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CALL FOR PAPERS

Sustainable Development and Human Rights in the EU Partnership Agreements with Asia-Pacific Countries

INTERNATIONAL AND INTERDISCIPLINARY WORKSHOP

Under the aegis of
The Scientific Interest Group EUROPE of Rennes
With the support of « Maison des Sciences de l'Homme » in Brittany

Rennes (France)

12 & 13 November 2018

Context

This project has been prepared with a view to promoting the establishment of a worldwide interdisciplinary research network on “**The New EU External Partnerships Dynamics in Asia-Pacific**” (NODYDEX), which has been framed during a conference held in Hanoi in October 2017.

This inaugural meeting devoted to “**the EU-ASEAN partnership faced with competing partnerships of Asia-Pacific powers**”, provided the opportunity to tackle this partnership, between bilateralism and inter-regionalism, while analysing it in the light of competing initiatives from the Asia-Pacific Region. This project Nodypex crosses the ASEAN---China Norms project devoted to the study of the influence of China on social rights, human rights and fundamental freedoms in ASEAN, supported by the MSHB.

This workshop on “**Sustainable Development and Human Rights in the EU Partnership Agreements with Asia-Pacific Countries**” is an essential step towards the establishment of the NODYPEX network. It will take place in connection with the conference “*The New European System of Investment Dispute Settlement*” organised in the Law, Economics and Political Science department of the University of Tours, on 15 and 16 November 2018.

It will be organised under the aegis of the **Scientific Interest Group EUROPE of Rennes (GIS Europe)**, with the support of *Maison des Sciences de l'Homme* in Brittany. Beside the funding members of the GIS EUROPE, their CNRS mixed research units and their hosting teams, the workshop will be supported by partners originating from France, Europe, Asia Pacific and, more particularly, in connection with the Master Euro -Asian Trade and Economic Relationships (**Foreign Trade University of Hanoi-University Rennes 2**).

Scientific Questions

The Asia-Pacific region is a large geostrategic territory undergoing profound changes. The multiple socio-economic and environmental challenges at stake in the region demonstrate the need to analyse the numerous partnerships dynamics between countries, international and regional organisations. The growing number of economic and trade partnership agreements between Asia-Pacific economic powers attests to the vital attractiveness of the region. Acknowledging this new global economic environment, the European Union recognises that the Asia-Pacific region represents today “a key region for the good functioning of global value chains”¹. The recent partnership agreements, concluded or under negotiations, between the European Union and the Asia-Pacific countries, underline the European Union's determination to play a significant role in this region.

Presented as one of the high economic growth areas, with a high level of resources consumption, the Asia-Pacific region is highly vulnerable to climate change and natural disasters, threatening the most fragile populations and, on the long run, the sustainability of its development. The many environmental threats, (depletion of natural resources, whether terrestrial or marine, deforestation and burning peat forests, maritime insecurity, fossil energies and scarcity of rare earths, loss of biodiversity and ecosystem services...) have an impact far beyond this region. Such challenges are necessarily tied with issues like the respect of human rights and capacity building support to populations at risk.

In the face of this imperative linkage between environmental protection and human rights, the European Union undertook to build “a greener partnership for a sustainable future”² which complies with “international human rights standards”. The establishment of a “more mature and more political partnership”³ is gradually reflected in the EU's partnership agreements, in line with its commitments to the UN sustainable development goals (SDG).

Thus, the integration of the sustainable development objective and the requirements of human rights protection in the EU's partnership agreements with the Asia-Pacific region, appear to reflect the EU's ambition to project its **sustainable development and human rights model** in its external relations.

The comparative analysis of these partnership agreements highlights the flexibility of this European model, constantly evolving, depending on the partners and the geostrategic context of the Asia-Pacific region.

These competing dynamics, together with the various existing development and human rights models, pose severe challenges to European model, already faced with its own weaknesses and contradictions.

Could these confrontation and convergence games between countries, international and regional organisations as well as socio-economic actors operating in the Asia-Pacific region, have an impact on the external European model of sustainable development and human rights in the region, leading to its fundamental review, its dilution or even its disappearance?

¹ COM (2015) 497, Communication from the European Commission on Trade for All.

