimination); and 183 (Maternity Protection);
- introduction of new regulation allowing people, communities, civil society, or trade unions to appeal to the European Commission regarding human or social rights violations emanating from trade agreements;
- the creation of an independent body to adjudicate such appeals;
- commitment to the implementation of UN Sustainable Development Goals, including no poverty, decent work, reduced inequalities and gender equality, both in Europe and in rest of the world; and
- implementation of a supremacy clause by which international human rights treaties, including but not limited to the UN Declaration of Human Rights, always take precedence over trade agreements in case of conflict.

3.2.7. Tax and investment

Why this is important:

A combination of preferential tax rates, lowest-common-denominator competition for jobs and business investment and outright tax havens have led to an enormous erosion of tax bases for social spending in recent decades. It is now estimated that the EU loses EUR 190 billion each year in tax revenue[47], while it companies based in the EU deprive third countries of untold billions through similar mechanisms. It is now well established that this form of corporate tax evasion at a massive corporate scale took off in the 1980s alongside large-scale financial liberalisation, which itself was harmonized through trade and investment agreements[48].

Meanwhile, investment regimes are equally porous and dubious. There is near legal impunity of investors, including the ability to sue over domestic policies that infringe upon profit-making opportunities, while the threat of capital boycott hangs as a sword of Damocles over nearly every policy making decision.

Tax and investment regimes must be designed to meet the social and developmental needs of societies, not as tools to extract wealth from working communities. Trade and investment agreements must reflect this need, as opposed to continuing to serve as vehicles for exploitation.

A selection of proposed alternatives:

- creation of binding and enforceable obligations and performance requirements for investors;
- creation of space for states to favour productive over speculative investments;
- elimination of ISDS, and prohibition of any parallel legal systems with special courts for foreign investors which allow the bypassing of national legal systems, as well as any other special rights that might be bestowed on foreign investors;
- application of precautionary principle in all investment rules;
- elimination of arrangements relating to National Treatment, Minimum Standards Treatment, and Most Favoured Nation Treatment;
- elimination of concept of indirect expropriation and restriction of the definition of investment;
- permission for the implementation of capital controls under set circumstances;
- conditioning of trade negotiations on the negotiation of tax conventions in which trade partners make commitments for upward harmonization of taxation levels and shared commitments to combat corruption and tax fraud and evasion;
- creation of mechanism by which international capital flows may be effectively monitored and subject to taxation;
- upward harmonisation of corporate tax levels and measures to end tax evasion;
- no impediment or deterrence to the creation of financial services laws or regulations that protect against systemic financial risk;
- the inclusion of effective cooperation mechanisms regarding exchange of information in the area of taxation of multinationals and offshore companies; and
- promotion of Country by Country Reporting[49] of activities for all multinationals.

[47] europarl.europa.eu/doceo/document/E-8-2018-003961_EN.html

[48] guengl.eu/hooked-on-dodging-study-traces-history-of-multinationals-tax-evasion/

[49] oecd.org/tax/beps/country-by-country-reporting.htm

3.2.8. Public access to knowledge

Why this is important:

Trade and investment agreements also serve as one of the key vehicles through which rich countries attempt to restrict access to "intellectual property" and access to knowledge, to ensure that these remain areas of exorbitant profit potential for transnational companies. This restriction of knowledge extends to areas of affordable medicines, digital information, seed accessibility and public education. In this conception, information – including how to make life-saving medicines, or the genetic makeup of seeds that have been used for millennia – is viewed as something which can be owned and restricted to use by those who can pay whatever the owner deems to be the appropriate value. The threat to the social fabric of life in communities around the world is enormous.

Trade agreements should not serve as vehicles to restrict the public exchange of important information. They should instead support exchange of, and free access to, knowledge, through open source systems, seed exchange initiatives or patent pools, and open licensing for access to medicines, and so on.

A selection of proposed alternatives:

- reform or outright removal of all intellectual property law, particularly in areas of rights to seeds and access to medications, from trade agreements, leaving this matter to national governments and international organisations;
- creation of compulsory licenses allowing competitors to break a patent, upon payment of reasonable royalties to the rights holder;
- abolition of patents for medicines, in concert with broad mandate for the public sector to take lead role in financing research and rewarding innovation;
- exclusion of measures boosting trade in private education services;
- creation of broad carve outs for the provision of public education by national governments without interference from transnational companies at any level, including that of procurement;
- safeguarding of private data and other personal information collected by corporations; including but not limited to incorporation of EU General Data Protection Regulation in all agreements;
- creation of data commons among trade agreement partners; and
- creation of enhanced data localisation requirements that allow national governments to hold and process data inside countries of origin.

3.2.9. CORPORATE ACCOUNTABILITY

Why this is important:

The 200 largest transnational corporations accumulate more than 30% of global GDP. As evidenced throughout this section, they have a huge influence on the design of trade and investment agreements. In their pursuit for profit, TNCs have repeatedly shown a willingness to act in violation of people's rights, preventing them from organizing individually and collectively and from having a decent life and decent work. As the core expression of contemporary capitalism, TNCs views human beings as nothing more than a consumer, a factor of production and thus exploitation, and ultimately as disposable.

It is of the utmost importance, to every aspect of the world touched by trade and investment agreements, to reduce these power asymmetries, to put an end to corporate impunity and the EU corporate-driven agenda. Instead, a progressive trade policy must achieve the pre-eminence of human rights over investor rights, and establish the obligations of transnational corporations with regard to the observance of human, social and environmental rights.

