TRONDHEIM & RØROS 2017
WHERE PAST AND FUTURE MEET

ACADEMIC PREPARATION KIT
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Where Past and Future Meet - Learning at Trondheim and Røros

Our aim for the academic concept of Trondheim and Røros is to provide all participants with a true learning experience. In an era of political uncertainty, the value of debate has never been higher: we hope to offer you a platform to engage with the reality of the problems facing the world, discuss with your peers, and gain new insight into the issues.

To do so, we have selected 15 topics covering some of the most urgent issues facing the world today. They have been carefully picked to provide you with challenging, intriguing, and thought-provoking debates and discussions. Real issues, affecting real people; with politicians, scientists, philosophers and economists striving to find solutions to them even as you read this.

Throughout Committee Work, you will have a chance to dive deeper into one of the 15 issues, to truly learn about your topic, to explore facts you might have not encountered before, to reflect on your stances and opinions and to come up with through collaborative work with your fellow delegates with proposals for actions to be taken to solve (or get as close as possible to solving) the key issue of your topic. This topic that you will focus on will be referred to as your ‘home committee’.

To enhance the learning experience at the session, you will have the opportunity to offer your insight and input to two additional topics throughout the process. You will get to discuss with them about their approach to the topic, their ideas and progress, and contribute to further shaping them.

You are invited to indicate your preferences for the two additional committees through this survey as soon as possible, and you will be notified of your ‘secondary’ committees by March 20th.

A platform for discussing and engaging with all topics will be offered during the session, to enable participants to be aware of the core ideas and key actions proposed, ahead of the General Assembly where resolutions will be finally debated. In the real world, problems are inextricably linked and connected to each other, and therefore so must we be. We must
collaborate if we wish to find solutions - within our own committees and beyond. This preparation kit offers you:

(i) **Overviews on all 15 topics**, covering the core issues, main stakeholders and information on the general context, as well as leads to questions for reflection ahead of the session. You are strongly encouraged to read very carefully the topic overviews for both your ‘home committee’ and your ‘secondary’ committees. This is meant to ensure minimum knowledge to enable you to take part in discussions.

(ii) Practical and easy tips on **how to research** for a topic, as well as **how to read legislation**.

(iii) An explanation of the institutional framework for our debates, as well as brief information on the key stakeholders and their powers.

Your chairpersons are your first point of contact for any questions or ideas you might have, and they are excited to start working with you!

And now - **start exploring**!

With thanks to the Chairs Team and all members of the Trondheim team who contributed to this booklet. We would like to express particular gratitude to Fotis Papadogeorgopoulos and Solène Hababou, without whom publishing this would not have been possible.
INSTITUTIONAL FRAMEWORK & STAKEHOLDERS

In the search for the best solutions to your topic’s key question, you have the liberty of identifying the right actor for a specific action. There is no strict rule that resolutions must be implemented only through European Union organs.

The main stakeholders are: the United Nations (global level - 193 states out of approx. 195 in the world), the Council of Europe (European states - 47), European Union (28 members), individual states, civil society and individuals. Several other international organisations exist that might be of relevance to specific topics. Keep in mind that coordinated actions are often needed, and while on the ‘smallest’ scale, actions that individuals can take in their own communities can have a great impact.

You are invited to reflect on the scope needed for your action to be feasible: who is best to implement it? Who will be most successful in doing so?

In doing so, the next pages offer brief descriptions of the main stakeholders, topics covered and powers.

The United Nations (UN)

The UN is an international organisation comprising of 193 member states. It aims to: maintain international peace and security; develop friendly relations among nations, achieve international cooperation in solving problems of concern to the entire world.

It has 6 main organs, among which the following two are the most relevant:

The General Assembly is the main deliberative, policymaking and representative organ of the UN, where all members are represented. It’s resolutions may not be binding on states, but they are useful in understanding the position of states, and carry significant soft power.

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1 Non-governmental organisations and institutions expressing and promoting the will of citizens
2 See further UN Charter (1948), article 1.
3 See further, UN, Main organs.
The **Security Council** has primary responsibility for the maintenance of international peace and security. Its decisions are binding on UN member states. It is formed of 15 members, including 10 rotating, and 5 permanent members (USA, UK, France, Russia and China). The UN system consists of numerous specialized agencies, programmes, funds, as well as subsidiary organs of the main ones\(^4\).

The topic overviews point out the UN entities that have a mandate in a relevant area.

**Council of Europe**

The Council of Europe is an international organisation, comprising of 47 member states, including non-EU states such as Russia. It promotes and protects human rights, democracy, rule of law and European culture through international cooperation in the areas of human rights, democracy and is not part of the European Union. The general aims of the Council of Europe are to:

- Protect human rights, democracy, and the rule of law in all member states;
- Promote awareness and encourage Europe’s cultural identity and diversity;
- Seek solutions to (social) problems facing European society;
- Consolidate democratic stability in Europe;
- Promote social cohesion and social rights; and
- Promote and develop a European cultural identity with emphasis on education.

The Council of Europe:

- Is an international organisation;
- It is not a part of the European Union;
- Does not have legislative power - its member states are cooperating on a voluntary basis.

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\(^4\) For a comprehensive overview, see [UN, Funds, Programmes, Specialized Agencies and others; UN, The United Nations System chart.](#)
The European Union

The European Union has 28 Member States. It is a supranational organisation with the ability to create legislation which all members must obey. It is the primary platform for European cooperation. Knowledge of the specific detail of how the EU functions is not directly relevant for most of our topics; instead in this section we will cover the actions the main EU institutions can take.

European Council - Setting the strategy

Role: Defines the EU’s general political direction and priorities;

Members: Heads of State or government from each Member State, the president of the European Council and the president of the European Commission;

Actions you can ask the European Council to take:

• Decide on the direction for the EU and EU foreign policy;
• Ask the European Commission to initiate proposals for legislation.

European Parliament - The voice of the people

Role: Directly elected legislative arm of the EU;

Members: 751 Directly Elected Members;

Actions you can ask the European Parliament to take:

• Pass legislation;
• Supervise other institutions;
• Ask the European Commission to propose legislation;
• Debate on international agreements.
European Commission - *Promoting the common interest*

**Role**: Executive arm of the EU that proposes laws, policies agreements and promotes the Union’s general interests; it is the political leadership of the Union;

**Members**: College of Commissioners, one from each Member State - each commissioner is assigned a specific policy area;

**Actions you can ask the European Commission to take**:  
- Propose legislation to Parliament and the Council;  
- Represent the EU internationally;  
- Negotiate international agreements;  
- Implement EU policies.

Council of the European Union - *The voice of the member states*

**Role**: Deciding on policies and adopting legislation, coordinating actions in Member States;

**Members**: Government representatives on a ministerial level from each Member State;

**Actions you can ask the Council of the European Union to take**:  
- Pass legislation together with the Parliament;  
- Coordinate actions in Member States;  
- Conclude international agreements.
**Competences of the European Union**

In some policy areas, the EU has *exclusive competence*, which means that decisions are taken at EU level. In other policy areas, there is *shared competence* between the Union and the Member States. This means that if legislation is passed at EU level, then these laws have priority. If no legislation is adopted at EU level, then the individual Member States may legislate at national level.

Note that there is often a nuance in the overlap between these. For example, although *fisheries* is a shared competence, the *conservation* of fisheries is an exclusive competence.

In all other policy areas, the decisions remain with the Member States.
<table>
<thead>
<tr>
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<th>Shared</th>
<th>Support, coordinate and supplement</th>
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<td>Transport</td>
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<td>Trans-European networks</td>
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<td>Establishment of competition rules for the functioning of the internal market</td>
<td>Energy</td>
<td>Coordination of economic, employment and social policies</td>
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<td>Area of freedom and justice</td>
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<td>Certain public health policies</td>
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<td>Research, technological development and space</td>
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<td>Development cooperation and humanitarian aid</td>
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TIPS ON RESEARCHING

Why research?
In Trondheim, you have the exciting opportunity to share opinions on interesting topics of concern to our generation and the world. It’s not only about discussing, it’s about coming up together with solutions to your topic’s key question. To make discussions more interesting, to enable you to fully take part into it, and to make sure your ideas for solving the problem are feasible, you need to have a good understanding of the current state of affairs and what has been already attempted, what has worked and what has not.

What to research
Start from the Topic Overview in this booklet. Make sure you understand the concepts and phenomena revolving around your topic. The topic overview should offer concrete leads for you to follow - specifically the ‘Where past and future meet’ section offers food for thought based on the aim to be achieved and what the situation is, as well as material indicated in the footnotes.

How to research - Tips & tricks

- **Have a system** - write down things you want to look into. Do it one at a time. There is so much information, it’s easy to get distracted and lose focus.

- **‘There’s nothing new under the sun’** - chances are, whatever you’re wondering about, has already been asked, and potentially already answered. If you can’t find what you’re looking from the first go, it might be worth rephrasing your search terms.

- If you can’t find it on Google, try Google Books and Google Scholar.

- Make sure to **distinguish facts from opinions** (even if of experts/academics).

- **It’s all in the sources** - is the information confirmed by other sources? Are they reliable, trusted sources? Have you ever heard of the website before? Do they make wild claims you can’t find elsewhere? What potential bias should be taken into account (could the source be pushing for a certain side to a story)?
• Check the **date of the source** - if it's from 2002, chances are more things happened since then.

• **Keep track** - that website you found an idea you thought was interesting but not essential to the topic? The idea that you realised later on it was actually crucial? Write it down - keep track. You can add a **bookmark** folder for the session where you bookmark websites you come across as interesting. Or you can use a word document where you list the links with a few quick words on what you found there. You’ll thank yourself later.

• **You’re not alone** - your chair is always there for and happy to assist you throughout your research process. Don’t hesitate to ask what and how and where to research certain things if you feel you are stuck. Share with other delegates what you found, what you’re missing - discussing what you found so far will help you process the information and better identify what else you want to look into.
UNDERSTANDING LEGISLATION

Step One - Don’t Panic!

Most laws you will find are written in plain, clear, and simple language. You need no prior experience or knowledge; in fact, most of the Officials learnt to read legislation through EYP, just like you are about to.

Step Two - Be Prepared

Research the context of the law - and read a summary before you read any actual legislation. You can find good summaries for EU law on the europa.eu website, often either beside the text or in a press release. Try searching on Google “(name of legislation) summary”. You can even find decent summaries on Wikipedia and legal journals and blogs, but be careful about opinions being presented as facts. You should also be careful if using news articles to get your legislation summaries for this reason.

Step Three - Get a Rough Idea

This may sound obvious, but read the Table of Contents (this might be a list of Articles or similar, depending on what you’re looking at, but you get the idea). This will give you an idea of the structure, and a high-level view of what is covered. It is useful to know the outline of what is included and what is not included, and you can use this knowledge to make decisions in the final step.

Step Four - Get Straight to the Point

Before reading anything, think about what you want to learn. You don’t have to read the whole thing, and legislation is rarely read for fun. You are probably looking for something in particular, like a specific detail. You should already think about what kind of answer will satisfy you. Once you know what you’re looking for, use Ctrl + F to literally find what you’re looking for.
Step Five - So What Does This Mean?

