

<b>Institution:</b> University of Warwick		
<b>Unit of Assessment:</b> C18: Law		
<b>Title of case study:</b> Bringing the welfare of workers and sustainable development to the heart of European Union (EU) and United Kingdom (UK) trade policy.		
<b>Period when the underpinning research was undertaken:</b> 2008-2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
James Harrison	Reader/Professor	2007-2020
<b>Period when the claimed impact occurred:</b> 2014-2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>Through extensive empirical research, Harrison has identified serious deficiencies with the way in which the EU protects and promotes the welfare of workers and sustainable development through its trade policymaking processes. He has significantly influenced reform of key elements of EU trade arrangements to better protect these values. In the UK, his research has directly influenced policy debates on the role and operation of sustainable development and labour standards provisions in post-Brexit trade policy. This is benefitting workers and broader society in the EU, UK and many of their trade partners.</p>		
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>Harrison has undertaken detailed empirical research into three of the most important elements of EU trade policy for protecting and promoting workers' rights and sustainable development: (1) the EU's Trade and Sustainable Development (TSD) chapters in its Free Trade Agreements (FTAs) (2) the EU's Generalised System of Preferences (GSP) offered to many developing countries and (3) the sustainability impact assessment (SIA) processes which are used to monitor EU trade policy. Across all of these policy instruments, his research has allowed him to argue for a more tailored and context-specific approach that is more effectively implemented and enforced, accompanied by improved civil society engagement.</p> <p>TSD chapters are regularly cited in key EU policy documents and by the most senior EU officials as critical for ensuring that economic growth goes hand in hand with better working conditions and environmental standards in the EU and its trading partners (<b>3.1-3.3</b>). Harrison was the sole legal scholar in an empirical research project investigating the functioning of TSD chapters in relation to 3 EU FTAs with Korea, Moldova and the Caribbean (2013-17 including an Economic and Social Research Council (ESRC) grant of GBP400,950). This research included more than 240 semi-structured interviews and represents the most comprehensive study to date of the effects of these provisions on the welfare of workers.</p> <p>Harrison was lead author of the main article produced from this research (Article of the Year (joint), Journal of Common Market Studies). It offered a robust refutation of the hypothesis that labour provisions in EU TSD chapters were actively advancing workers' welfare (<b>3.1</b>). The article and a subsequent monograph (<b>3.2</b>) argued that the EU's one size fits all approach was insufficient to address the diverse issues faced in different trading partner and industry contexts. Rather, specific labour and sustainable development issues in each trade relationship must be prioritised by EU officials, who needed to become more knowledgeable and committed to the TSD agenda. Working to achieve ratification of key international conventions prior to trade agreements being signed was an important part of this strategy. It was also argued that monitoring and complaints processes created through the TSD chapters were ineffectual and required strengthening in various ways, including by making corporations more directly accountable for TSD issues. Furthermore, the institutional structures, most notably the civil society mechanisms, viewed as a central element of the TSD chapters, were hampered by unclear aims, insufficient resources and a range of operational failings. More resources, precise objectives and better co-ordination of institutions were required to remedy this.</p> <p>When the European Commission (EC) subsequently set out a reform agenda to tackle the issues identified in the research, Harrison led a 5,000-word response involving 9 leading scholars from across Europe. This reiterated the ideas set out in <b>3.1</b> and <b>3.2</b>, and provided a</p>		

more detailed blueprint on the nature of reforms required. This response was subsequently turned into an academic article, with Harrison the lead author (3.3).

Beyond FTAs, the EU's GSP+ scheme is its most important trade policy instrument for influencing workers' rights and sustainable development issues in trade partners. GSP+ countries receive preferential trade access to EU markets on the basis of their compliance with various labour, environmental and human rights standards. In 2017, Harrison (together with Richardson (Warwick) and Campling (QMUL) from the ESRC project), were commissioned to produce a report for the European Parliament (EP) on the EU's GSP+ scheme (3.4). This involved detailed empirical research (including key stakeholder interviews) of labour conditions in export processing zones in the apparel sectors of Pakistan, Mongolia and Sri Lanka and the processed fish sector of the Philippines. The report made recommendations for how the EU's GSP+ scheme should operate more effectively. It argued, *inter alia*, that tailored roadmaps should be created for each GSP+ beneficiary country, that graduated withdrawals of trade preferences should be used to improve enforcement, and that any carve-outs denying labour rights in export processing zones should be removed.