A selection of proposed alternatives:

- strict and binding directives requiring transparency on divulgence of both financial and non-financial information from big business;
- broad due diligence obligations for transnational corporations;
- full ban on meeting of civil servants with unregistered lobbyists;
- requirement that all corporate social responsibility clauses should be binding;
- the extension of a parent company's responsibility to affiliates, suppliers and subcontractors;
- the subordination of transnational corporations to the sovereignty of host States in ways that are coherent with the right to development;
- implementation of the concept of interdependence, indivisibility and permeability of human rights norms;
- civil and criminal liability of the directors and executives of transnational corporations; and
- direct compliance of transnational corporations with international law and criminal liability of legal persons and double indictment.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€100 000 000 000
TO TAX DODGING YEARLY
GUE/NGL

4. MAIN FINDINGS OF THE REPORT

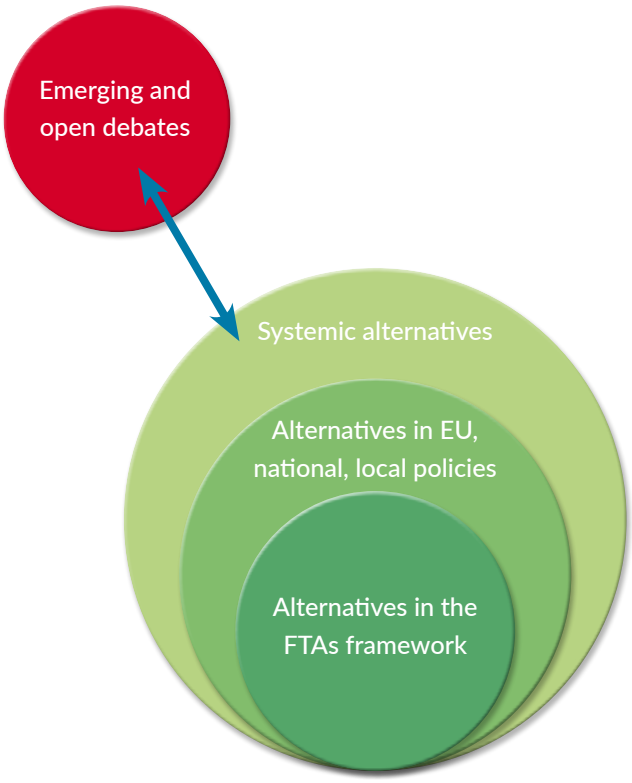
This chapter will provide an analysis of the mapping of the previous section, focusing on shared features that might be considered characteristic of the broader progressive trade movement, as well as key debates that emerge within this movement. It will additionally include subjective analysis based on readings of the relevant literature and the February 2019 GUE meeting.

The goal of this analysis is to help the reader organize the many alternatives into two levels of analysis: developing a transversal understanding of what should be considered a progressive alternative to current trade policy; and identifying key debates within the movement for progressive trade alternatives which might lead to challenges today or in the future.

The below figure indicates the level at which proposed alternatives are located. This is designed to help clarify the scale of work around alternatives, where research revealed frequent conceptual conflation of proposals aimed at changing FTAs themselves, or rather designed to support this work at the national or sub-national level, or even intended to move beyond FTAs entirely towards some other form of system change. This report has identified these three layers of alternatives proposals, which have then been analysed on the basis of the original enquiry questions.

Taking the three layers together, the review intends to summarize what characterises an alternative trade policy, the scope of these different alternatives and what are the emerging issues, tensions and open debates within.

Figure 4: Scope of the proposed alternatives



4.1. CHARACTERISTICS AND FRAMEWORK OF ALTERNATIVE TRADE PROPOSALS

Finding 1. There is a broad consensus that progressive alternatives must propose binding instruments and not voluntary recommendations so as to guarantee the primacy of human rights, throughout the business value chain and with binding obligations and sanctions for human rights violations. Most advances in this area have been made in the areas of due diligence and promotion of transparency.

Major organizations working on progressive trade alternatives agree that voluntary recommendations are not enough to make corporations accountable for their activities. Instead, an international binding instrument is proposed, as well as European and national laws on business and human rights. There are a number of reports that evidence the lack of compliance of big business to voluntary guidelines when it comes to respecting human rights.

In fact, a key study prepared by the ECCJ and using the UN Guiding Principles on Business and Human Rights as a reference, shows that companies subscribing to voluntary guidelines are also the ones involved in human rights violations. In addition, the study reveals that the companies listing human rights in their corporate policies were also associated with concerns about adverse human rights risks and impacts. A review of human rights complaints filed between 2005 and 2013 showed that of 43 current FTSE 100 companies identified, 22 are UN Global Compact members; while of 24 CAC 40 companies, 22 are members, and of 23 DAX 30 companies, 19 are members [50].

As such, it is clear that many of the cases of human rights abuses are perpetrated by EU companies, even if outside Europe and through sub-contractors, subsidiaries and other business relationships, according to the report. This raises concerns about the utility of the UN Guiding Principles, which is one of the leading voluntary initiatives at the moment and which is perceived by some civil society organisations as a means of blue-washing to clean the images of companies but without changing their behaviours.