In most cases you can interpret legislation literally - it should mean what it says. If it is not clear what the legislation means, you have to work out the intention behind it, and try to interpret it accordingly.

You might consider:

- Who does this legislation apply to?
- Who would be impacted by this legislation being enforced; or not enforced?
- What was the intention behind setting this?
- Was this superceded by a more recent piece of legislation?
- What is the power of the act: is it legally binding (mandatory) or advisory?
AFCO (page 20)

Regimes and movements of the far-right dominate the political scene. It’s a world some of us can’t recognise - and a world some recognise all too well. Does the current political establishment have a future?

AFET I (page 26)

Atrocities in Syria, unrest in Ukraine, wars in the Middle East and deaths across continents. Europe is surrounded by disasters on all sides. Why can’t we seem to do anything about it?

AFET II (page 32)

Crimes against humanity, war crimes, illegal wars and genocide. Is the International Criminal Court doing enough to fight world impunity or should European states come up with new alternatives?

CULT (page 38)

Indigenous people were the first ones there, but sadly in modern times they are forced to come last. When they live on top of precious resources, can we combine their rights with the future of industry?

DROI (page 44)

All children count but not all are counted. Millions of children around the world stay in orphanages while having their parents alive. This is the complicated and unfair world of child institutionalization. How is it okay that children are deprived of parental care just for someone else’s profit?
**ECON** (page 50)

What’s the worth of a life? Is it so very different for the rich and the poor? The gap between the haves and the have-nots is becoming insurmountable - can we make life worth living for all?

**EMPL** (page 58)

We can no longer afford to take it for granted that jobs will exist for us, and for you yourself, to take up. This is not a future problem, it is a problem of right now. How will you live, in this new world that won’t employ you?

**ENVI I** (page 64)

Antibiotics revolutionized human society, but we misused them and soon they won’t work any more. Not at all, not for anyone. Are we ready to go back to the dark ages of medicine?

**ENVI II** (page 72)

Millions of people struggle with their mental health, but we seem to find it hard to understand problems we can’t see. How can society find its compassion for some of its most vulnerable members?

**INTA** (page 80)

In a globalized world, we drive down barriers all the time - but some steps are easier to take than others. Europe wants investment - but are we prepared to pay the price?
ITRE (page 86)

Space is not just for sci-fi; global communications relies on it. All satellite technology relies on it. Your phone relies on it. And we are about to lose access to it. Permanently.

ITRE II (page 92)

The way we produce energy is destroying our planet. There isn’t much time left to solve this problem - we know the alternatives, but can we really make the switch?

LIBE (page 98)

The media is the single most powerful invention on the entire Earth. It decides elections, it tells you your opinions, and it can redefine truth itself. In the wrong hands, it could control the world without even trying. To what extent should it be controlled, while keeping it free?

LIBE II (page 104)

Imagine being targeted, harassed, attacked and even killed simply for how you identify yourself. It’s a struggle transgender people deal with around the world. Europe is meant to value equality - isn’t it time we protected everyone?

PECH (page 110)

People relying on wild capture fisheries for food may find themselves going hungry soon. Aquacultures could be the answer - but not for very long if we don’t prioritise sustainability. Can Europe meet these goals without the international community?
21st Century Disenfranchisement: Recent political movements across Europe and the world suggest that a significant number of people no longer feel represented by mainstream politics. Are there systemic problems causing citizens to feel left behind by modernisation and globalisation, and therefore support populist or radical views; or are the fractures emerging in modern society a social problem to be addressed? How can European countries deal with this rising sense of anger and fear amongst voters and ensure governments’ accountability?

Chaired by Jacopo Moretti (IT)
SUMMARY

The unpopularity of institutions and mainstream politics is increasing and citizens constantly feel less represented by the representatives: the detachment grows. Parties have lost their role of crucial point of mediation, and rarely promote dialogue between institutions and citizens. Instead, radical and populist movements are growing and emerging as champions against the establishment, questioning governments’ legitimacy and their goals of integration at an economic, political and cultural level.

FUTURE

Populist, radical and anti-establishment parties, which embody today’s social tensions\textsuperscript{1}, are gaining popularity\textsuperscript{2}. These political movements are lined up against nearly everything that world governments and countries tried to build in the post-war era: international integration of goods and financial markets, treaties and pacts signed to ensure peace, the Schengen area, the Eurozone - diminishing the isolation typically associated with nationalism\textsuperscript{3}. It is difficult to predict the future, but the success of discourses that identify what is different as the cause of every social or economical problem, partly leading to the election of President Trump and the choice of a Member State to withdraw from the European Union (EU) in June 2016, demonstrates that the once unimaginable, is not impossible. With a rise in populist trends, the world watches closely for the results of the four major elections upcoming in Europe\textsuperscript{4}.

\begin{thebibliography}{9}
\bibitem{1} The Economist, \textit{’Drawbridges up’} (2016).
\bibitem{2} The Guardian, \textit{’Across Europe, Distrust of Mainstream Political Parties is on the Rise’} (2016).
\bibitem{3} New York Times, \textit{’European Populism in the age of Donald Trump’} (2016).
\bibitem{4} See the Dutch general election, French Presidential election, German federal election, Norwegian parliamentary elections.
\end{thebibliography}
1. Concepts Defined

**Representative democracy** is a type of democracy founded on the principle of elected officials representing a group of people, as opposed to direct democracy, in which people decide (vote on, form consensus on) policy initiatives directly.

**Voter apathy** is a perceived lack of interest in voting, often cited as a cause of low turnout among eligible voters.

**Political radicalism** denotes political principles focused on advocating thorough or complete political or social reform or social structures and changing value systems in fundamental ways. Radicalism is characterized less by its principles than by the manner of their application.

**Populism** is at its simplest appealing to ordinary people. It is often wrongly used as a synonym of *demagogy* and *far-right* politics. One way to define the current Western form of populism is to look at the lowest common denominators among the different trends in different countries:

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<thead>
<tr>
<th>Ideas</th>
<th>Style</th>
<th>Organisation</th>
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<tr>
<td>People-centrism (focused on people)</td>
<td>Simplistic language</td>
<td>Centralization of the leader</td>
</tr>
<tr>
<td>Anti-elitism</td>
<td>Direct communication style</td>
<td>Almost direct connection</td>
</tr>
<tr>
<td>Homogeneous society</td>
<td>Polarization</td>
<td>between leader and voters</td>
</tr>
<tr>
<td>Direct democracy</td>
<td>Image of outsider</td>
<td></td>
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<tr>
<td>Exclusionism</td>
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<td></td>
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<tr>
<td>Proclamation of a crisis</td>
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8. The extreme right wing of a political party, movement or group.
9. Populism developed in Europe and America, including South America.
11. ‘Homogeneous Society’ refers to people who share the citizenship of a certain country.
12. Oxford Dictionary, *Polarization* - in this case the word refers to the polarization of society between people and the establishment.
2. Stakeholders’ interests and interconnections

The United Nations has a key role in broadening domestic engagement and participation in democracy-building, and in supporting democratic institutions, but also in safeguarding those human rights threatened\textsuperscript{13} by radicalism and populism. Due to the modern globally interconnected world, states are often perceived as weak\textsuperscript{14} compared to transnational corporations, financial markets, international and supranational organisations - all these entities are considered to limit the sovereignty of states and the freedom of action of governments.

The trust in EU institutions has been declining throughout the years and remains at incredibly low levels (36% of European citizens trust the EU\textsuperscript{15}).

At the core of people’s mistrust towards EU institutions - themselves already weakened by the so-called democratic deficit, lie issues such as austerity policies, the unorganized and illegal movement of migrants into Europe, and terrorism\textsuperscript{16}. Furthermore, this gap between institutions and citizens is widening, and the participation of the latter in democratic life is decreasing\textsuperscript{17}.

\textsuperscript{14} Foreign Affairs, ‘Will the Nation-State Survive Globalization?’ (2001).
\textsuperscript{16} European Commission, ‘Standard Eurobarometer 86 Autumn 2016’ (2016), First Results, EN, p. 6.
\textsuperscript{17} International IDEA, ‘Voter Turnout Database’ (2016).
3. Current Measures

Much has been attempted to enhance the dialogue between citizens and institutions, focusing on increasing awareness and transparency on the latter, and engagement from the former.

At a European level, the Council established the ‘Europe for Citizens’ programme for the period 2014–2020, and the Better Regulation Agenda of the European Commission aim at contributing to citizens’ understanding of the EU and encouraging democratic participation of citizens at EU level. Furthermore, the EU Transparency Register, Public consultations and Citizens’ Dialogues give citizens the possibility to express their views on aspects of impact assessments, before the Commission finalises its proposals, fostering the understanding of policymaking and decision-making processes.

On a national level, different organisations promote democracy, rule of law, and self-reliant citizenship - notable examples are ProDemos and the Mavisie national knowledge institute (supported by the Dutch government), or the Cypriot NGO Support Centre. Far-right politics and political radicalism often tap into fears of individuals, through exaggerating or amplifying current threats. Campaigns aimed at informing citizens more accurately and objectively are carried out, as for example Voices Against RADICALISM.

These measures, however, seem to focus mostly on the symptoms of a problem, rather than analysing the source. There is scarce work done on whether the disenfranchisement movement is a systemic problem or a social one. The result would give better information as to the right approach to take in addressing it.

18 Delegates are invited to look into organisations playing similar roles in their own countries.
4. Legislative Framework

The Universal Declaration of Human Rights clearly projected the concept of democracy by stating “the will of the people shall be the basis of the authority of government.” The Declaration spells out the rights that are essential for effective political participation, as the International Covenant on Civil and Political Rights and the European Convention on Human Rights do. Both the Treaty on the EU (TEU), in article 11, and the Treaty on the functioning of the EU (TFEU), in article 15, state that openness and transparency are two important values the EU was built on. The aforementioned article 11(4) TEU disciplines the fundamental legislative initiative of citizens, while art 14 TEU, in the third paragraph, mentions the free direct elections of the European Parliament. Other sections of these treaties refer to the instruments meant to strengthen the bonds between the EU and citizens: direct messages to the institutions, petitions, and the Ombudsman.


WHERE PAST AND FUTURE MEET

Is the so-called ‘crisis of democracy’ a result of political problems or social problems, or both? How much do these areas permeate each other?

How do globalisation, rising material inequality, social stratification, cuts in social spending, austerity policies, privatisation influence the growth of anti-establishment and populist parties?

Which could be the alternative to a representative democracy system or the tweaks that could restore it to vigour?

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19 See articles 19, 21, 22, 25.
20 See articles 6, 8-11.
21 See articles 24, 227 and 228 of the Treaty on the Functioning of the European Union.
“If you don’t shape the world, you will be shaped by it”: Crises such as those in Crimea and Syria have once more highlighted the disparate and ineffective foreign policy of European states and their failure to form a cohesive response to critical events. How can European governments be a force that protects human rights and ensures security in the most vulnerable countries in need of assistance?

Chaired by Fahad Saher (NL)
SUMMARY

To know how the European states formulate policy is to understand their institutions. When the Lisbon Treaty came into effect in 2009, the European Union (EU) faced several challenging moments in its development as a foreign policy actor and as an advocate of normative democratic values. Despite consolidating and upgrading its policy-formulation in the new European External Action Service (EEAS), Member States were growingly reluctant to transfer more power to the EU. Similarly, on the entire European continent foreign policies present increasing heterogeneity, thereby heavily limiting their ability to adequately respond as a unified entity. As a result, the EU and European states are facing one of their main current problems in policy-formulation and execution as advocates and defenders of human rights.

