





of plastic products. As the briefing emphasizes, there are areas of intersection between FTAs and many aspects of the IBLI but this can be seen as a complementary system rather than a source of competition or concern. Whether through providing areas in which the regulation of plastic pollution can be coordinated in a way that does not impede trade or reinforcing commitments to human rights, just transitions, sustainable development and environmental commitments that connect to the IBLI or ensuring that activities such as the disclosure of certain elements of plastics comply with intellectual property requirements and labelling protections, FTAs represent an important consideration in creating coherence with the IBLI and existing international legal regimes.

## **1. Relevant FTA Preamble Elements**

The specific inclusion of environmental protection, conservation, and legal regimes relating to the environment are staple elements of many FTAs, as are statements regarding the interconnected nature of trade law and environmental commitments at the international and national levels.<sup>1</sup> Some FTAs also reference the need to address climate change, marine protection and fisheries as unifying elements for trade and environmental practice.<sup>2</sup>

Many FTAs, particularly more recent agreements, feature preamble statements regarding the commitment of State Parties to the fundamental rights of workers, their need for protection, and cooperation between State Parties in the field of labour issues.<sup>3</sup> Often these statements are linked to endorsement of the agreement as a means to increase employment opportunities and standards, as well as standards of living within the State Parties *per se*. Inclusion of references to the work of the International Labour Organization (ILO) and ILO conventions in preambles is another method of linking trade and labour concerns in the FTA context.<sup>4</sup>

Referencing, and reiterating the role of, human rights and trade agreements and the Universal



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FTA-created committees, are identified as having connections to the work of committees responsible for sustainable development, there tend to be provisions facilitating the coordination and cooperation of all implicated aspects of the committee structure. In many instances, the designated committees are required to hold meetings with and facilitate involvement of members of civil society.

When questions of mutual interest exist between State Parties regarding sustainable development provisions or related topics, many FTA regimes have established a system for intergovernmental consultations, with the option of including designated experts as part of the evaluation process.<sup>24</sup>

### *Trade and Investment Favouring Sustainable Development*

In the FTA context, provisions have encouraged and supported the adoption of environmentally focused production, research and development, technological advances and alternative forms of energy. Importantly for the IBLI context are the aspects of these provisions seeking to encourage the use of eco-labelling for goods and services in the State Parties.<sup>25</sup>

### *Biodiversity Connections*

Many FTAs with sustainable development provisions include explicit references to and encouragement of trade policy that also includes the protection and conservation of biodiversity, with pollution reduction measures often falling under this rubric. These provisions contain references to the CBD . and sometimes the CITES as well . in the trade context as well as within the parameters of domestic law and regulation in the State Parties.<sup>26</sup>

### *Forests and Forestry*

Forests and forestry are the subject of efforts to ensure sustainable management and transparent harvesting of timber within the context of FTAs with focuses on sustainable development.<sup>27</sup> In some instances, connections with the CITES regime are made in these provisions, and often there are soft law connections to voluntary certification and reporting schemes existing to ensure the traceability and legality of forestry and timber harvesting.

### *Fish and Fisheries*

Many FTAs discussed in this section contain specific terms relating to fish and fisheries management. Included in these elements are the conservation of fish-related resources as well as sustainable management of these resources and their ecosystems and relationships with applicable Regional Fisheries Management Organizations. Other aspects of fisheries included are illegal, unreported and unregulated fishing practices, intersections with the work of the FAO in relation to these issues, and data and information sharing.

## **8. FTAs with Labour Provisions**

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<sup>24</sup> [IUCN WCEL Briefings for Negotiators for INC-3 \(Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution\)](#)

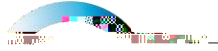


## General principles

In recognition of the links between international labour law and free trade practices, the FTAs with labour specific chapters and provisions tend to include explicit reference to and connections with ILO Conventions and related tenets of human rights law. For the majority of these FTAs, the core elements of the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up are included as both rights and guiding principles. In the context of the ILBI, critical elements of the ILO Declaration that feature in these FTAs are

Outside of these core principles, some FTAs have expanded the objectives of labour-related and rules.<sup>28</sup> For example, the New Zealand Taiwan FTA articulates the objectives of its labour chapter as including that it should lead to job creation, decent work and meaningful jobs for workers, with terms and conditions of employment that adhere to internationally recognized fundamental labour principles and rights; . . . promot[ion of] the improvement of working conditions and living standards within the Parties, and protection and observance of fundamental labour principles and rights.<sup>29</sup> Expansively, the EU Central America FTA includes cooperation between the State Parties to (a) ensure decent work for all; (b) create more inclusive and well-functioning labour markets; (c) extend social protection coverage; (d) exchange best practices in the field of workers mobility and transfer of pension rights; (e) promote social dialogue; (f) ensure the respect for the fundamental principles and rights at work identified by the International Labour Organization's Conventions, the so-called Core Labour Standards, in





To reinforce the terms of FTAs in relation to labour laws and practices, many agreements contain provisions for cooperation in both employment and social policy issues at international and regional fora, including organizations.



biodiversity protection and conservation,<sup>45</sup> marine and aquatic environment protection,<sup>46</sup> and agriculture and food security.<sup>47</sup>

### *Governance*

There is a split in governance practice between FTAs granting capacity for State Parties to create committees or similar governance systems to facilitate the implementation of environmental commitments and those that create dedicated bodies from the outset. In some instances, these provisions contain advanced systems for the use of consultations and convening of expert panels to address issues raised between the State Parties.

### *Monitoring and Compliance*

As in other areas of trade cooperation, FTAs with environmental provisions often include