² JOIN (2015) 22, Joint Communication: The EU and ASEAN: a partnership with a strategic purpose

³ JOIN (2015) 22, Joint Communication: The EU and ASEAN: a partnership with a strategic purpose

**Contributions, that will be presented at the workshop or included in the workshop's proceedings,
are solicited on the following topics:**

I-THE EVOLUTION OF THE SUSTAINABLE DEVELOPMENT (SD) AND HUMAN RIGHTS (HR) EUROPEAN MODEL IN THE EU PARTNERSHIP AGREEMENTS WITH ASIA-PACIFIC

The comparative analysis of the partnership agreements, concluded by the EU and the Asia-Pacific countries, brings out the evolving nature of the human rights and sustainable development clauses. This observation confirms the need to reflect on the driving factors of this phenomenon and to assess its impact on the future development of the European model. The following lines of reflection could be further developed:

The external competence of the EU in respect of sustainable development (opinion 2/15 CJEU)

The building blocks of an evolving European model

- * The varying interlinkage of trade and non-economic factors in the EU external agreements
- * Thoughts on the scope of the chapter relating to sustainable development in the EU external agreements.

The recent emergence of new sustainable development clauses: climate change (EPA with Japan), fight against corruption (modernised EU-Mexico agreement); future chapter of the trade agreements on "gender and trade", the digital age role in the transition to sustainable development (...)

- * The legal status of the human rights (HR) and sustainable development (SD) clauses as well as their interlinkage

The human rights clause as an "essential element" of EU political agreements with the Asia-Pacific countries.
The human rights clause: an archetypal example of future "essential" clauses on SD? (such as climate change).

Does the HR clause include provisions on worker's fundamental social rights?

The establishment of a conventional model of legally enshrined dual agreement (South Korea, ASEAN emerging countries)

- * Reflexions on the European monitoring and sanctions system relating to sustainable development clauses

The specificities of the European mechanism for the settlement of disputes relating to SD clauses (the inclusive approach, advocated by the European Commission)

The French approach, in favour of sanctions for non-compliance with the obligations set out in SD clauses of the agreements

The involvement of the actors in the evolution of the European model

- * The European institutional dynamic
- * The role of the member states
- * The role of the international organisations and regional integration organisations
- * The role of business (CSR) and trade unions
- * The role of civil society organisations in the monitoring of the agreements

II- THE EUROPEAN SUSTAINABLE DEVELOPEMENT AND HUMAN RIGHTS MODEL PUT TO TEST BY THE ASIA-PACIFIC COUNTRIES' APPROACHES

The divergence in approaches between the EU and Asia-Pacific countries (divergence on the interpretation of the clauses, their articulation and on sanctions) as well as their convergence (convergence of approaches between the EU and the Asia-Pacific countries, converging regulation) is putting the European model to test .

The following lines of reflection could be further developed:

The diverging approaches between the EU and the Asia-Pacific countries

- * The divergence of approach on the human rights clauses

The Chinese approach

The approach of the ASEAN countries

The approach of non-European partners of the Asia-Pacific countries (USA, Canada, Australia, New Zealand, Japan...)

- * The diverging approaches on the interlinkage between trade clauses and sustainable development clauses

The Chinese approach (establishment of new "silk roads")

China's influence on compliance with social norms in the ASEAN countries (such as Malaysia)

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) (Ex-TPP at 11 without the United States)

- * The Japanese approach

Towards a progressive dismantling of the European model of "legally bound dual agreement"? (CETA - Agreements with Japan) or exceptions? Impact of these precedents?

The prevalence of EU trade interests over non-economic requirements, or the maintenance of a strong link between ethical considerations and trade?

- * The diverging approaches on the sanctionable character of the HR and SD clauses

The CPTPP's approach

The ALENA's approach

The convergence of approaches between the EU and the Asia-Pacific countries

- * The geopolitical dimensions of the closer relations between the EU and some Asian partners in response to American unilateralism and China's rise

The political and commercial leadership in Asia-Pacific against China and the United States as a key issue; the creation of coalitions of interest between the EU, the ASEAN countries, Japan, Australia and New Zealand.

- * The converging approaches on HR clauses with the EU's strategic partners (Canada, Japan, Australia, New Zealand)

- * The converging approaches in regulation

The technical, sanitary and phytosanitary standards related to sustainable development

Projection of the European precautionary approach?

- * The converging approach between the EU and the Asia-Pacific countries on environmental assets

SCIENTIFIC COORDINATION

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RESPONSES PROCEDURES

Contributions, that will be presented at the workshop or included in the workshop's proceedings, are solicited.

This call is open to researchers from different disciplines, to institutional and socio-economic experts and actors of civil society.

Proposed contributions (1 page), accompanied by a short CV, should be sent, no later than 29 June 2018 (in French or English) to the following address:

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The proposal will then be submitted to the scientific Committee and a peer review process will be set up for the publication. The results will be communicated before 9 July 2018.

PARTICIPATION

The symposium will be held in French and English, without simultaneous translation.

We would like to state that the organizers will only assume the stay costs of the participants for the duration of the workshop.

Authors should send their written contributions for publication no later than 1 April 2019.

DATES AND PLACE

12 and 13 November 2018

Maison des Sciences de l'Homme in Brittany
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