A broad coalition of organisations is working to move beyond this perceived "blue-washing" and toward the implementation of a UN "binding treaty on transnational corporations and human rights". It is important to remark that the European Parliament voted in favour of a resolution that support the Binding Treaty and urged the EU to support a treaty with human rights obligations for TNCs in October 2018.

Progress is also being made around EU laws and national laws such as the French Duty of Vigilance Law, which compels some large corporations to ensure human rights abuses are not being committed at any point in their supply chain. Most of the juridical advances have taken place around the concept of (1) **due diligence** – to manage human rights risks and impacts in all activities of transnational companies – and; (2) **transparency** – in trying to obtain concrete information on human rights risks and impacts of European-listed companies.

Finally, a progressive alternative must grant primacy to human rights over profits and abolish any mechanism (such as ISDS or ICS) that instead grants privileges to foreign investors. A genuine progressive alternative must instead guarantee States the space to implement public policy and special and differential treatment to support priorities of national development.

[50] ipisresearch.be/publication/adverse-human-rights-risks-impacts-european-companies-getting-glimpse-picture-2/

Finding 2. Many alternatives focus on the inclusion of environment, social and labour provisions. However, these are not perceived as sufficient in and of themselves, unless they are accompanied by enforceable commitments and a thorough impact assessment process is performed not only after but prior to the negotiation.

There is much literature, as well as debate, around the implementation of labour, environmental and social provisions in trade agreements. Different approaches have emerged in the 20+ years since NAFTA became the first "model" treaty to include such provisions. Some have been more reluctant to see this as an effective opportunity to safeguard standards, while other organisations have done extensive work to include such protections. Sometimes one organisation has even taken both approaches, either at different points of time or occasionally in the same moment.

However, all organisations agree that these provisions need to include **enforceable commitments** in trade deals. The latest proposal of the EU – the inclusion of a "Trade and Sustainable Development" (TSD) chapter – has been roundly criticized by progressive civil society organisations. A widely-circulated discussion paper prepared by the Seattle To Brussels Network describes how the first FTA to incorporate the TSD chapter completely failed to accomplish its very clear commitments to environment and labour standards [51].

Increasingly, there is a perception that this proposal represents yet another attempt to make cosmetic changes to trade agreements in order to win over sceptics, for example in the trade union movement. Organisations argue that one cannot look at the inclusion of such provisions in FTAs without taking into account so-called regulatory cooperation and its proven capacity to undermine existing or future laws related to labour, environment and social provisions.

It is a nearly unanimous judgment in the progressive trade community that impact assessments must be conducted **prior** to the negotiation of a treaty and not only after, and that negotiations should be halted if any risks are found. Additionally, a monitoring system should be put in place to assess subsequent impacts after an FTA takes effect, with the possibility of a suspension clause in the case that the treaty falls out of compliance.

Finding 3. Some alternative proposals do not focus on changing existing FTAs so much as on proposing **new or revised national or sub-national policies** designed to benefit the economy, the environment and the social sphere.

When analysing the many proposals for alternatives, one recurring sentiment is that a truly alternative trade policy does not necessarily fit into the framework of current FTAs. In fact, many of the more advanced proposals aim "below" the framework of actually existing trade agreements, often at the national or sub-national level. For some, these initiatives have to do with reaching far beyond the scope of work around trade and investment policy, to develop policies that are truly commensurate with the overlapping crises faced by working people and the planet. For others, these sorts of proposals represent a way to build alternatives from below to resist and eventually replace aspects of the current trade system.

Some well-known initiatives include the democratization of energy and the re-municipalisation of public services [52]. Other initiatives may focus on local food and farming, for example, or on promoting open software. Oftentimes, these initiatives use the concept of the social and solidarity economy (SSE) as a framework around which to construct their alternative proposals.

SSE, according to the Intercontinental Network for the Promotion of Social Solidarity Economy (RIPESS), is "an alternative to capitalism and other authoritarian, state-dominated economic systems [in which] ordinary people play an active role in shaping all of the dimensions

[51] s2bnetwork.org/wp-content/uploads/2018/03/discussion-paper-on-tsd_web.pdf

[52] tni.org/en/publication/reclaiming-public-services

of human life: economic, social, cultural, political, and environmental. SSE exists in all sectors of the economy: production, finance, distribution, exchange, consumption and governance. It also aims to transform the social and economic system that includes public, private and third sectors."[53]

Proponents of this approach point, for example, the city of Barcelona, reported 4.718 initiatives in the SSE sector between 2015 and 2019, covering up to 53.000 working contracts[54]. According to their arguments, the SSE approach allows the broader movement galvanized around trade to take on the same suite of issues at a smaller scale in which it easier to win battles and build proofs of concept.

This notion of building proofs of concept is also to other areas of the national and sub-national policy arena. One of the main such approaches relates to the development of corporate accountability mechanisms. One often-mentioned example, discussed earlier in this report, is the recent French Corporate Duty of Vigilance Law, but other examples include the UK Modern Slavery Act (2015)[55], and the movement in Switzerland to hold a public referendum on a Corporate Responsibility Initiative "to account for human rights abuses committed abroad", currently scheduled to take place in February 2020[56].

Finding 4. Other proposals move beyond the framework of FTAs, calling into question macroeconomic policy, or in some cases even the entire economic system.

