



EU-Vietnam FTA: GUE, Greens, and civil society obtain partial but important victory for human rights

The resolution adopted by the European Parliament on 17 April 2014 on the state of play of the EU-Vietnam Free Trade Agreement (FTA) is an important step towards strengthening human rights protection, FIDH and the Vietnam Committee on Human Rights (VCHR) said today. Despite the opposition of the PPE, but mainly due to the effort made by Greens and GUE the resolution recommended the European Commission address key human rights concerns during FTA negotiations with Vietnam.

“The European Parliament’s Resolution is a clear warning to Vietnam. For Europeans, human rights are essential in all areas, business included,” said VCHR President Vo Van Ai. “The European Parliament calls for the conditioning of the Free Trade Agreement on concrete human rights progress, and for suspending it in case of grave violations. For without the safeguards of freedom of expression and the press, the right to form independent trade unions and civil society organizations, free trade between the EU and Vietnam’s one-party state will only harm the Vietnamese people and prejudice sustainable development.”

Without the inclusion of human rights safeguards any future an FTA risks exacerbating an already serious human rights situation. Vietnam currently holds over 200 political prisoners - the highest number in Southeast Asia. Many of them have been arrested and imprisoned for promoting land and environmental rights and opposing so-called 'development' projects that have a negative impact on local communities.

The resolution urged the European Commission to conduct a human rights impact assessment in line with the guiding principles of the UN Special Rapporteur on the right to food. By doing so , it also reminded the Commission that the human rights impact assessment must be conducted by an independent body before the conclusion of the FTA and must be conducted in order obligations to avoid and mitigate the potential adverse impact of its trade and investment policies on human rights It also by then underscored the European Commission’s protracted failure to comply with its obligation despite the repeated calls made by FIDH and VCHR.

The resolution also called on the Commission to “apply an approach based on conditionality, so as to offer signing of the FTA in exchange for concrete progress on human rights” with particular reference to freedom of speech of individual citizens, freedom of the media and freedom of religion made in the resolution. Finally, an additional improvement from the European Union practice regarding FTAs is the request made by the European Parliament to see human rights be subject of regular scrutiny including by civil society because of the specific request made to mention them in a the suistanaibility development chapter of the future agreement.

Despite these positive recommendations, FIDH and VCHR regret that because of the lack of support from other political parties, several important measures proposed by the Greens and the GUE were not adopted. Among the proposed measures was the prohibition on investor-state dispute settlement (ISDS) mechanisms and the failure to introduce a clause that guarantees that protection of investments does not take precedence over the state’s human rights obligations.

This is highly problematic. The protection granted to investors and the ISDS mechanisms have allowed the private sector to challenge legislation adopted by a state to regulate in the public interest (i.e. health, environment, human rights). Experience has shown that states have been sued for millions for having adopted legislation safeguarding standards in those fields. Finally, while FTAs grant protection to investors, they fail to effectively protect individuals and communities affected by trade and investments. The right to challenge legislations is given to the private sector without clear requirement made to arbitrators to take other interests than investment and trade law into account, without clear procedure for affected parties to submit their arguments and by bypassing internal judicial system

“A lot remains to be done to ensure an adequate protection of human rights in trade and investment policies of the EU. This is a crucial issue for human rights in countries that engage in FTA negotiations with the EU. It is also a crucial issue for all the [European countries](#) in which austerity policies have already had an adverse impacts on human rights,” said FIDH President Karim Lahidji. Indeed, On 16 April the European Parliament confirmed that in case of trade and investment disputes, either the EU budget or the EU member states’ budgets will inevitably be gravely hit by important costs because of the ISDS that may be concluded.

Background :

See our previous letters, press releases and other documents : [Open Letter : Vietnam and Free trade Agreement negotiations: NGOs urge the EU to carry out a human rights impact assessment](#), 30 April 2013 ; [The EU’s Strategic Framework and Action Plan on Human Rights and Democracy – one year after its adoption](#), 24 June 2013 ; [Trade relations : Reluctant to assess human rights in Vietnam, the EU fails to respect its commitments](#), 3 July 2013 ; [joint submission to the Universal Periodic Review](#) tabled by FIDH and its member organisation the Vietnam Committee on Human rights, 17 June 2013.