Finally, Harrison investigated the functioning of EU SIAs, the key monitoring mechanisms for EU trade policy. Finding them deficient from a human rights perspective, he advocated a new approach that focused on identifying impacts on the most vulnerable and disadvantaged workers and communities, and suggested a methodology by which that could be accomplished (3.5).

Throughout this research, Harrison has identified how EU trade policy is vitally important to workers' welfare and sustainable development in the EU and its trade partners (3.1-5). But businesses, civil society organisations (CSOs), governments and European Institutions have very different ideas about how those values are best protected (3.1-5). In this very contested policy environment, where reform is difficult to achieve, he has identified that CSOs and the EP have been key to achieving progressive reform, while the EC has often resisted such change (3.2, 3.3). This is a lesson that Harrison has enacted in his impact agenda.

### 3. References to the research (indicative maximum of six references)

- 3.1 Harrison, Barbu, Campling, Richardson, and Smith, *Governing Labour Standards through Free Trade Agreements: Limits of the European Union's Trade and Sustainable Development Chapters*. Journal of Common Market Studies 57:2 (2019) 260-277.
- 3.2 Smith, Harrison, Campling, Richardson, Barbu, *Free Trade Agreements and Global Labour Governance: Working Beyond the Border?* (Routledge, 2020).
- 3.3 Harrison, Barbu, Campling, Ebert, Martens, Marx, Orbie, Richardson, Smith (2018) *Labour Standards Provisions in EU Free Trade Agreements: Reflections on the European Commission's Reform Agenda*. World Trade Review, 18(4). pp. 635-657.
- 3.4 Richardson, Harrison and Campling (2017), *Labour rights in GSP+ beneficiary countries with a focus on Export Processing Zones, A Report for the European Parliament, Directorate General for External Policies* (2017) available at <https://www.europarl.europa.eu/>
- 3.5 Harrison J and Goller A (2008) *Trade and Human Rights: What Does 'Impact Assessment' Have to Offer?*. Human Rights Law Review, 8(4), pp. 587- 615.

Evidence of quality of the research is derived from (a) 3.1 being (jointly) awarded article of the year by the Journal of Common Market Studies (b) the origins of 3.1-3.3 from a major ESRC project, "Working Beyond the Border: International Labour Standards and European Union Trade Agreements" (c) publication of 3.1, 3.3, 3.4 and 3.5 in leading international peer-reviewed journals and (d) co-authorship with renowned international experts in the field (3.1-3.4). 3.4 is also based on research funded by the European Parliament.

### 4. Details of the impact (indicative maximum 750 words)

#### INFLUENCING EU TRADE POLICY

EU trade policy has recently (in particular from 2014 onwards) come under serious public scrutiny for its failure to contribute to broader societal objectives including the welfare of workers

and sustainable development (3.2). In this context, Harrison's research has been central to the identification of problems with the way that key EU policy instruments have functioned and has significantly influenced subsequent reforms.

**(a) TSD Chapters** - Harrison and his co-researchers held a series of events (Autumn 2016-Spring 2017) to disseminate the findings of their research into TSD chapters. These were attended by CSOs, trade unions as well as EP and EC representatives. The research presented was widely recognised by key actors as clearly identifying critical problems and deficiencies with TSD chapters and presenting important ideas for reform (5.1-5.4). In July 2017, the EC then launched a consultation on options for reforming TSD chapters. As noted above, Harrison led the drafting of a 5,000-word response from leading European academics to the EC's consultation (5.5). The Head of the TSD Unit at the EC and other key officials responsible for the reform process subsequently met Harrison to discuss his proposals (Nov. 2017, 5.2).

Recognising that progressive reform was only likely if it was actively pursued by CSOs and the EP (3.2, 3.3), Harrison engaged extensively with both groups. In relation to CSOs, Harrison established a group, co-chaired with Act Alliance EU and the International Trade Union Confederation, entitled the Trade and Sustainable Development Group (T&SD Group). The T&SD Group brings together representatives from 15 leading CSOs and trade unions with a specialism in trade policy. It initially met to discuss Harrison's research on TSD chapters and has subsequently met to discuss Harrison's research on SIAs (3.4, 3.5) and GSP+ (3.4).

In the T&SD Group, Harrison's research was seen as "outstanding" in the "catalytic role it played in organising civil society in Brussels to engage on the trade-sustainable development agenda with a fresh look" (5.2). Specifically in relation to TSD chapters, his work (3.1, 3.2) was "used in the development of common positions of the group on what reforms should be made" (5.3) and was used by "many civil society organisations as a framework to use for their own submissions" to the EC's consultation process (5.2). In particular, his research was critical to CSO advocacy in terms of stressing the importance of responding to different contexts that arise within different trade partners, in identifying deficiencies with monitoring and enforcement processes, and making concrete recommendations for reform on these issues (5.2, 5.3). Reading the responses which the Commission published to its consultation process, this confirms that a wide range of CSOs have been influenced by Harrison's analysis of deficiencies and proposals for reform (5.5).