Major policy changes are being proposed as a way to reverse the effects of FTAs in national economies. UNCTAD has developed extensive research on this matter, for example including around the idea of rebalancing income distribution or investment in social policy or increasing public expenditure. Fiscal policy must of course play a central role in this, and trade policy has to in turn create room for fiscal policy. These proposals look at major reforms in areas as diverse as tax policy, agriculture policy, energy supply, and climate policies. Similarly, trade unions including the ETUC argue that a new progressive trade policy must be part of a broader new economic and industrial policy of the EU.

For some of the organizations consulted it is necessary to consider completely different ways of thinking about trade. For them, this means to use trade policy as a way to rethink the economic model. Suggestions along these lines include the move from a linear economy with wasteful resource management to a circular economy with sustainable resource management; the incorporation of the concept of selective de-growth; and a reconsideration of the relationship between GDP and national well-being, for example through the inclusion of different models to measure economic growth and the weighting of such ideas as Gross National Happiness Index[57].

Although these proposals are often debated in a different arena, a number of allies close to the progressive trade movement believe that these arguments must pierce discussion of trade policy if there will be any hope to change the framework of existing conversation and

[53] ripess.org/what-is-sse/what-is-social-solidarity-economy/?lang=en

[54] laciutatinvisible.coop/wp-content/uploads/2016/02/essb_def3.pdf

[55] legislation.gov.uk/ukpga/2015/30/contents/enacted

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[57] ophi.org.uk/policy/national-policy/gross-national-happiness-index/

realise the broad changes that will be necessary for working people and the planet going forward. It may be noted that the majority of these arguments use as their basis the need to implement systemic changes to avert the worst impacts of climate change.

4.2. TENSIONS AND DEBATES

In addition to the findings based on the work presented in Chapter 2, an analysis of the relevant literature – as well the debates taken place at the February GUE/NGL meeting – reveals a series of debates that can be considered as key to progress on the work on alternatives.

One framing question that this report will posit for later consideration is: Which of these open debates can be productive to the shared goals of the progressive trade movement, and which run the risk of being destructive? In which of the following debates should greater understanding, unity, or consensus be sought? In which of these areas should allies learn to live with?

Finding 1. Data collection versus messaging in progressive trade movements

During the 7 February meeting hosted by the GUE/NGL, a debate emerged regarding the relative need for further collection of data versus the need for enhanced messaging.

Some within the progressive trade policy movement perceive that there remains a lack of important data within the field, particularly that which would be required to adequately understand the dominance of large firms, inequalities within and between countries, consequences of withdrawing from FTAs, measurements of macroeconomic wellbeing and other implications of trade in specific national and regional contexts. Others lament the difficulty in obtaining concrete information on human rights risks and impacts of European-listed countries.

To give one example, representatives of UNCTAD, in spite of its large-scale data collection operation, lament inadequate trade data, particularly at the national level, and obstacles to acquire such data. For example, these critics point to the difficulties in obtaining data that allows for a precise understanding of large firms, as a result of data limitations and obstacles in combining country-level with transnational firm-level data. Such data could help the progressive trade movement better identify who benefits from free trade and to what extent.

Meanwhile, another strand of thinking within the progressive trade movement posits that a more significant problem is the lack of a clear accompanying narrative to much of the data that has already been collected. These activists point, for example, to the preponderance of climate change data that fails to adequately induce appropriate political change at the level of trade policy considerations.

While these critics do not necessarily discount the accumulation of more research-based evidence, they emphasize a greater utilisation of existing resources on communications tools that are able to more effectively convey the results of existing research in the form of messaging that can reach and impact a broader range of both decision makers and the wider population.

Finding 2. The role of the State in developing trade agreements

Another debate within the existing body of work around progressive trade alternatives pertains to the role of the State. There is a strong tendency (noted earlier in this chapter) to defend the democratic sovereignty of the State vis-a-vis anti-democratic corporate capture of State power in bi- and multilateral trade agreements.

At the same time, these same States are the very ones who are negotiating away democratic control over their laws and regulations. And to add another wrinkle, the liberal democratic order is in crisis, and increasing numbers of States are eschewing democratic practices and institutions in their own internal functioning.

The progressive trade movement regularly makes the argument that governments must be fully protected from interference by trade agreements in areas ranging from tax regimes and investment flows to environmental and labour regulations. However, the role of the State and of the government in place need to be addressed too. Can trade agreements be used to prevent the implementation of democratically agreed rules that undermine the democratic leeway of other member parties (for example in the case of tax havens)?

Finding 3. Sovereignty and protectionism

This is in many ways connected to the tension identified in Finding 2. However, it is important enough to be considered on its own merit. As mentioned above, there is a strong current in the progressive trade movement dedicated to the rule of democratically designed national law vis-a-vis anti-democratic trade policy. Within this context, the concept of "sovereignty" (and often a people's sovereignty) is regularly evoked. What is or should be the relationship of the movement to a people's sovereignty which calls for protectionist measures, either at the domestic level or as a part of larger trade agreements? Herein exists a tension within the movement.

For many, protectionism, for example in the form of subsidies or tariffs, necessarily equates to declining efficiency and a smaller pie to be split among all involved. It is too an effective policy making to protect the environment, to call on small scale production. It also rings alarms of national competition and, for some, invokes the worst ghosts of nationalism: the beggar-thy-neighbour politics of inter-war Europe that contributed to mutually destructive competition and ultimately to the Second World War. Furthermore, even in today's political climate, calls for its implementation tend to emanate mostly from right-nationalist governments.