FUTURE

The EU needs to make sure that its Global Strategy anticipates potential new issues that are driving future challenges, and is not based on premises that are either generic or already behind-the-curve. While the Global Strategy cannot hope to define every aspect of European foreign and security policy, it should be condensed enough in justifying what the EU will now do differently, and exactly how these changes will be brought about.

While the European promise on human rights is good news and needs to be supported, its deeds have to improve if it wants to leave a positive imprint on Europe’s future. If European states will resort to turning their backs now, the crises facing them may become too big a challenge.

Of course the strategy itself cannot provide definitive solutions to international challenges; but it can and should push ongoing strategic reflection towards more tightly specified types of foreign policy choices. A mere restatement of well-known generalities would serve little purpose and may well be counter-productive. If the strategy fails to open the way towards sharper foreign policy tools, updated for the precise ways in which global politics will change over the next decade, it will simply slow the necessary adjustment of EU security policies.
1. Normative Power Europe

On the European continent, the EU has been aiming to establish itself on the international stage as a ‘normative power’ most vocally. This means that the EU functions as an actor that relies on a values-based foreign relations agenda in order to build up soft power. The core flaw in the implementation of this agenda is the lack of a coherent collective external security policy.

Furthermore, the EU is a major player on the world stage with regional and global security interests and responsibilities. Through its common foreign policy, the EU aims to speak with one voice on key international issues. Among the aims of the common foreign policy are:

- to safeguard the EU’s values, fundamental interests, security, independence and integrity;
- to consolidate and support democracy, the rule of law, human rights and the principles of international law;
- to preserve peace, prevent conflicts and strengthen international security;
- to assist populations, countries and regions confronting natural or man-made disasters.

To understand how the EU institutions work entails that their limitations and competences need to be understood in-depth. It is therefore important to keep in mind the relevant policy areas for the topic:

- Conclusions of international agreements are an exclusive competence;
- Freedom, security and justice are a shared competence; and
- Civil protection as well as common foreign, security and defence policies fall under the EU’s supporting competences.

The year 2015 has sorely tested the added value and legitimacy of the EU in responding to the refugee crisis. The public outcry and unprecedented levels of political and media...
attention⁵ to asylum-seekers arriving in the EU have put vast pressures on the European institutions and Member State governments to show that they can meet the challenge.

What makes policy-making particularly complex and unique in the EU can be attributed to Member States holding the right to organise their own cooperation and coordination in matters pertaining to national security. Foreign policy-making at the EU level poses limitations as cohesive foreign representation is a product, among others, of divergent interests.

Those tackling refugee and asylum policy would do well in recognising the problem at hand in twofold: (1) the compassionate embrace of those in great need in light of the Universal Declaration of Human Rights⁶ and the Geneva Convention, and (2) an approach to reduce the flow at the source by correcting or preventing the problems that give rise to it.

2. Stakeholders’ interests and interconnections

The Council of Europe aims to promote human rights and the creation of a common democratic and legal area in the entire whole of the continent. Unlike the EU, the Council of Europe cannot issue binding rules, but it does have the power to enforce select international agreements⁷ reached by European states on various topics.

The EU’s Common Foreign and Security Policy is characterised by specific institutional features, such as the limited participation of the European Commission and the European Parliament in the decision-making procedure and the exclusion of any legislation activity. That policy is defined and implemented by the European Council (consisting of the Heads of States or Governments of the EU countries) and by the Council of Ministers (consisting of a representative of each EU country at ministerial level). The President of the European Council and the High Representative of the Union for Foreign and Security Policy represent the EU in matters of common foreign and security policy.

European foreign policy-making is divided into three main components and the respective actors therein: the Common Foreign and Security Policy⁸ (CFSP) sets the framework for EU political and military structures and for military and civilian missions and operations abroad;

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⁵ A starting point to dive deeper into the media coverage on refugees and migrants can be found here, accessed through the Ethical Journalism Network through a recommendation and endorsement by the United Nations Education, Scientific and Cultural Organization (UNESCO). Reuters (2015) furthermore reports on “bigotry and panic reflected in media coverage”. Readers are invited and encouraged to research media coverage to construct an informed opinion of their own.

⁶ A summary of the UDHR can be found here. Readers are encouraged to browse through the full version of the Declaration to deepen their understanding of the context in which the relevant articles are laid out.

⁷ See section 1.2: ‘Remedies under the European conventions’.

⁸ Please read the ‘CFSP Instruments’ section for the capabilities of the CFSP.
EU Member States’ individual foreign policies; and the external action led by the European Commission. Member States hold the right to coordinate their own matters in matters pertaining to national security. This entails that foreign policy-making at the EU level poses limitations as cohesive foreign representation is a product of collective interests and the inherent difficulties of reaching a complete consensus. Past institutional arrangements have often failed to coordinate the EU’s full range of resources.

The European Economic Area (EEA) agreement extends EU provisions to European Free Trade Area countries. It does not include however the EU’s Common Foreign and Security Policy. A shared approach between EU and EEA states in this field is thus not already institutionalised.

While the North Atlantic Treaty Organisation (NATO) offers a security umbrella for 28 signatory states who agree to mutually defend each other, the Treaty cannot be invoked if a NATO-state is not under attack.

3. Current Measures

In many third countries, EU Missions (Embassies of EU Member States and European Commission Delegations) are the primary points of coordination between the Union and its Member States, and human rights defenders on the ground. They therefore have an important role to play in putting into practice the EU’s policy towards human rights defenders.

Designed to address all relevant aspects of migration in a balanced and comprehensive way, in partnership with non-EU countries, the Global Approach of Migration and the mobility partnership are diplomatic instruments with significant potential. They however could have no significance if not framed as full international agreements. Should they be transformed into legally binding acts and be accompanied by formal EU agreements with the relevant United Nations (UN) Agencies (UNHCR, IOM), tasking and financing them for the interventions in third countries?

Even though the Guidelines themselves serve the purpose of providing legal guidance to Union Delegations and Member States’ diplomatic missions, they are not in and of themselves legal instruments. They therefore cannot be legally binding. However, since they are adopted by the Foreign Affairs Council, an EU institution engaging the foreign affairs ministers of the Member States, they can be considered as a strong political expression of EU priorities on human rights.

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9 See introductory paragraph from hyperlink for an explanation on the context of the collective interests of Member States. Please note that this article is from early 2013 and thus refers to 27 Member States as Croatia had not officially joined the EU at that stage.

10 See European Parliament, Fact Sheet on the EU’s external relations.
4. Legislative Framework

In order to put human rights at the core of its external relations and to promote them globally, the Union has developed a broad range of legal and policy instruments. Since 2012, the ‘EU Strategic Framework and Action Plan on Human Rights and Democracy’ constitutes the backbone of the Union’s external action on human rights, establishing principles, objectives and priorities that must guide that action.

The new Action Plan, which the Foreign Affairs Council (FAC) adopted in July 2015 for the period 2015 - 2019, ‘Keeping Human Rights at the Heart of the EU Agenda’, confirms the centrality of human rights for EU external relations. Together with the Strategic Framework, the Action Plan and a variety of other policy documents, EU guidelines on key human rights issues formulate the “human rights and democracy agenda” of the EU.

WHERE PAST AND FUTURE MEET

Various conceptual flaws and incoherent implementations in the current policy designs have to be addressed should European states wish to uphold their legitimacy as a force that protects human rights and ensures security in the most vulnerable countries in need of assistance.

In search of a long-term strategy, European states’ main task is to strike a balance between upholding its values in shaping and upholding their legitimacy as an advocate of human rights. The Committee on Foreign Affairs, hence, is called on to contemplate and tackle, amongst others, the following key questions:

- Should European states look for issues where their foreign policies interests overlap, or should priorities be derived from the common functions and/or values?
- How can European states ensure that its institutions are better equipped to provide a more comprehensive framework of representing their interests in foreign policy?
- Are the EU and its allies’ foreign policies lacking strategic analysis? If so, in which key areas? And how should these be addressed and tackled adequately?

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11 This includes Council conclusions identifying human rights priorities for the cooperation with other multilateral fora, such as the United Nations or the Council of Europe; see for example the Council Conclusions on EU priorities at UN Human Rights Fora in 2015 or the EU priorities for cooperation with the Council of Europe in 2016-2017.
Lone Supporter: Fifteen years on, the International Criminal Court (ICC) has made history as the first permanent international court, rendering landmark judgments and advancing international justice. Its advancement has been impaired by lack of international support, with major world powers still refusing to accept its jurisdiction, state parties refusing to arrest accused, and a recent wave of withdrawals from African countries. While European states have been supporting the Court since its inception, has the time come for them to reconsider their position? How best can they work towards ending international impunity?

Chaired by Alastair Payne (UK)
SUMMARY

The ICC exists to investigate and punish crimes affecting all of humanity. It relies on the support of those states which accept its jurisdiction; but this number is set to fall as the African Union threatens a mass withdrawal. Further, the ICC receives only limited support from the USA, China or Russia - major and influential world powers which do not themselves subscribe to the ICC. The European Union (EU) has reaffirmed its commitment to support the ICC, but if further measures are not taken to support the world’s ultimate instrument of justice, we will we have to explore alternative mechanisms.

FUTURE

The ICC is the first permanent international court of its kind in the world\(^1\), and is a vital pillar in the fight to end war crimes, genocide, and crimes against humanity. Without the ICC, any international response to future atrocities would incur the heavy cost of setting up new ad hoc courts\(^2\) - which may be impossible if either funding or international agreement cannot be secured, and may come too late to secure justice for victims. However, the current incarnation of the ICC is criticized for its low rate of prosecutions\(^3\), length of procedures and “preoccupation”\(^4\) with African countries. With African member countries queueing up to derogate from the court completely\(^5\), the collapse of the entire mechanism may be imminent, resulting in a world where those wielding power know that crimes affecting the human race as a whole are heard in no court and carry no punishment.

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1 International Criminal Court, About the ICC.
2 Courts or tribunals established for a single situation, which are dissolved upon completion of all investigations. See for example the Special Tribunal for Lebanon or the Special Court for Sierra Leone.
3 Forbes, International Criminal Court: 12 Years, $1 Billion, 2 Convictions (2014).
PAST

1. Justice for All?

Prior to the ICC, other international courts and tribunals had been set up to address specific atrocities, such as the Nuremberg Trials and the International Criminal Tribunal for the former Yugoslavia. The ICC was established by the Rome Statute to be a permanent court for addressing such cases. It has jurisdiction over crimes committed within those countries which have ratified the Rome Statute, or by nationals of those countries, and can open investigations therein without needing further consent. Countries who accepted the jurisdiction of the ICC are predominantly African, and notably exclude the USA (itself possibly guilty of war crimes) which withdrew in 2002 its intent to ratify the Rome Statute; similarly, Russia withdrew its intent to ratify the Statute following international criticism over the invasion of Crimea.