In relation to the EP, research was presented (3.1, 3.2) at several events. It was described by the Political Advisor for the International Trade Committee as giving "fresh impetus and new ideas on how our members can push the [European] Commission to develop a more effective monitoring process, improve scrutiny and consider new mechanisms for implementation of [TSD chapters in] FTAs" (5.4). It was also seen by a member of the EP and key member of the International Trade Committee as "particularly helpful in identifying the root causes of the inefficiencies of [the] EU's trade policy and proposed action for policy change" and led to a "plenary debate in the European Parliament in January 2018" (5.1).

At the end of the EC's consultation process, a number of proposals made by Harrison and his co-researchers were included in the reforms adopted in February 2018 (5.6). These included (a) moving away from a standard template TSD chapter to an approach which recognises and acts upon the specific TSD issues in each trade partner context; (b) adequate resourcing and co-ordination of institutional structures of the TSD process; (c) improving civil society engagement and enhancing their capacity to monitor sustainability impacts of FTAs; (d) more focus on ratification of key international conventions before FTAs are signed and (e) improving monitoring and enforcement processes in relation to TSD commitments (3.1-3.3).

Given that TSD chapters are present in all EU trade agreements since 2011, these reforms have a significant impact on trade relations affecting hundreds of millions of people in the EU's trade partners including Argentina, Brazil, Canada, the Caribbean, Japan, South Korea and Vietnam (3.2). One of many examples is South Korea. More effective enforcement of TSD chapters has

led to a case brought against South Korea for failing to ratify and effectively implement ILO Conventions on freedom of association and forced labour. Harrison and his co-investigators provided “useful information and analysis”, based on their research (3.2) to MEPs who then successfully pushed the EC to trigger the TSD dispute settlement process (5.7). There is now evidence that, since 2017, Korea is addressing these issues (5.8).

**Sustainability Impact Assessments** – In 2014, the EC revised its SIA process to include consideration of the human rights impacts of trade agreements. The Commission relied on Harrison’s work (2 policy papers which synthesised key findings from 3.5) to identify the proper functions of, and limits to, human rights analysis in SIAs. Those 2 papers were 2 of only 3 academic papers cited in the Commission’s guidelines on how this new process should be undertaken. The approach set out in the guidelines follows Harrison’s methodology (3.5) for identifying the impacts on the most vulnerable and disadvantaged workers and communities (5.9). Since 2014, all SIAs of trade negotiations have included human rights analysis and as a result made recommendations for how trade agreements should be revised or accompanying measures taken to protect the most vulnerable and disadvantaged through trade policy.

**(b) GSP+ -** Findings of Harrison and his co-researchers’ report into the functioning of the GSP+ scheme (3.4) were presented in the EP to MEPs and EC officials (January 2018). The EP’s subsequent resolution on the implementation of the GSP in March 2019 repeated the exact wording of recommendations made in Harrison’s report, calling for the Commission to “make use of graduated withdrawals of trade preferences” and “ensure that any carve-outs [denying labour rights in export processing zones] are removed” (5.10). It also reiterated the call “to establish a long-term road map with the partner countries concerned” (5.10). In its most recent mid-term report on the GSP+ process (February 2020), the EC recognised these concerns of the EP and undertook to consider “practical actions to improve GSP+ monitoring” (5.11, p.7).

## INFLUENCING UK TRADE POLICY

Once the UK decided to exit the EU, it needed to develop its own trade policy for the first time in decades. The EU’s approach to protecting workers’ rights and sustainable development through its trade policy was the default model for the UK to adopt. Harrison’s research became critical to scrutiny of this model. A working paper and policy brief (5.12) translated findings of Harrison’s EU research into the UK policy context. This provided what trade unions and CSOs identified as the first in-depth academic analysis of how to protect labour rights and sustainable development issues in future UK trade agreements (5.13, 5.14). A public launch (4 July 2017) was attended by government officials, trade unions, CSOs, think tanks and labour party policymakers. They all subsequently worked with Harrison to develop their policy positions on labour and sustainable development issues in relation to (a) a UK-EU trade agreement and/or (b) the UK’s trade relations with other countries.