For others, protectionism has played a vital role in a great deal of the economic gains made by countries in recent centuries. It allows less developed countries to protect fledgling industries from international competition during development, and in so doing to create more robust domestic industry capable of value-added scaling processes. It also, at least theoretically, allows countries to protect fledgling industries with positive externality implications, namely those related to green industrial and technological development.

Finding 4. The role of the European institutions in negotiating and administering trade agreements

Whither the European Union? There has been a considerable amount of debate around the structure and role of the EU in the present day, and what should be its role going forward. A common and minimum demand is that the EU democratize its structures. Within the context of trade, some within the progressive trade movement believe that this should be done through a reduction of the role of the European Commission and an enhanced role of parliaments.

If this should be the case, what should be the role of the EU Parliament vis-a-vis national parliaments? Some argue that EU trade policy should aim to limit individual countries' policy space to regulate trade and protect local markets as a necessary manner of protecting the livelihoods and wellbeing of vulnerable segments of society. Others claim that the current structure of the European Union, even with an enhanced Parliamentary role, precludes a genuinely democratic treatment of trade policy. These critics point to the estimated 30,000 lobbyists currently working in Brussels without adequate oversight or transparency. Should a more democratic European Parliament have more right to negotiate and regulate trade agreements?

Finding 5. The role of international institutions and agreements

Many within the broader progressive trade community regularly cite international institutions in their work. Claims are made that EU trade and development policy must be made consistent with UN Sustainable Development Goals, the Paris Agreement, ILO Conventions, and so on. More limited agreements such as the Basel Convention on the Control of Hazardous Wastes and the Convention on International Trade in Endangered Species are held up as possible models around which to rally effective mechanisms of international pressure. Even the WTO is lauded as a terrain marked by strong resistance against the liberalisation of agriculture and in defence of the production of certain generic drugs.

At the same time, working within these international institutions and building political projects around them is far from controversial in the progressive trade community. Many see these institutions as overly slow, energy-sapping fora that too often result in tepid, lowest-common-denominator reforms that are inadequate to meet the challenges at hand and can be withdrawn from at the wave of the hand of an isolationist president.

Whether or not these institutions are worth engaging in, and how and when, is a debate that generates substantial tension in terms of strategic orientation in the progressive trade community.

Finding 6. The appropriate scope for trade agreements

At the 7 February GUE/NGL meeting, there emerged a clear tension regarding the scope of free trade agreements. Should these agreements be narrower or more expansive in their final form?

Some progressive advocates argued that if trade agreements were to focus more narrowly on trade, there would exist a smaller policy space for transnational corporations and other elite interests to exploit. In the current situation, trade agreements serve as hidden playgrounds for these interests to force through financial liberalisation and a score of other policies that undermine social solidarity and allow for private profit capture.

Meanwhile, in practice, most of the progressive trade movement argues for more expansive agreements that include binding labour and environmental measures, and so on. In this conception, trade agreements are about nearly everything, and as such require struggle on multiple fronts and the replacement of bad rules with good ones.

The tension then boils down to whether the goal of trade movements should be to rid trade agreements of their negative content, or rather to fill them with positive content.

Finding 7. Reform vs. revolution

Should intellectual property law be reformed, or outright removed from existing trade agreements? Should border carbon adjustment tax for goods be applied only to those produced in developed countries, or should they be applied in all cases?

Can existing trade agreements even really be reformed from the inside? And if selective de-growth and transition away from the energy economy is as urgent as many suggest, are trade policies (which after all are based around energy-intensive production) the right place to be fighting?

These are old tensions, and not particular to the progressive trade movement but more symptomatic of progressive movements in general. But they nonetheless surface in relevant debates around issues such as that of intellectual property law. And they have very real implications, in terms of the coordination of actions around more or less shared strategic goals within the broader progressive trade community.

5. CONCLUSIONS TOWARDS A PROGRESSIVE TRADE POLITICS IN THE EUROPEAN UNION

This chapter presents a set of conclusions to advance progressive trade politics in the European Union during the next period. The conclusions are based on the analysis of the main findings.

Conclusion 1. Different thematic cluster areas receive different amounts of attention from the existing progressive trade movement, and their relative importance is weighted differently. While this is understandable and largely a good thing, one result is that some important emerging issues have not been prioritized and are relatively absent in the current political agenda.

The broader progressive trade movement has done extensive work identifying the needs for alternatives. Within this work, a sort of prioritization has taken place, with some areas (like corporate accountability and climate justice) receiving more attention than others. There has furthermore been much work done around the elaboration of proposals based on these identified needs and priorities. This good work needs to continue. However, in this process (and perhaps even naturally) some issues seemed to have been relatively more neglected

During the February GUE/NGL meeting, a number of fantastic ideas were brought forward by the public, yet it was time clear that some of these ideas had not yet received adequate treatment toward the elaboration of a concrete proposal. This pertains to emerging issue areas, such as digital rights and e-commerce, that are not adequately researched or even fully understood.

It also pertains to tools that could help the movement across cluster areas. For example, there has been a recurrent proposal to establish a monitoring system with benchmarks based on progressive values to evaluate the extent of a treaty's implementation. However, there is no roadmap developed on how to achieve this. What does such a monitoring system look like, and who would implement it? If this is indeed determined to be a relevant and interesting topic, it should be included in the political agenda for the next period.