The ICC does not have a police force, so it is highly dependent on cooperation from states, both parties to the Rome Statute, and others. This to ensure access to data from national security services/organs, implementation of arrest warrants/citations to ensure accused/suspects or witnesses appear before the court and enforcement of judgements (for convicted people to execute their sentence in a prison).

2. Stakeholders’ interests and interconnections

The ICC is independent from the United Nations (UN), however must take on cases as referred by the UN Security Council. The ICC is dependent on the support of member countries for its actual operation, and especially for funding its budget. As its most important contributor, EU Member States paid “considerably more than 50%” of the 2009 budget, for example.

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6 Other tribunals also have existed concurrently with the ICC, such as the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone and the Special Tribunal for Lebanon.
7 Meaning signatories of the Rome Statute or countries having filed a declaration with the ICC accepting its jurisdiction for a specific situation and duration - See article 12(3) of the Rome Statute.
9 The Guardian, US army and CIA may be guilty of war crimes in Afghanistan, says ICC (2016).
10 “Ratification” of a treaty is the process by which a state makes said treaty actually legally binding upon themselves. Signing a treaty is, in itself, not binding.
13 Ibid. (short from ‘ibidem’ ‘meaning ‘in the same place’ is used to repeat a citation in the immediately preceding footnote. If followed by a page number, the information is the same source, but at a different page number).
The signatories influence the ICC through the Assembly of State Parties, which comprises representatives of all state parties to the Rome Statute, and decides on budgets and the election of judges. Non-signatories may still support the Court, for example by allowing Court staff access to evidence and witnesses on their territory. Not all non-signatories are cooperative - for example the USA passed legislation in 2002 making it illegal to provide military aid to ICC signatories (with some key exceptions, such as NATO members). During the Obama administration, the USA adopted a position of “cautious” support for the ICC, but the historic example serves to illustrate what a lack of cooperation can look like in practice. Civil society can also support and influence the ICC; for example the Coalition for the International Criminal Court, which comprises over 2,500 NGOs working in partnership with the ICC.
The African Union has called for a mass withdrawal from the ICC due to a perception of disproportionate and unfair treatment. As of February 2017, the actual implementation of this is questionable. Significantly, investigations into current office-holding leaders created a backlash against the ICC. However, an important part of the Rome Statute is that leaders and officials do not have immunity from its jurisdiction. It is important to note, when discussing the countries where the ICC acts, the Office of the Prosecutor makes decisions on which situations to investigate. The Court (namely Judges) are only seized when the Prosecutor has gathered enough evidence against specific individuals to be brought at trial. The Prosecutor’s decisions however are limited by the budget it is awarded by the Assembly of State Parties. You can see the full legal procedure here.

3. Current Measures

The EU supports the actions of the Court through police action, intelligence sharing, and the provision of funding. The international community as a whole has shown support for increasing the power of the ICC through a series of amendments made to the Rome Statute, including the criminalisation of biological, chemical and unconventional weaponry, and acts of aggression against another state. However, there has been criticism that whilst calling for broader activities of the ICC, states have been withholding the additional funding which would make this possible.

4. Legislative Framework

The EU has a common position across Member States, strongly supporting the ICC, including through financial support, police action, and the sharing of classified information. This was reinforced by an Action Plan, which includes provisions for EU Member States to encourage and push for transparent selection procedures for ICC judges in the ASP, and provide judicial assistance as needed.

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14 Nine of the ten situations currently under investigation by the ICC deal with African countries. Four out of ten situations under preliminary investigation concern African States.
15 All Africa, South Africa: Court Revokes Government’s Decision to Leave ICC (2017).
16 For example the situation in Kenya during 2007-2008.
17 See article 27 of the Rome Statute
18 See for example Prosecutor’s statement in Reuters, ICC prosecutor vows to investigate both sides in Ivory Coast (2016).
19 See article 8 of the Rome Statute.
20 Meaning going to war illegally - see UN Charter Article 2 (4).
21 Amnesty International, States shouldn’t use ICC budget to interfere with its work (2016).
The EU has codified its commitment to promoting the widest collaboration with the ICC and the promotion of international law\(^{23}\) - for example by encouraging the adoption of the Agreement on Privileges and Immunities of the ICC by third parties.

The ICC operates under well-defined agreements with the UN, providing the exchange of information and other administrative cooperation, as well as mechanisms for the Security Council to refer cases to the ICC and for the ICC to inform of a failure to cooperate with its requests\(^ {24}\).

The ICC has complementary\(^ {25}\) jurisdiction\(^ {26}\) over situations that can be brought to its attention. In practice this requires effective national legislation implementing provisions of the Rome Statute, as well as inter-state cooperation - in particular when it concerns the arrest and surrender of individuals subject to ICC warrants.

**WHERE PAST AND FUTURE MEET**

Too flawed to fix, or too important to lose? What more support could be given, or what alternatives could be considered? Can you imagine a case against a western democracy - especially when super-powers like the USA do not accept the Court? Do you feel there is a problem with the Court’s operation in Africa? What does a world free from international impunity to destroy life truly look like?


\(^{25}\) Meaning that it exists in parallel with national court systems, and only intervenes if a national authority does not or cannot deal with a case itself.

\(^{26}\) International Centre for Transitional Justice, Handbook on Complementarity (2016).
A Promise Unkept: Despite an increased legal protection of indigenous people’s human rights, national and regional policies can often be contradictory and not fully implemented, and indigenous people still fall victims of industrial projects. The growing demand for non-renewable resources suggests that such activities are likely to impinge even more on the lands of indigenous communities living in countries with important resource reserves. How can Europe protect the rights and heritage of indigenous and tribal peoples, whilst still allowing industrial and economic growth?

Chaired by Juuli Salonen (FI)
SUMMARY

Indigenous peoples have been oppressed and their rights questioned for centuries. The international community has taken big steps to change this, but in practice there are often ongoing tensions between indigenous peoples and others on how universally recognised rights should be understood and implemented. Consequently, indigenous peoples fall victims of human rights violations world-wide. Much of the conflict over the extractive industries between indigenous peoples and states takes place within an environment of contradictory laws and regulations in development and environmental commitments.

FUTURE

Indigenous peoples' have long traditions to take care of nature. Most of their traditional livelihoods are closely connected to the biological cycle. People have degraded natural habitats of indigenous peoples which does not only pose a threat to their culture and traditions, but also accelerates climate change and threatens a dramatic loss of biodiversity. Indigenous peoples' territories contain significant deposits of minerals, oil and gas and this has made them attractive to the extractive industries and governments which see them as areas suitable for foreign investment and income generating exports.

As the world's energy consumption increases and the non-renewable energy sources are limited, the companies in extractive industries race to new regions such as the Arctic, which contains a wealth of petroleum and mineral resources. In those same areas live indigenous and tribal peoples who do not get their voice heard even if the companies and states continue ignoring their rights and destroying their ancestral lands.

1 See following section.
2 For example fishing, hunting, collecting and nomadism.
3 Indigenous peoples care for an estimated 22% of the Earth’s surface and protect nearly 80% of remaining biodiversity on the planet - ILO, Who are the indigenous and tribal people.
4 A 2013 report covering operations of 40 US oil and gas companies found that nearly one-third of production took place on or near indigenous peoples’ lands; more than half of potential new reserves were likely to impact indigenous peoples; 40% of current mining projects and nearly 80% of future projects impacted or would impact indigenous peoples.
5 Estimated to increase by 48% between 2012 and 2040, with fossil fuels accounting for more than 75% of world energy use in 2040 - U.S. Energy Information Administration, International Energy Outlook (2016).
6 The region produces about one tenth of the world’s oil and a quarter of its natural gas, The Russian Geographical Society.
1. Key concepts defined

Indigenous and tribal peoples are found in all regions of the world and constitute about 5% of the world’s population (nearly 370 million people) spread across 70 countries. There is no universal definition of indigenous and tribal peoples, the Indigenous and tribal peoples Convention provides a set of criteria for identifying them in a given country. Albeit not universally agreed, the key criterion of self-identification is widely recognized. There are several indigenous peoples living in Europe: the Sami people, the Basque and few others in Russia.

Extractive industries have had negative impacts on the health and wellbeing of indigenous peoples and led to human rights abuses. Even in countries aspiring to the highest standards of human rights, indigenous peoples criticise the means by which the government has carried out negotiations for projects in extractive industries - inadequate, manipulative consultations, or ignorance of lack of consent. Mining, oil and gas projects cover extensive areas of land, often well beyond the actual site of extraction (to include for example access roads, accommodation, and areas for water run offs). In certain cases, this led to the forced removal of indigenous peoples (or threat thereof) from their lands to make way for extractive industries infrastructure. Multinational companies operate all around the world in countries that cannot or will not provide enough oversight or regulation of their human rights practices. The trend is increasing as companies extend their global reach. Corporate Social Responsibility (CSR) plays a vital part in these issues. The Commission has defined CSR as the responsibility of enterprises for their impact on society.
2. Stakeholders’ interests and interconnections

Indigenous and tribal peoples themselves have widely diverse views of extractive industries - many worry about the future of their cultures and lands; others see opportunities. Mostly, they do not believe companies and governments respect their rights\(^\text{18}\). The UN Human Rights Office of the High Commissioner (OHCHR) promotes and protects human rights for all by setting standards for states and other entities, monitoring and providing assistance in achieving these non-binding standards. The International Labour Organization’s (ILO) Indigenous and Tribal Peoples Convention 1989 (No. 169) is the only international treaty that deals exclusively with the rights of these peoples\(^\text{19}\). The ILO’s Decent Work Agenda, with gender equality and non-discrimination as a cross-cutting concern, serves as a framework for indigenous and tribal peoples’ empowerment. The European Union (EU) seeks to integrate human rights, including indigenous issues, into all aspects of its external policies\(^\text{20}\).

National Governments have a major role in implementing the rights of indigenous peoples on the national level. According to the Declaration on the Rights of Indigenous Peoples, states should establish mechanisms to guarantee these rights. However, in practice, many countries are heavily dependent on extractive industries, which bring steady income; in countries with high levels of corruption, leaders might seek personal benefits from such deals\(^\text{21}\).

In their turn, corporations in extractive industries need extensive areas of land which are often found on lands traditionally owned by indigenous peoples. Sometimes these are in fragile eco-systems and companies are criticised for contaminating the environment where they are located.

\(^{18}\) See footnote 14.

\(^{19}\) To date, the Convention has been ratified by 22 countries. From European countries only Norway, Denmark, the Netherlands and Spain have signed it - [What is ILO?](#).


\(^{21}\) See footnote 18.
3. Current Measures

The UN Permanent Forum on Indigenous Issues (UNPFII) is a high-level advisory body, providing expert advice and recommendations on indigenous issues to the Economic and Social Council (ECOSOC), as well as to other UN programmes, funds and agencies. The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) provides the Human Rights Council thematic advice (studies and research) on the rights of indigenous peoples. The Special Rapporteur on the Rights of Indigenous Peoples promotes good practices between indigenous peoples and states, reports on the overall human rights situations of indigenous peoples in selected countries and addresses specific cases of alleged violations through communications with governments and others. The European Instrument for Democracy and Human Rights (EIDHR) supports civil society organisations working on indigenous issues.