**(a) A UK-EU Trade Agreement -** The Trade Justice Movement (TJM), a UK coalition of nearly 60 CSOs, with millions of individual members, asked Harrison to act as the sole academic advisor on their proposals for a future EU-UK trade deal. His research on the failings of TSD chapters “helped convince key TJM stakeholders that a new approach was needed” and was “very helpful” in developing new models and stronger forms of enforcement of labour and sustainable development provisions (5.14). Harrison also provided training (Nov. 2018) for senior staff at the TUC, UNITE, UNISON, Community and UCU on the limitations of labour provisions in current EU trade agreements and how these might be strengthened. This was “very helpful for increasing the ability of trade union officers to understand and influence trade negotiations between the UK [and the] EU [...] which will have great significance on workers’ rights, jobs and regulatory protections in the UK” (5.13). The Institute for Public Policy Research also relied heavily on Harrison’s research to argue for the inadequacies of TSD chapters and enhanced protection of labour rights in a future UK-EU trade agreement so as to ensure a “level playing field” for post-Brexit protection (5.15). The EU-UK Trade and Co-operation Agreement includes a model for protecting labour rights which is significantly stronger than the model found in TSD chapters of other EU FTAs.



**(b) the UK's trade relations with other countries** - Harrison was one of 3 academics invited, in February 2018, to join the Department for International Trade's Trade and Sustainable Development Advisory Group (TSDAG), together with key business, trade union and CSO representatives. TSDAG is the key advisory body to government on post-Brexit trade agreements and associated sustainability issues. Having presented his research on EU TSD chapters (3.1-3.3) and EU SIAs (3.5) to TSDAG, he was asked by the non-governmental members of the group to draft a common position on trade and sustainability issues for all members of TSDAG to endorse. The Common Position demands that the UK learn lessons from the failings identified in his research at the EU level (3.1-3.3, 3.5) and therefore includes a tailored and context-specific approach that is more effectively implemented and enforced, and is accompanied by meaningful civil society engagement. All members of TSDAG subsequently signed up to the Common Position which was seen as highly significant for future UK trade policy as "it means unions, employers, environmental groups and other civil society groups, are aligned in their priorities for trade to support effective enforcement of workers' rights, promote sustainable development and involve civil society". (5.13).

In relation to the UK's future trade relations with other countries, the Labour Party relied on the findings of Harrison's research to conclude in its key trade policy paper (2018) that "sustainable development chapters have not been effective" and that "binding social clauses are needed" in future UK trade agreements and that it would "open a debate on how best to build human rights and social justice" into its future GSP+ scheme (5.16, pp.10-12). Harrison also worked with Lord Stevenson (House of Lords Labour spokesman on trade) and his advisory team, providing guidance on various aspects of their evolving trade policy agenda and detailed comments on draft amendments to the Trade Bill as it passed through the House of Lords, including on the need for independent sustainability impact assessments (5.14).

#### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

- 5.1 Letter from Jude Kirton-Darling, MEP.
- 5.2 Letter from Yorgos Altzinis, Economic and Social Policy Officer, ITUC.
- 5.3 Letter from Karin Ullmer, Act Alliance EU.
- 5.4 Letter from Chris Williams, Political Advisor, International Trade Committee, EP.
- 5.5 European Commission, All submissions to the EC consultation on TSD Chapters, available at <http://trade.ec.europa.eu/>.
- 5.6 European Commission, *Non paper of the Commission Services: Feedback and way forward on improving the implementation and enforcement of TSD chapters in EU FTAs* (26.02.18).
- 5.7 Letter, MEP, Group of the Progressive Alliance of Socialists and Democrats.
- 5.8 *Report of the Panel of Experts*, constituted under Article 13.15 of the EU-Korea FTA (20.01.21).
- 5.9 European Commission, *Guidelines on the analysis of human rights impacts in impact assessments for trade-related policy initiatives* (no date).
- 5.10 European Parliament, *Report on the implementation of the GSP Regulation (EU) No 978/2012*, (2018/2107(INI)) (26.2.2019).
- 5.11 European Commission, *Report on the GSP 2018-19* (JOIN(2020) 3 final) (10.2.2020)
- 5.12 Working paper and policy brief on labour rights in a UK-EU trade agreement.
- 5.13 Letter from Rosa Crawford, Policy Officer, International Trade, TUC.
- 5.14 Letter from Ruth Bergan, Senior Advisor, Trade Justice Movement.
- 5.15 IPPR, *A Level Playing Field for Workers*, IPPR Briefing (October 2018).
- 5.16 Labour Party, *Just Trading* (Oct. 2018)