Conclusion 2. Trade-focused partnerships have been key to elaborating topic-specific content, yet more work is required to strengthen transversal collaboration and bring emerging political issues to the forefront.

Working as a network has facilitated the promotion of many progressive alternative trade proposals. Partnerships with trade unions provide meaningful insights on labour protection and standards, as do those with civil society-led campaigns working on trade and investment and also on corporate accountability. There is a clear correlation between network density, number of partnerships and the quality and quantity of concrete alternatives proposed. Some of these partnerships are the result of longstanding relationships, making new collaborations that much easier. However, challenges remain with new partners and less obvious or longstanding allies.

For example, working with grassroots organizations defending the right to water or with local farmers striving to survive could be valuable to advance alternative work on trade and investment policies for that specific topic and to find the points where they interconnect. Incipient work has been done in forging these relationships, but more could be done. This is even more evident in topics that are relatively new to the network, such as digital rights and e-commerce.

To provide another example, small and medium-sized enterprises have long been identified as a key potential partner, since they have been effectively wooed by large corporations in spite of the fact that their actual needs and goals differ substantially. In point of fact, SMEs are more often than not hurt by pro-corporate trade deals. However, to this point, relatively little progress has been made to forge longstanding partnerships between SMEs and the broader progressive trade community.

One of the reasons is that developing these sorts of relationships requires time and energy for trust to be established and most of the times is underestimated or not prioritized, but the positive results have been visible in recent trade campaigns, for example against TTIP. Continuing to build new relationships across traditional boundaries is necessary to develop the coalitions capable of delivering real change.

Conclusion 3. In order to strengthen and replicate initiatives based on shared values and goals, active support should continue to be given to existing campaigns, and to the work of linking local, national and global work.

The broader progressive trade movement has done good work mapping existing projects and campaigns (for example the Transnational Institute's (Re)municipalisation project). These efforts contribute to the strengthening of existing movements and to link the trade movements with other active campaigns, to existing political struggles, or to political victories.

Building on concrete successes like the French Corporate Duty of Vigilance Law demonstrates that alternatives exist and can be implemented, and can provide movements with a roadmap in the process. Meanwhile, connecting to ongoing efforts, for example the Swiss Corporate Responsibility Initiative referendum slated for 2020, provides movements with specific targets and internal momentum, and keeps them in touch with real-life moving politics as they develop.

Additionally, both showing off and also connecting to what already exists serves to help ensure that good-intentioned efforts not attempt to re-create the wheel or unknowingly initiate redundant parallel processes. It also creates opportunities to link global, national and sub-national, or even local, work, in the process creating positive feedback loops that strengthen shared work at every level.

For example, while it will be crucial to continue to support the movement for a Global Binding Treaty on the Human Rights Obligations of Corporations. A core challenge of the Global Treaty Alliance will be to build on its momentum not just through the UN-based initiative but in scaled-down versions connected to existing and new efforts at the regional, national and local levels. Towards this end, the Alliance and Movement to Dismantle Corporate Power can be used as a meeting place to find new constellations of allies to work together on smaller initiatives (that themselves serve as stepping stones for the bridge connecting local to national to international).

Conclusion 4. Despite the extensive research related to trade agreements done over the past years, relatively less work has been done on strategies of political communication, potentially hampering the implementation of progressive trade alternatives.

In terms of modus operandi, movements have generally focused more energy on developing research than on crafting political narratives and other related forms of strategic communication. This means that a great deal of the work done has been empirical in nature, proving that the arguments made by the progressive community are correct in so far as they relate to a present and future world of greater social harmony, environmental protection, and economic equality.

In the review of the relevant literature, relatively fewer documents were found reflecting on how to advance strategy towards the implementation of shared goals. In fact, one of the findings of this report is that, in spite of limited tensions, there is relatively little dissent within the progressive trade community regarding major areas of content or policy design. However, there is much less said about how to prioritize or order different issues within strategic campaigns, and which forms of political communication are effective and desired in the work of reaching and winning over a broader audience.

How can the excellent political work that has been done be taken and conveyed to this broader audience so as to build a broader political majority for the realization of our proposals? This is a core challenge and requires further work.

6. FINAL REMARKS: AN INTRODUCTION FOR THE FIGHT TO COME

In the aftermath of the 2007-08 crisis, it should not be surprising that there would be a reaction to the austerity imposed on the popular classes by those responsible for the crisis, who themselves faced no consequences and instead only continued to grow richer while ordinary people around them suffered. Unfortunately, that reaction has largely consisted of a populist and nationalist backlash that has been effectively co-opted by an increasingly authoritarian and openly xenophobic right.
The status quo powers quickly determined that it would require an accommodation of this revanchist rightward trend in order to maintain their position of power. The resulting marriage has given rise to a cast of unseemly and particularly dangerous right-wing leaders, from Matteo Salvini and Sebastian Kurz, to Donald Trump, Jair Bolsonaro, and Rodrigo Duterte. Even in countries where some sort of centre has been able to hold, its grip is weakened and either threatened by the far right, as in France, or tempted to further accommodate it, as in Germany.