There has been a marked increase in advisory CSR guidelines for the private sector and in particular for companies involved in the extraction of nonrenewable resources to comply with human rights norms.

Industry associations also issued guidance for their members on how to conduct business with indigenous peoples, establishing for example that indigenous peoples may need to consent before a project moves forward.

The European Commission and the European External Action Service (EEAS) have been proactively supporting activities that facilitate the progress of responsible business conduct among enterprises registered in the EU. While the UN Guiding Principles bind Member States, as primary holders of the responsibility to protect human rights, the EU has a role in protecting, promoting and furthering human rights and in supporting its Member States in effectively fulfilling their obligations. Multilateral banks such as the World Bank Group have directives and safeguards in cases where loans are for projects impacting indigenous peoples and which require states and industry to respect indigenous peoples' rights.

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22 The Council a) has a complaint mechanism through which individuals, groups or organisations can file complaints with states if their rights were violated; b) it carries out a universal periodic mechanism of states and their human rights record.
23 Such as the Guidelines for Multinational Enterprises from OECD and the UN Human Rights Council’s Guiding Principles on Business and Human Rights.
24 Such as the International Council on Mining and Metals (ICMM) and the International Petroleum Industry Environmental Conservation Association (IPIECA). See further footnote 18, p.5.
25 The European Commission, Implementing the UN Guiding Principles on Business and Human Rights, p. 22.
26 See footnote 24, p.6.
4. Legislative Framework

The Universal Declaration of Human Rights (UDHR) sets out the fundamental human rights, generally applicable, to all, without any discrimination (article 2). The UN Declaration of Rights of Indigenous Peoples (UNDRIP) is the most comprehensive international instrument on the rights of indigenous peoples, albeit non-binding. It establishes a universal framework of minimum standards for the survival, dignity and wellbeing of indigenous peoples of the world, elaborating on how human rights standards apply to the specific situation of indigenous peoples.

The UN Convention on Biological Diversity (CBD) recognises the role of indigenous and tribal peoples in the conservation of biological diversity.27

The Indigenous and Tribal Peoples Convention (C169) is an international treaty28 that aims to overcome discriminatory practices affecting these peoples and enabling them to participate in decision-making in matters that affect their lives. Therefore, the fundamental principles of consultation and participation constitute the cornerstone of the Convention.

WHERE PAST AND FUTURE MEET

How can industrial development in Europe co-exist with preservation of cultural heritage, without sacrificing the rights of indigenous and tribal people? In what ways could European states better ensure that the rights and traditional livelihoods of the indigenous peoples are protected both in Europe and worldwide? Should there be sanctions to corporations which do not respect the rights of indigenous peoples?

28 To date, it has been ratified by 22 member states of the ILO covering an estimated population of more than 50 million indigenous peoples. The decision to ratify the Convention, like any other international treaty, is a sovereign and voluntary decision of a State - International Labour Office Geneva, Understanding the Indigenous and Tribal Peoples’ Convention, 1989 (No.169).
Out of Sight, Out of Mind: More than 8 million children live in institutions and orphanages around the world, while 80% of them have one, if not both, parents alive. Institutionalisation perpetuates, rather than alleviates, the exploitation of vulnerable children. Faced with the rise in ‘for profit’ orphanages and the growing trend of orphanage voluntourism, how can European countries tackle the institutionalisation of children around the world, and ensure the child’s best interests are always protected?

Chaired by Halyna Virt (UA)
SUMMARY

The global problem of the institutionalisation of children has received little attention until relatively recently. As a consequence, there is no precise data available for most countries on the number and types of care institutions in operation and on the number of children who are institutionalised. However, in the last 10-15 years, the issue has risen on the international human rights and child protection agenda, and has increasingly come under the media spotlight. At the same time, effective policies to deter institutionalisation are yet to be forthcoming in many countries and support for family-based support and alternative-based care is underfunded in spite of high numbers of children living without parental and family care. Children living in care institutions lack intimate physical and emotional contact, with their physical, social, emotional and cognitive development, as well as their psychiatric and behavioural wellbeing endangered. While exact figures are not available, approximately eight million children are waiting for their voices to be heard.

FUTURE

An estimated number of at least 8 million children live in private and public care institutions, even though over 80% of these children have a living parent. Without effective measures, the number will increase. The 8 million include not only children whose families broke down due to abuse or neglect by parents/guardians, but also those whose parents do not have enough funds to take care of their children and cover basic needs like food, clothing and healthcare. Moreover, children with disabilities, learning difficulties and illnesses are often placed in specialised institutions because their families do not have access to the right support services or because there is no inclusive education policy or infrastructure in the region. As more families encounter financial difficulties, the number of children in orphanages could severely increase. It should also be noted that institutionalisation carries the risks of sexual abuse, exploitation and trafficking, physical harm, denial of affection and

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4 See footnote 2, p.5.
6 Institutionalisation refers to placing children in residential care facilities for children without parental care, where they remain isolated from the local communities, and break ties with their biological and cultural origins. (Opening Doors, *Deinstitutionalization* (2012) p.2.)
humiliation\textsuperscript{7}.

Furthermore, the number of residential care institutions like orphanages will increase, as the business of ‘for profit’ orphanages flourishes, continuing to take advantage of the goodwill of individuals travelling on expensive volunteering programs to work in these institutions\textsuperscript{8}; they do not only make money from voluntourists, but also from individuals donating with a genuine intention to help, and incentivised to donate to such institutions through tax benefits; these ‘businesses’ often misappropriate charitable funds\textsuperscript{9} and the children see none of it.

PAST

1. **Key terms**\textsuperscript{10}

**Alternative care** – formal and informal care of children outside of parental care.

**Foster care** – care provided by a non-related family on temporary or full-time basis.

**Kinship care** – Family-based care within the child’s extended family or with close friends of the family known to the child, whether formal or informal in nature.

**Reunification** – the process of transitioning a child back to his/her family of origin.

**Gatekeeping** – review procedures or decision-making processes on determining whether orphanage placement is necessary and appropriate for the child in question.

**Care leaver** – a child who is exiting a care placement.

2. **Stakeholders’ interests and interconnections**

**International organisations** such as **UNICEF**, the world’s leading organisation in the field of child protection. Other international organisations addressing children’s rights issues include **regional bodies** (e.g. **African Child Policy Forum**). **International and national governmental organisations, foundations and networks** addressing the issue of deinstitutionalization (DI)\textsuperscript{11} of children and alternative care, such as **Stahili, Lumos, Better Care Network, Oak Foundation** etc.

\textsuperscript{7} Save the Children, ‘Keeping children out of harmful institutions: why we should be investing in family-based care’ (2009), p.7.

\textsuperscript{8} So-called ‘voluntourists’. See **Orphanage Voluntourism: The Truth**.

\textsuperscript{9} Stahili Foundation, ‘Why voluntourism in orphanages should be on the agenda of the UN Year of Sustainable Tourism’ (2017).

\textsuperscript{10} See footnote 5, p.6.

\textsuperscript{11} Deinstitutionalization of children is a policy-driven process of reforming a country’s alternative care system based on transitioning from institutional to family-based care. (Opening doors ‘Deinstitutionalization and quality alternative care for children in Europe’ (2014), p.6).
European Expert Group on the Transition from Institutional to Community-based Care includes 12 international organisations working on DI.

Major children’s rights charities and networks such as Save the Children, Defence for Children International, and Children’s Rights Information Network.

Government ministries for children, education and health, many of which have policies on institutional care, alternative care, and child welfare. The policies are not always enforced, however.

Volunteers working in care institutions are often not qualified to work with vulnerable children, and contribute to the problem by sustaining orphanages, while family-based alternatives are cheaper and better for child well-being.
3. Current Measures

A number of countries, with the support of international organisations and NGOs, are actively working on DI in order to decrease reliance on institutional and residential care with a complementary increase in family and community-based care and services\(^{12}\). This process can involve a range of measures, from economic strengthening of families through cash transfer schemes to facilitating alternative care or enabling long-term educational support or health care for these families. Many countries, for example, provide financial incentives to families adopting children in-country and actively promote alternative-based care, including fostering\(^{13}\).

The issue of deinstitutionalization is partially covered\(^{14}\) in the United Nations Sustainable Development Goals (SDGs), however the process of achieving these objectives is very slow as family- and community-based care institutions do not benefit from the support needed to become sustainable; that is, if they have the strength and capacity to emerge in the first place.

4. Legislative Framework

All children, among other rights\(^{15}\), are entitled to family relations, to not be separated from their parents against the child’s will, to privacy, to social security insurance and benefits, to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development, to education, to rest, leisure and recreational activities regardless of whether they are in a family or in an orphanage\(^{16}\). These rights are safeguarded in several regional and international instruments\(^{17}\).

Research shows that living in an orphanage carries severe risks of depriving kids of these rights\(^{18}\), and in general of the principle of the best interest of a child as a primary consideration in all actions concerning them, the right to life and maximum survival and development, the right to respect for the child views on matters affecting the child.

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\(^{12}\) See footnote 11, p.9.
\(^{13}\) See footnote 5, p.9.
\(^{14}\) See SDGs 1, 3 and 10.
\(^{17}\) These instruments include, but are not limited to: the European Convention on Human Rights, the Universal Declaration on Human Rights, the UN Guidelines for the Alternative Care of Children, the UN Convention on the Rights of Persons with Disabilities.
\(^{18}\) See footnote 1, p.1.
WHERE PAST AND FUTURE MEET

Many reasons have been attributed to the explosion of the ‘orphanage industry’: poverty, family breakdown, HIV-AIDS, natural disasters, armed conflict, the increasingly sophisticated networks and operations of child trafficking. Moreover, the rise in ‘voluntourism’ to orphanages located in popular tourist destinations is unwittingly fuelling orphanages with extensive support and funds. At the same time, care leavers are often exposed to unemployment, homelessness, conflict with the law, sexual exploitation, and poor parenting, requiring increased expenses associated with health, education, and legal services that may result in longer-term costs to society.

What are the key issues within the topic that are to be tackled? Why is there a lack of precise statistical information available on the issue? Who are the people creating and benefiting from ‘for profit care institutions? Why has this issue only recently started receiving attention and interest from the media, civil society and governments? And, most importantly, what can be done to tackle the issue and ensure that children grow up in families and not in institutions?
Mind the Gap: The poorest 20% of the European population has 5.2 times less disposable income compared to the top 20%, indicating an alarming tendency toward severe income disparity and social exclusion. With nearly one in four European citizens living at risk of poverty or social exclusion, how can European countries change this trend and improve the quality of living of individuals in the lower tail of the wealth distribution?

Chaired by Maria Köpping (AT)
SUMMARY

The gap between rich and poor is at its highest level in decades - a trend that needs to be countered due to the negative economic and social impacts that inequalities bring not only for those at the bottom 10% or 20%, but for a population as a whole. While there generally is consensus that the issue of an increasing wealth- and income-gap need to be addressed, there is a multitude of opinions and approaches as to where redistribution should happen and to what extent the state should even intervene. The question remains how economic development can be designed in an inclusive way and how individuals at the lower tail of the wealth distribution can be supported without taking away incentives for individual effort and success.

FUTURE

The average income of the richest 10% of the population is about nine times that of the poorest 10%. Economic inequality has been rising since the 1970s – not only in bad, but also in good economic times – and is thus a long-term trend. The rising income and wealth disparity is the defining challenge of our time and has been identified as the number one trend that will determine global developments.

