

Human Rights Impact Assessments of Trade-Related Rules and Policies: Case Study of the Right to Food

Increased integration of international markets has stirred concerns that openness to agricultural trade may jeopardize food security in developing countries. However, empirical evidence¹ does not suggest that engagement in agricultural trade is associated with high levels of undernourishment; rather each level of trade openness is associated with a wide range of hunger indicators. This suggests that the impact of agricultural trade and trade liberalization on the right to food is mediated by many other factors such as domestic policy reform that must accompany trade reforms to enhance the positive effects of trade and to cushion negative impacts. Economic modelling exercises have shown that further liberalization can yield welfare gains at the global level for most, but not all, individual countries. From a right to food point of view it is problematic that estimates typically refer to aggregates and say little about the distributional effects amongst and within countries.

Human Rights Impact Assessments (HRIAs) of trade-related rules and policies meet this concerns with their aim to support decision makers and other stakeholders in creating sound policies as well as in identifying those complementary measures that may be required to address adverse consequences of international trade. Human rights law provides a conceptual framework both for analysing trade rules and undertaking impact assessments, the latter implying that they should be public and participatory and focus in particular on disadvantaged and vulnerable groups as well as gender effects of trade rules. It is important from both legal and political points of view that HRIAs do not mean or imply conditionalities, monitoring or measuring human rights performance of states in any way that they have not agreed to within the relevant and competent human rights bodies. In particular, HRIAs aim to (1) help people identify and assess their rights, (2) understand how trade reform can affect the enjoyment of those rights, (3) identify ways in which government can improve trade policies to fulfil human rights obligations, and (4) identify ways in which the international community can cooperate with national governments to fulfil human rights obligation.

The choice of indicators is perhaps the most critical step in the whole HRIA process for it is through indicators that the actual impacts or potential impacts of trade rules and policies will appear. A substantial part of the PhD project will be to identify appropriate structural, process and outcome indicators corresponding with the State obligations to respect, protect and fulfil the right to adequate food under the International Covenant on Economic, Social and Cultural rights. Overall, the indicators will serve to help in building consistency between trading partners' trade policies and human rights policies.

The PhD project focuses particularly on methodologies for what are known as *ex ante* assessments – assessments that are undertaken either before or during the process of trade negotiations. Until now, most if not all work on HRIAs has concentrated on the appraisal of development and investment *projects* and their effect on human rights rather than the impact of particular *policies*. In focusing on the development of methodologies for assessments of policies, the research goes beyond – and therefore adds to – available material on HRIAs. One of the goals of the research project is to produce a guide on how to undertake HRIAs of trade-related rules and policies.

¹ FOOD AND AGRICULTURAL ORGANIZATION OF THE UNITED NATIONS, AGRICULTURAL TRADE AND POVERTY – CAN TRADE WORK FOR THE POOR? 83-5 (FAO Agriculture Series No. 36, 2005).