While "traditional" neoliberals seek to propagate more of the trade and investment agreements that are characteristic of the past generation, the revanchist nationalists speak – at least nominally – to the popular outrage against the status quo, promising to reign in an out-of-control globalisation that benefits cosmopolitans and "others" at the expense of the "real" citizens that make up their country's heartland. Herein lies a great danger, as has been seen in the rise of an openly xenophobic right with authoritarian overtones. But in this danger, there is also opportunity for the left. The left needs to call out and criticize the xenophobic and neo-fascist rhetoric whilst confronting globalized neoliberalism.

The free trade and investment agreements of the past generation are transversally disliked across traditionally left and right sectors of the popular and working classes. These classes correctly identify these agreements as benefitting transnational corporations at the expense of democracy and people's sovereignty. They correctly identify that the result of these agreements is greater inequality and wealth concentration for the 1% (and, if we are to be honest, the 5% to 10% as well).

Too often during this world-historic interregnum, those accurate judgments have been co-opted by the populist-nationalist right and channelled into opposition to supposed external enemies represented by immigrants, Muslims, Jews, etc. If instead this anger could be channelled into opposition to the real enemy – the transnational corporations and the related elites who actually benefit from the current economic system – a new left majority could have the possibility to emerge.

These trade agreements, already so disliked by so many and for so many similar reasons, serve as an excellent vehicle to reach the terrain where this shift might be possible. This would in turn create huge spaces for the left to take charge of trade policy with many of the alternatives highlighted throughout this document.

Getting from here to there is not easy, as anybody who has made it this far into this report will know. But the political space does exist, particularly if the left listens to the people all around us who are echoing our positions.

As evidenced by the student climate strikes of 15 March 2019, in which an estimated 1.5 million students took to the streets in 123 countries, the next generation of citizens – and thus voters – are clear-eyed about the urgency of the struggle to combat climate change at the speed that is currently required. At the same time, the left is clear-eyed about the fact that to do so will necessitate a massive revolution in the relationship between people and capital.

In this regard, the fight against climate change is a fight that must include most of the other political positions of the radical left. This represents a massive opportunity

to articulate the agenda around the sustainability of life on this planet. The left needs to pay special attention to these movements and be ready to provide concrete proposals that guarantee the dignified living conditions for the social majorities taking into account the biophysical limits of the planet.

Elsewhere, one need not agree with every *gilets jaunes* protest sign to recognize the transformative proposals emerging from this trans-partisan uprising of the working classes. The left can connect to this righteous rage, in spite of its inchoate form and occasional messiness: hold up the good proposals that are coming from it, including for the nationalisation of gas and electricity and increased taxation of transnational corporations.

As the report has shown, trade policy touches all of these issues and more, and these pressing demands must in turn impact the development of a progressive trade politics going forward. It is through this connective tissue – which likewise must connect local, sub-national, national and global movements – that politics can move, grow strong and threaten to build the world anew.


Leurs profits -
nos cancers
Their profits -
our cancers
Wij willen geen
glyfosaat in
ons pilsje.
BAN
GLYPHOSATE
NOW
BAN
GLYPHOSATE
NOW
Für Bier
ohne Glyphosat.
Nu folosirii
glifosatului

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ETUC	Commission Reflection Paper at last aims for fairer globalisation	https://www.etuc.org/en/pressrelease/commission-reflection-paper-last-aims-fairer-globalisation#.WSVzjWh96Uk

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EU Progressive Caucus	A call for cooperation of the Progressive Forces from the Socialists, the Greens and the Left in the EP	https://www.progressivecaucus.eu/call-cooperation-progressive-forces-socialists-greens-left-ep/
Europe 1	Smic, SDF et taxations : les revendications des "gilets jaunes" sont-elles réalistes ?	https://www.europe1.fr/societe/smic-sdf-et-taxations-les-revendications-des-gilets-jaunes-sont-elles-realistes-3811325
European Coalition for Corporate Justice	French Corporate Duty of Vigilance Law: Frequently Asked Questions	http://corporatejustice.org/documents/publications/french-corporate-duty-of-vigilance-law-faq.pdf
European Coalition for Corporate Justice	The Adverse Human Rights Risks and Impacts of European Companies: Getting a glimpse of the picture	http://corporatejustice.org/documents/ahrri_report_final-2.pdf
European Left	Common Platform for the 2019 European elections	https://www.transform-network.net/fileadmin/user_upload/1.-en-electoral-platform-2019.pdf
European Trade Union Confederation	ETUC Resolution for an EU Progressive Trade and Investment Policy	https://www.etuc.org/en/document/etuc-resolution-eu-progressive-trade-and-investment-policy
FIAN	Trade and Human Rights: A New Perspective	https://www.fian.org/fileadmin/media/publications_2015/Trade-and-Human-Rights-A-New-Perspective-2003.pdf
Friends of the Earth Europe	Setting Course for Sustainable Trade: A New Trade Agenda that Serves People and Environment	http://www.foeeurope.org/sites/default/files/eu-us_trade_deal/2018/trade_alternatives_designreport_v6_ld.pdf
Front Line Defenders	Front Line Defenders Global Analysis 2018	https://www.frontlinedefenders.org/sites/default/files/global_analysis_2018.pdf
GUE/NGL	An evaluation of the proposed multilateral investment court system	https://www.guengl.eu/issues/documents/report-an-evaluation-of-the-proposed-multilateral-investment-court-system/
GUE/NGL	Shady deals: How the EU-Mercosur agreement helps illicit financial financial flows	https://www.guengl.eu/issues/publications/shady-deals-how-the-eu-mercosur-free-trade-agreement-helps-illicit-financial-flows/
GUE/NGL	A Climate emergency manifesto to avert climate catastrophe	https://www.guengl.eu/issues/publications/a-climate-emergency-manifesto-to-avert-climate-catastrophe/