To a certain extent, inequalities will always exist and not all inequality is necessarily bad. However, from an economic point of view, widening inequality has significant implications for growth; it can lead to investment-reducing political and economic instability and raise the risk for crisis. Inequalities also negatively impact a society as a whole – it has been shown that health and social problems are more common in countries with bigger income inequalities and that inequalities negatively affect social and political cohesion.

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1 OECD, ‘Inequality’.
2 Economic inequality refers to the gap between well-off and less well-off in the overall economic distribution. Most commonly, this inequality is measured by income (extent to which income is distributed in an uneven manner among a population) or wealth (taking into account the total amount of assets owned by an individual or household). Policy Department Economic and Scientific Policy, Briefing: Economic Inequality (European Parliament), p.2.
3 Ibid., p. 5 (short from ibidem ‘meaning ‘in the same place’ is used to repeat a citation in the immediately preceding footnote. If followed by a page number, the information is the same source, but at a different page number).
6 See footnote 2, p.3.
Almost every fourth person in the European Union (EU) is still at risk of poverty or social exclusion. This is not only highly problematic for those at the lower tail of the wealth distribution; social exclusion has also been identified as a threat to peace, because discontent is often a prelude to violent forms of conflict. What also needs to be kept in mind is that economic inequality affects not only the “poorest”, but the bottom 40% and thus large population groups. At the same time, inequality also hampers poverty reduction.

PAST

1. Tackling Inequalities: the what and the how

Outcome vs. opportunity: When discussing inequality, we commonly distinguish between inequality of outcomes and inequality of opportunity. These are strongly interrelated: inequality of outcome is often a product of differences in opportunity, as well as individual’s efforts and can also reinforce unequal opportunity, thus creating a self-enhancing spiral. Factors that may have accelerated these trends include developments on the labour market (changes in employment patterns and working conditions), weaker redistribution systems and technological changes.

Inequality and economic growth: For a long time considered a ‘byproduct’ of development, progress and economic growth, many studies and empirical evidence show today that efficiency/economic growth and equality are not mutually exclusive, calling for models of inclusive growth. Research on how economic inequality and growth are

9 See footnote 5, p.9.
10 Inequality of outcome is indicated by the gap in income, wealth or expenditure, while inequality of opportunity is attributed to differences in circumstances beyond the individual’s control. Ibid., p. 6.
11 Inequalities of outcome (i.e. disparities in income and wealth) are often not (merely) a product of efforts and merit, but rather deeply rooted in differences in opportunities which individuals are confronted with, relating specifically to health and education. Resulting inequalities in outcome can then once again reinforce unequal opportunities, as disparities in income and wealth are passed on for generations and inhibit individuals at the lower tail of the wealth distribution from accessing health or education. It is therefore argued that policies to tackle inequality need to focus not only on equalizing the final results, but also on “leveling the playing field”.
12 Redistribution systems entail policies targeting to channel a nation’s wealth from richer to poorer.
13 See footnote 2, p.5.
15 Inclusive growth refers to economic growth that creates opportunity for all segments of the
connected has suggested that inequality has negative impacts on growth\textsuperscript{16}. For example, an International Monetary Fund (IMF) report finds that inequality in income negatively impacts sustainability in growth: when the income share of the top 20% increases, GDP growth will actually be lower in the following years, showing that benefits do not trickle down\textsuperscript{17}. This causality is significant because many countries (especially developing economies) depend on economic growth to fight poverty and help those at the lower tail of the wealth distribution.

**State intervention: Fiscal policy\textsuperscript{18}** is the primary tool for governments to directly affect income distribution and has played a significant role in reducing inequality of outcome in advanced economies\textsuperscript{19}. Redistribution is, however, a controversial issue; countries across Europe take very different approaches, translating into different welfare states\textsuperscript{20}; it is also contested how redistribution links to, and potentially slows down, economic growth\textsuperscript{21}. The state also indirectly impacts the extent of economic inequalities by setting the framework and guidelines for economic growth. Furthermore, governments also play a major role in influencing inequality in opportunity, particularly in access to health care and education.

**Inequality and monetary policy:** Responses to the financial crisis in Europe and beyond have also stimulated debates about whether and how monetary policy\textsuperscript{22} can affect inequality. Central banks are not charged with the task of addressing inequalities, but have rather clear mandates to maintain price stability.

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\textsuperscript{17} See footnote 5, p.6 and onwards.

\textsuperscript{18} Fiscal policy refers to a government’s revenue (taxation) and spending policy, including for example direct income taxes and transfers.


\textsuperscript{20} The welfare state describes a variety of political practices and processes related to the arrangement of social and economic order. European Welfare states are commonly distinguished into four different types, namely the social democratic (e.g. Scandinavian countries), the conservative (e.g. Germany, Austria, France), the liberal (e.g. Ireland, UK) and the Mediterranean (Greece, Spain, Italy) – each model is based on different values and associated with different sets of policy, financing and benefits (see, for example, E. Stetter, *The Welfare State and the fight against inequality* (2015) p. 2-3).

\textsuperscript{21} Gail Fosler Group, ‘*Institutions & Governance: Does Income Redistribution Affect Economic Growth?’* (2014).

\textsuperscript{22} Monetary policy refers to actions of a central bank, currency board or other regulatory committee that determine the size and rate of growth of money supply, which in turn affects interest rates.
However, *accommodative monetary policy*\(^{23}\) measures as they were implemented in attempts to stimulate economic growth during the financial crisis may also impact the distribution of income and wealth\(^{24}\).

### 2. Stakeholders’ interests & interconnections

**National governments** are a key player in reducing economic disparities as they can directly and indirectly impact inequalities in opportunity and outcome\(^{25}\). Alongside inequalities within countries, there are also vast inequalities between countries across the EU and on a global level that need to be taken into account. These are problematic for a multitude of reasons, but especially within the *eurozone*\(^{26}\), where countries are strongly interconnected.

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\(23\) **Accommodative monetary policy** (also known as ‘easy’ or ‘loose’ monetary policy) refers to policies attempting to expand money supply as a way of stimulating economic growth. This usually involves lowering interest rates to make money less expensive to borrow.

\(24\) See European Central Bank, ‘*Monetary policy and economic inequality, A speech by Yves Mersch, Member of the Executive Board of the ECB*’ (2014), G.Claeys, Z.Darvas, A.Leandro, T.Walsh, ‘*The effects of ultra-loose monetary policies on inequality*’ (2015) and European Central Bank, ‘*What can monetary policy do about inequality? A speech by Benoit Coeuré, Member of the Executive Board of the ECB*’ (2012).

\(25\) See Section “Tackling Inequalities: the what and the how”.

\(26\) Members of the *eurozone* are the (currently 19) EU Member States that have already adopted the euro as their currency.
and so-called ‘spill-over effects’\textsuperscript{27} can affect other EU Member States. While social and employment performance indicators were converging across the EU prior to the financial crisis, recent data indicates that the gap has been growing wider since 2008\textsuperscript{28}.

At the EU level, a number of actors are involved in economic policy making (figure 1)\textsuperscript{29}.

The Organisation for Economic Co-Operation and Development (OECD) has published a number of reports on economic inequalities\textsuperscript{30} and can play a role particularly in enhancing cooperation amongst its members and in shaping institutional frameworks to reduce disparities.

The International Monetary Fund (IMF) pursues the fundamental mission to ensure the stability of the international monetary system and, by providing financial assistance, is particularly important for poorer economies. In the aftermath of the global financial crisis, the IMF’s Fiscal Monitor has become an important tool. In the past years, the IMF has emphasised that reducing inequalities will boost economic growth\textsuperscript{31}.

The World Economic Forum, bringing together leaders in shaping global, regional and industry agendas, has created a platform for discussion on policy for socio-economic inclusion with its Meta-Council on Inclusive Growth.

\textsuperscript{27} The “spill-over effect” of employment and social imbalances means that action - or lack of action - regarding employment and social challenges in one Member State can affect other Member States.

\textsuperscript{28} This trend is indicated by the Scoreboard of key employment and social indicators which takes into account five headline indicators: 1) unemployment rate, 2) rate of young people neither in employment, nor in education or training, 3) real gross disposable income of households, 4) at-risk-of-poverty rate of working age population and 5) income inequality. (L. Andor, ‘Imbalances & Inequalities in the EU: Challenges to the Europe 2020 Strategy’ (2014), p.16).

\textsuperscript{29} See European Commission, ‘What is the Economic & Monetary Union?’ (2017) as well as the home pages of the relevant actors: European Central Bank, European Council, Ecofin Council, Eurogroup, European Parliament and European Commission. Regarding the European Commission’s responsibilities: Following the introduction of the so-called Two-Pack in 2013, as part of the European Semester, in the spring of every year, Member States present their medium-term fiscal plans - these are called Stability Programmes for euro area Member States and Convergence Programmes for the others. This is meant to further enhance economic integration and convergence amongst Member States in the framework of the Stability and Growth Pact. European Commission, ‘Two-Pack enters into force, completing budgetary surveillance cycle and further improving economic governance for the euro area’ (2013).

\textsuperscript{30} Such as OECD, All on Board. Making Inclusive Growth Happen (2015) and OECD, In it Together: Why less Inequality benefits all (2015).

\textsuperscript{31} See The Guardian, ‘IMF study finds inequality is damaging to economic growth’ (2014) and The Independent, ‘Neoliberalism is increasing inequality and stunting economic growth, IMF says’ (2016).
3. Current measures

The United Nations (UN) have put the reduction of inequality high on the world’s agenda by making it one of the global Sustainable Development Goals: Goal 10 sets targets for countries to sustain and achieve income growth of the bottom 40% of the population at a rate higher than the national average and adopt (fiscal and social protection) policies for greater equality.

At the EU level, the importance of smart, sustainable and inclusive growth is emphasised in the Europe 2020 Strategy which includes a number of targets for employment and social inclusion and sets the goal to lift 20 million people out of the risk of poverty and social exclusion by 2020 (compared to the year 2008)\(^\text{32}\). As mentioned above, tax and benefits systems have played a key role in redistributing wealth and reducing income inequalities in advanced economies\(^\text{33}\). States can provide cash benefits (such as unemployment benefits) or in-kind benefits (such as subsidised education) and influence disposable income\(^\text{34}\) through taxation\(^\text{35}\). In the EU, these measures are taken mainly at the national level, however Member States have converged their policies to some extent\(^\text{36}\).

4. Legislative framework

In the EU, all Member States coordinate their economic and fiscal policies in the framework of the economic and monetary union (EMU). For countries that are already members of the eurozone, monetary policy is an exclusive competence\(^\text{37}\).

While there have been calls for and controversies around the establishment of a “fiscal union”, fiscal policy is still implemented mainly at the national level. While transference of fiscal authority to the European level was not politically viable, the Stability and Growth Pact was implemented as the EU’s main tool to safeguard economic stability and fiscal discipline.

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\(^{32}\) For more details see F. Bogliacino (Intereconomics), Inequality and Europe 2020 (2014).

\(^{33}\) Tax and benefits can also play a role in developing economies however poorer countries depend largely on economic growth before they can implement redistributional measures.

