

Virtual Workshop on Impact Assessments of Investment Treaties

September 16, 2021
(all times ET)

Over the past decade, stakeholders have dedicated considerable attention to the issue of environmental, social, economic, and human rights impact assessments of trade and investment agreements (collectively referred to herein as “sustainability impact assessments” or “SIAs”). Civil society actors, official, ombudsmen, academics, and intergovernmental organizations have pushed for governments to conduct them, articulating both legal obligations for states to do so, and principles to inform how the assessments should be done. There have been some apparent successes: Certain governments sometimes conduct some assessments of certain issues. But take-up has been limited in terms of the number of countries conducting the assessments and the scope of issues addressed, and little has been done in terms of monitoring and evaluating those impact assessments to: (1) test their theoretical bases, (2) monitor and evaluate the soundness of their predictions, (3) assess whether recommendations have been adopted by relevant negotiating or contracting parties, and (4) monitor and evaluate, on an ongoing basis, the actual effects of the agreements (as opposed to only producing *ex ante* hypotheses about impacts).

This workshop thus seeks to leverage work that has been done on these issues to date, take stock of progress made, and reinvigorate dialogue on what is needed, and how to achieve it. We will explore:

- SIA processes employed (and critiques thereof) to date;
- barriers to additional government uptake of the practice of conducting SIAs, including questions about whether SIAs are indeed the right tools; and
- needs, options, steps, and resource requirements for “shadow” assessments of SIAs by consortia of academics and civil society organizations. These shadow assessments would aim to improve the utility of, and outcomes from, government SIAs that are produced, as well as to help inform analysis of agreements when the government is not conducting such assessments.

The workshop will involve open discussion among participants facilitated by the organizers and kicked off by initial presentations. The agenda is below (all times in ET).

Agenda

9:00 – 9:10: Welcome and introduction

9:10 – 9:30: Setting the scene: An overview of SIAs, taking stock of what has been conducted and by whom

9:30 – 10:30: Taking a closer look at what has been done. Sharing experiences and insights

10:30 – 10:45: Break

10:45 – 11:15: A reconsideration of strategy and the theories behind SIAs:

- Are they a mechanism for greenwashing that should be scrapped? Or are they an essential tool that should be improved?
- If we agree they should be done, what are their optimal roles? What are risks, and how can those risks be minimized or avoided?
- If we don't agree they should be done, what are alternatives? How can states meet their human rights obligations?

11:15 – 11:50: Presentation and discussion of the idea of “shadow assessments”

11:50 – 12:00: Concluding remarks and next steps: Articulating the asks; identifying research needs; fostering networks