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GUE/NGL	Assessing the benefits of the Transatlantic Trade and Investment Partnership (TTIP)	https://www.guengl.eu/issues/publications/ASSESS_TTIP/
IISD	UNCTAD Calls for Global New Deal	http://sdg.iisd.org/news/unctad-calls-for-global-new-deal/
James Rogers and Cara Dowling	EU Court rejects ISDS provisions in intra-EU BITs	https://www.nortonrosefulbright.com/en-fr/knowledge/publications/3c7c5dbc/eu-court-rejects-isds-provisions-in-intraeu-bits-mdashbronce-bitten-twice-shy
Jonas Kasteng	Trade Remedies on Clean Energy: A New Trend in Need of Multilateral Initiatives	https://www.ictsd.org/themes/global-economic-governance/research/trade-remedies-on-clean-energy-a-new-trend-in-need-of
Mario Candeias and Johanna Bussemer (RLS)	Momentum for a Europe of the Many	https://www.rosalux.eu/topics/crises-and-left-solutions/momentum-for-a-europe-of-the-many/
Michael Quin Patton	Developmental Evaluation: Applying Complexity Concepts to Enhance Innovation & Use	Book
Nick Dearden (The Guardian)	TTIP was defeated by activists	https://www.theguardian.com/commentisfree/2016/nov/14/ttip-defeated-activists-donald-trump
RIPESS	Global Vision for a Social Solidarity Economy	http://www.ripess.org/wp-content/uploads/2017/08/RIPESS_Vision-Global_EN.pdf
S2B Network	Civil society recommendations for the investment chapter of the revised EU-Mexico FTA	http://s2bnetwork.org/civil-society-recommendations-investment-chapter-revised-eu-mexico-fta/
S2B Network	Legitimising an Unsustainable Approach to Trade: A discussion paper on sustainable development provisions in EU Free Trade Agreements	http://s2bnetwork.org/wp-content/uploads/2018/03/discussion-paper-on-tsd_web.pdf

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S2B Network	Civil Society Statement: EU Trade and Investment Policy must be democratised	https://corporateeurope.org/sites/default/files/attachments/civil_society_statement_eu_trade_investment_democratised.pdf
Sierra Club	Discussion paper: a new climate-friendly approach to trade	https://content.sierraclub.org/creative-archive/sites/content.sierraclub.org.creative-archive/files/pdfs/1433%20New%20Trade%20Report%2005_low.pdf
Solidar	New Strategic Orientation: Mobilising for social justice in Europe and worldwide	http://www.solidar.org/system/downloads/attachments/000/000/464/original/new_strategy_orientation_hd.pdf?1469612771
Stop ISDS Campaign	Campaign "Rights for people, rules for corporations. Stop ISDS"	https://stopisds.org/
Thomas Piketty	Manifesto for the democratisation of Europe	http://piketty.blog.lemonde.fr/2018/12/10/manifesto-for-the-democratisation-of-europe/
Trade Justice Movement UK	Patriarchy and profit: a feminist analysis of the global trade system	https://www.tjm.org.uk/resources/reports/patriarchy-and-profit-a-feminist-analysis-of-the-global-trade-system
Trans National Institute	The EU and the Corporate Impunity Nexus	https://www.tni.org/en/publication/the-eu-and-the-corporate-impunity-nexus
Transform! europe	Trends in International, Foreign Policy Positions within the GUE/NGL 2008 – 2014	https://www.transform-network.net/fileadmin/user_upload/2018-10-ines_mahmoud-end3.pdf
Transnational Institute	State of Power 2019: Finance	http://longreads.tni.org/state-of-power-2019/
Transnational Institute	The EU and the Corporate Impunity Nexus	https://www.tni.org/files/publication-downloads/the_eu_and_corporate_impunity_nexus.pdf
Transnational Institute	Reclaiming Public Services: how cities and citizens are turning back privatisation	https://www.tni.org/en/publication/reclaiming-public-services
Transport and Environment	Better Trade and Regulation: leaving a good deal to be desired	https://www.transportenvironment.org/transport-biggest-climate-problem/campaigns/trade-and-regulation
UK Labour Party	The Green Transformation: Labour's Environment Policy	https://www.labour.org.uk/wp-content/uploads/2018/09/The-Green-Transformation-.pdf
UNCTAD	Trade and Development Report 2018: Power, Platforms and the Free Trade Delusion	https://unctad.org/en/PublicationsLibrary/tdr2018_en.pdf

Publisher	Title	Link
United Nations	About the Sustainable Development Goals	https://www.un.org/sustainabledevelopment/sustainable-development-goals/
United Nations Office of the High Commissioner on Human Rights	Zero Draft of the UN Binding Treaty	https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/DraftLBI.pdf
UNRISD	Mapping Just Transition(s) to a Low-Carbon World	http://www.unrisd.org/80256B3C005BCCF9/(httpPublications)/9B3F4F10301092C7C12583530035C2A5?OpenDocument

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