\(^{34}\) Disposable income is the amount of money that households have available for spending and saving after income taxes have been accounted for.

\(^{35}\) Economics online, Policies to reduce inequality and poverty (n.d.)

\(^{36}\) See Section “Legislative framework”.

\(^{37}\) Exclusive competence means that only the EU can act in this policy area.
Employment and social policy is an area of shared competence\(^{38}\), where responsibility lies primarily with national governments and the EU merely supports and complements their efforts\(^{39}\). The European Commission has a number of programmes at disposal to provide support and funding for projects relating to employment, social affairs and social inclusion, such as for example the European Social Fund and the Fund for European Aid to the most Deprived\(^{40}\).

WHERE PAST AND FUTURE MEET

Europe is becoming more unequal, both between and within countries, but there is no one single explanation, nor a one-size-fits-all solution for these problems. The EU itself is already a very diverse area and disparities between (developed and developing) countries are even greater at the global level. It is therefore vital to take an analytical approach in understanding individual regions’ and countries’ problems\(^{41}\) and asking which inequalities (measured by wealth, income or poverty) we are actually talking about and why these inequalities exist before determining what measures can be taken to reduce them.

\(^{38}\) Shared competence means that both the EU and its member states may adopt legally binding acts in the area concerned.

\(^{39}\) Europa.eu, Employment and social affairs (2017).

\(^{40}\) European Commission, Employment, Social Affairs & Inclusion - Funding (2016).

\(^{41}\) For recent data from individual countries, see for example the OECD income database or the European Commission Social Situation Monitor.
The Future of the Workforce: With an aging population across Europe, pension crisis looming in several countries and a rapidly changing employment market, European countries are called to rethink the foundations of the future workforce. Two out of every five young Europeans are willing to start their own business, while nine out of every ten entrepreneurship attempts fail within the first three years. Should European states support youth entrepreneurship or seek a different approach to lowering youth unemployment? How can Europe enable future developments of the workforce?

Chaired by Alexander Proctor (FI)
SUMMARY

Europe is the continent of youth unemployment – a situation threatening to affect the lives of an entire generation. It is impossible to predict the future, but the latest advancements in technology suggest great changes in the nature of work and the labour force are pending. In the short-term, Europe needs to enable growth and tackle youth unemployment. In the long-term, the road for technological development needs to be paved responsively and inclusively. How can Europe enable change to benefit its youth instead of increasing inequality?

FUTURE

Young Europeans paid the biggest price of the economic crisis with unprecedented unemployment rates.¹ Unemployment and/or joblessness early on in life affect employment prospects and wages throughout a person’s lifetime.² Advanced economies are bringing up the first generation in 70 years at great risk of growing up poorer than their parents. This generation is also facing precarious employment overcoming standard employment, due to globalisation, rapid technological change and disruption shaping business models, pushing employers to opt for flexibility. Freelance is now the fastest growing segment of the labour market. While entrepreneurship may be an answer to future developments, European youth currently feel least positive about starting a business in the world. The fourth industrial revolution (4IR)⁶ is bringing about change with exponential speed which, if not managed, can lead to further inequality, talent shortages, mass unemployment and Europe losing on its share in the market.

¹ 24% in EU-28 in 2013, dropping down to 18.6% by October 2016, varying greatly by state: from 45.7% in Greece, 42.9% in Spain and 40.2% in Italy to 8.9% in Moldova, 6.5% in Germany and 6.4% in Iceland – Trading Economics, ‘European Union Youth Unemployment Rate’.
⁴ Full-time permanent contracts.
⁵ See information economy, circular economy, collaborative economy, digital economy, data economy.
⁷ M.Haupt, ‘Exponential Technology Defined’
1. Key facts and terms

More than five million jobs were lost in 2010 with slow recovery also due to new businesses opting for technology and automation instead of employment, decoupling productivity and employment. Economic disruption is led by digitalisation and while “Europe remains at the technology frontier”, it has captured only 12% of the digital potential with US and China taking the lead in tech innovations. Job insecurity has increased and the developments in the labour market have challenged workers’ social and health benefit systems.9

The abbreviation NEETs is used to describe young people not in education, employment or training. It addresses a broader “array of vulnerabilities among youth, touching on issues of unemployment, early school leaving and labour market discouragement.”

Disruptive exponential growth technologies10 are technologies in which late advances are enabling previously disjointed fields11 to build on and amplify one another, and transferring the power to see and fix problems from governments and corporations to entrepreneurs, “disrupting every industry in every country.”12

Fiscal policy is used by governments to direct economic goals. Expansionary fiscal policy refers to governments increasing the amount of money available to the population. Methods include lowering taxation and adding government spending. Contractionary fiscal policy is using fiscal policy to decrease the amount of money available to citizens. Means of contraction include raising taxes and decreasing government spending.

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9 See footnote 3.
12 See footnote 6.
2. Stakeholders’ interests and interconnection

European states coordinate employment and social policy.

Labour market organisations shape rules and agreements in the labour force. Their role varies from state to state.

ILO sets norms and standards.

3. Current Measures

The United Nations (UN)’s Sustainable Development Goals (SDGs), through Goal 8 on economic growth, aims to “substantially reduce the proportion of youth not in employment, education or training” by 2020. The ILO Youth Employment Programme (YEP) was set up in 2005 to coordinate the response to the global youth employment challenge.

Although tackling youth unemployment is mainly a task of national governments, on a European level, the European Commission has taken measures such as the Youth Guarantee aiming to ensure all young people under the age of 25 years receive a good quality offer of employment, continued education, apprenticeship or traineeship. The Entrepreneurship 2020 Action Plan aims to boost growth by creating new jobs through entrepreneurial education, removing administrative barriers and supporting entrepreneurs, and “reigniting the culture of entrepreneurship in Europe”.

The European Commission is also managing technological developments through the European Digital Single Market strategy (DSM). National governments have different approaches regarding fiscal policy\textsuperscript{14} and social protection schemes\textsuperscript{15} for youth unemployment. Education reform\textsuperscript{16} is also being considered by some states to address the needs in our future world, while companies are embracing lifelong learning to address the rapid changes in their needs for skills.

4. Legislative Framework

The ILO Employment Policy Convention calls on states to “declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment” (article 1). 36 European states have ratified the Convention, meaning they committed to implement it through national legislation\textsuperscript{17}. When it comes to employment in the EU, Member States implement policies, while the EU encourages coordination between Member States and complements their actions\textsuperscript{18}. In the areas of research and technological development, the Union has competence to carry out activities, but not to prevent any state from exercising theirs.\textsuperscript{19} Regarding social security and social protection of workers, the EU supports and complements Member States’ actions.

\begin{footnotesize}
\begin{enumerate}
\item For example, wage subsidies for youth; ILO Employment Policy Department, ‘Fiscal Policy and the Youth Labour Market’ (2015).
\item Eurostat, Social protection statistics.
\item See The Independent, ‘Finland schools: Subjects scrapped and replaced with ‘topics’ as country re-forms its education system’ (2015).
\item See national legislation in compliance with the ILO Employment Policy Convention, submissions of C122 1964.
\item Ibid, Article 4, part 3, p. 54. ("Ibid." - short from 'ibidem' ‘meaning ‘in the same place’ is used to repeat a citation in the immediately preceding footnote. If followed by a page number, the information is the same source, but at a different page number).
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WHERE PAST AND FUTURE MEET

What needs to be done in the short-term? How should governments address youth unemployment on micro and macro levels? How can European governments and the EU work towards enabling future technology responsibly? Where can regulations and standards help – where are they harmful to businesses and innovation? How should governments offer flexibility to businesses while ensuring employees’ social security?

What needs to be done in the long-term? How can Europe prepare for possible permanent structural changes to the labour market? What needs to be done in order for youth to benefit from productivity brought by technology, and not only capital?
Welcome to The Post-Antibiotic Era: Antimicrobial resistance (AMR) is progressively reducing the effectiveness of modern medicine and the treatment of common diseases, accounting for one of the biggest threats to global health, food security and development today. With over 10 million annual deaths projected to be linked with AMR by 2050; how can Europe ensure the proper use, distribution and prescription of antimicrobial agents and products, without unduly damaging innovation and economic sustainability in the pharmaceutical sector?

Chaired by Armine Khamoyan (AM)
SUMMARY

“A post-antibiotic era — in which common infections and minor injuries can kill — far from being an apocalyptic fantasy, is instead a very real possibility for the 21st century.” - Dr. Keiji Fukuda, Assistant Director-General Health Security

After 60 years of use, antibiotics are progressively decreasing in efficacy against infections due to their increasingly widespread use and the evolutionary mechanism of resistant bacteria. On the other hand, the cost and difficulty of developing new antibiotics has lowered the number of newly approved antibacterial agents. New hope comes from the readiness of the international community to take action against this rising threat, but to date no binding measures have been put in place.

FUTURE

While the discovery of antibiotics is estimated to have increased our lifespan by 2 to 10 years\(^1\), their overuse and misuse has led to the evolution of drug resistant bacteria which cause untreatable and life-threatening infections. If the resistance of these bacteria spreads around the world, the implications could reverse decades of medical progress: the success rates of life-saving transplant operations would disintegrate, cancer treatments and routine surgical operations would be too dangerous to carry out, and childbirth deaths would skyrocket.\(^2\)

Antimicrobials\(^3\) are also essential for animal health, livestock and aquaculture\(^4\), as well as environmental health, and they contribute to food security and food safety. In these cases, resistance of the bacteria maximises the transmission of antimicrobial resistance from animals to humans, and through the food chain.\(^5\)

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\(^3\) Antimicrobials include all agents that act against all types of microorganisms – bacteria (antibacterial), viruses (antiviral), fungi (antifungal).
\(^4\) Aquaculture is the rearing of aquatic animals or the cultivation of aquatic plants for food. See further the PECH overview in this booklet.
1. AMR: How and Why

Bacteria develop drug resistance through the acquisition of new genes or through mutations. The increasing overuse of antibiotics and antimicrobial chemicals in our modern lifestyle has pushed this evolution of bacteria to develop resistant genes. Once such a gene is developed, it can then both pass from one individual to another, or be inherited by the offspring of the bacteria.

Other factors contributing towards AMR include incorrect diagnosis, improper use of antibiotics, the use of antibiotics as livestock food additives for growth promotion etc. Resistance wouldn’t be a problem if new drugs could keep up with the demand, but creating antibiotics is becoming increasingly difficult. There has been less and less innovation in the field of antimicrobial research and development.

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7 Visual on the following page - WHO, ‘Discovery void’.
Additionally, there is not much economic incentive for pharmaceutical companies to develop new strains.

A misinformed public is contributing to the crisis. A recent study found most people believe humans develop resistance, not the bacteria. The study also found many insist on taking antibiotics when not needed (against viral infections, for which antibiotics are useless), and stop taking them before their dosage is complete, which leads to the surviving bacteria having more chance to develop AMR.

2. Stakeholders’ interests and interconnections

On the international level, a One Health approach to AMR is taken on by the World Health Organization (WHO), the Food and Agriculture Organization (FAO) and the World Organisation for Animal Health (OIE). Together they take collective action to minimise the emergence and spread of AMR. Their aim is to ensure that antimicrobial agents continue to be effective to cure diseases in humans and animals, to promote responsible use of antimicrobial agents, and to ensure global access to medicines of good quality.

One of the main activities on AMR performed at EU level is surveillance. The European Centre for Disease Prevention and Control (ECDC) coordinates and funds two networks of surveillance that provide data on AMR and antimicrobial consumption for public health purposes: EARS-Net and ESAC-Net. The European Medicines Agency (EMA) and The European Food Safety Agency (EFSA) are also main players regarding monitoring and evaluating the AMR risks across the EU.

10 Ibid, p.50. The paper offers insight into other questions relevant to the topic and its overall read is recommended. (”Ibid.” is short from ‘ibidem’ ‘meaning ’in the same place’; it is used to repeat a citation in the immediately preceding footnote. If followed by a page number, the information is the same source, but at a different page number).
It is worth mentioning that public health, agriculture and environment all fall under shared EU - Member State competencies.

The role of the NGOs, such as Health Action International and Médecins Sans Frontières (MSF) is also crucial in the holistic approach to tackling AMR and ensuring effective actions on the field.

3. Current Measures

The international and EU level actions taken in regard to AMR are focused more on monitoring, evaluating, and raising awareness. In June 2016, the European Commission (EC) published the Eurobarometer results on Antimicrobial Resistance awareness. The EC also funds several antimicrobial resistance projects through its health and research programmes\(^{11}\).

To raise awareness about the issue of the AMR, the ECDC started celebrating the European Antibiotic Awareness Day.

Furthermore, partnerships between different sectors and stakeholders are put in place through such collaborations as the Innovative Medicines Initiative (IMI)\(^{12}\).

WHO is also taking measures to ensure collection and sharing of data through its WHONET Software and Global Antimicrobial Resistance Surveillance System (GLASS) programmes.

4. Legislative Framework

At the World Health Assembly in May 2015, the WHO member states endorsed a Global Action Plan with five objectives aimed to tackle AMR\(^{13}\). This action plan underscores the need for an effective common approach involving coordination among numerous international sectors and actors, including human and veterinary medicine, agriculture, finance, environment, and well informed consumers. The action plan recognises both the variable resources nations have to combat antimicrobial resistance and the economic factors that discourage the development of replacement products by the pharmaceutical industry.

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12 IMI is a partnership between the EU and the European pharmaceutical sector aiming to speed up the development of better and safer medicines for patients.
The WHO is also requesting its member states to develop their own National Action Plans. The EC has already implemented its **Action Plan for 2011-2016**, containing 12 actions, both for human and for veterinary medicine. The EC is currently preparing its second AMR Action Plan due in the first half of 2017.

**The 12 Actions**

Though political willingness is evident in recent times, the legislative framework concerning AMR remains largely not binding. The EU has first addressed the issue with a Council Recommendation (**2002/77/EC**) in 2001 on the prudent use of antimicrobial agents in human medicine, and the latest address is the **Publication of Guidelines on the prudent use of antimicrobials in veterinary medicine** (2015).

WHERE PAST AND FUTURE MEET

Once a bacterium develops resistance, it can take decades for the antibiotic to become useful again. The fight against AMR must thus be taken on a multilateral level. **On the individual level**, how can wrongful common practices, such as not finishing the course of prescribed antibiotics, self-medication, the use of antibiotics in unnecessary cases, be stopped? **On the medical sector level**, how can the correct prescription of antimicrobials, as well as the containment of AMR cases and the correct sanitation be ensured at hospitals? **On the industry level**, with research and development of antimicrobials practically being at a halt for the past 30 years, how can pharmaceutical companies be incentivised to innovate? **On the national and international levels**, what concrete measures and binding regulations can be taken to fight against the AMR, and how can these steps be coordinated among states to make sure the predicted inconceivable number of the fatal cases of AMR can be stopped?  

More than Meets the Eye: Mental health issues are by far the largest contributor to chronic conditions afflicting the population of Europe, with over 27% of Europeans aged 18 to 65 having experienced at least one of a series of mental health issues in the past year. While significant progress has been achieved to improve the quality of life of those affected by physical disabilities, people dealing with invisible disabilities benefit from little to no legislative protection, a general lack of understanding of their conditions, stigma and lack of adequate support services. What measures should European states take to ensure support, care and social integration is afforded to those struggling with mental health issues?

Chaired by Lāra Niamh Eckert Reinfelde (CH)
SUMMARY

Mental health issues affect millions of people in Europe, with severe human and economic costs. Mental health problems impact education and employment, as well as personal development and family bonds. People affected by them lack support and access to necessary treatment and care due to the hidden nature of most of these issues, as well as the costs ensuing thereof. Cuts to social security and public health care hit these people hardest, making them vulnerable and putting them at a higher risk of poverty, especially in the current economic and political climate.

FUTURE

In Europe, the economic cost of mental illness has been estimated to be as high as 798 billion EUR in 2010 with the number of those affected being on the rise. These struggles usually start at a young age, with the median for any mental illness starting being at 14 years of age, and for anxiety disorders at 11 years. There is an increased risk of school drop out in those suffering from mental health issues. Later in life, they are two to three times more likely to be unemployed and more likely to be fired according to the OECD; more likely to rely on social security, and at a higher risk of poverty and homelessness. In turn, factors such as unemployment, detrimental working conditions, and homelessness play a role in mental health issues developing. Merely 23% of those suffering from severe mental disorders are in specialist treatment (10% as concerns moderate disorders in OECD countries). This contributes to higher mortality rates.

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3 Ibid. (short from ‘ibidem’ ‘meaning ‘in the same place’ is used to repeat a citation in the immediately preceding footnote. If followed by a page number, the information is the same source, but at a different page number).
4 Ibid.
6 See footnote 2.
7 This is known as a treatment gap and refers to the discrepancy between the number of people in need of care and treatment for mental health reasons and the lower number of people actually receiving treatment. The meaning of this is that many people in need of treatment are not receiving it and are therefore made vulnerable.
8 See footnote 2.
Many mental health issues occur in connection with other problems. In high income countries for instance, at least 12% of older people suffer from depression. This can have many environmental causes, such as the loss of spouses or friends or loss of identity caused by retirement. For Europe, with its ageing population, this is a significant health concern considering the growing strain public health services are under. In areas with few health professionals (rural or experiencing brain drain in the health sector), there are often not enough specialised health care professionals.

PAST

1. Concepts defined

Mental Health: A person’s emotional and psychological wellbeing are an essential aspect of a person’s health. When someone is in good mental health, they can cope with everyday stresses and be a productive part of society, while being aware of personal potential. Mental health is dependent on hereditary, biological, and environmental factors, as well as experiences of traumatic situations. Many different things can cause mental health issues: from experiencing a mental illness such as depression, to discrimination or an unhealthy lifestyle.

Disability is generally understood as a condition that impairs a person’s abilities to participate in everyday activities in some way. This can be visible (like needing a wheelchair) or invisible (poor mental health).

Mental health policy: The statement of a government defining the vision and detailing an organized set of values, principles, objectives and areas for action.

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9 Ibid.
10 Genetically passed on from parents to children (inherited).
11 For example imbalance of neurotransmitters (chemicals) in the brain can cause symptoms of mental illness.
12 The surrounding a person grows up and lives in, as for example family.
13 A physical injury or mental or emotional trauma.
14 Includes, but is not limited to: Addiction, Autism-Spectrum Disorders, Behavioural Disorders, Bipolar Disorder, Dementia, Depression, Eating Disorders, Epilepsy, Intellectual Disability, Post-traumatic stress disorder, Psychosis.
15 Mental illness is an umbrella term for disorders generally seen as impacting behaviour, mood or thought.
Mental Health Plan: Details the strategies, activities, timeframes and budgets to be implemented to realize the mental health policy.\(^{16}\)

Prevention of Mental Illness (PMI) and Mental Health Promotion (MHP): Prevention refers to attempts to reduce mental health issues and their negative effects with the help of education on and destigmatisation of mental health issues. Promotion addresses mental health and tries to make the issue more visible.

2. Stakeholders’ interests and interconnections

The Human Rights Council (UNHRC) of the United Nations (UN) promotes and protects human rights around the world – the rights to mental health\(^{17}\) among them.

The World Health Organisation (WHO) is a UN agency responsible for public health. It determines policies and guidelines for Members to follow\(^{18}\). The European Union Agency for Fundamental Rights (FRA) investigates broader issues and provides information and expertise to EU Member States (EU MS) or EU bodies. It is part of the EU’s monitoring framework for the UN Convention on the Rights of Persons with Disabilities (CRPD)\(^{19}\), ensuring, alongside national counterparts, the respect and implementation of the Convention in EU states.

The European Economic and Social Committee (EESC) is an advisory body that is called upon by the European Parliament, the European Commission and the Council for opinions on matters such as mental health.

National authorities: EU MS are responsible for their own health policies, providing health care and allocating resources to health. National governments are responsible for citizens’ access to healthcare. There are differences in spending on health prevention and public health services between MS\(^{20}\).

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18 WHO/Europe serves the 53 states of the WHO in the European region.
19 See Section ‘Legislative Measures’.
20 The Netherlands and Finland spend the most, at more than €140 per capita. Lithuania and Latvia are among the EU MS spending the least - recording the highest suicide rates (See footnote 1, p.22-23).
3. Current Measures

More generally, individuals, groups or NGOs that are victims or have proof of human rights violations can file a complaint with the UNHRC\(^{21}\). Furthermore, the UNHRC carries out universal periodic reviews of all state party, assessing the human rights records of every country\(^{22}\).

To tackle the ‘global burden of mental disorders’ through coordinated action, the WHO adopted a Comprehensive Mental Health Action Plan (2013-2020)\(^{23}\) that proposes specific actions and success indicators for states and partners, whilst providing support and overview to ensure implementation. This has been followed, on a European level, by the WHO’s European Mental Health Action Plan 2013-2020\(^{24}\), a plan aligned with the European policy framework ‘Health2020’. The EU adopted the EU-Compass for Action on Mental Health and Wellbeing (2015-2018) as a mechanism to collect, exchange and analyse information on policy and stakeholder activities in mental health.

The above are support and incentive systems for national action, but results differ from case to case. The EU’s health strategy focuses on EU wide problems, providing funding for health related projects through the Third health programme (2014-2020)\(^{25}\) that sets laws and standards applicable throughout the Union, facilitating inter-state cooperation on important health issues.

4. Legislative Framework

Article 25 of the Universal Declaration of Human Rights (UDHR) indicates that “Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including (...) the right to security in the event of (...) sickness, disability (...)”. Through the International Covenant on Economic, Social and Cultural Rights (ICESCR, article 12), the UN agreed to safeguard the right of everyone to the enjoyment of the highest attainable degree of mental (and physical) health.

The UN Convention on the Rights of Persons with Disabilities (CRPD)\(^{26}\) promotes the full and equal enjoyment of all human rights by all persons with disabilities\(^{27}\).

\(^{21}\) Unlike in a court, they are dealt with confidentially with the state concerned.

\(^{22}\) For country reports, see UNHR Documentation.


\(^{25}\) See Section ‘Current measures’.

\(^{26}\) See for this topic specifically Article 1: Purpose and Article 2: Definitions.

\(^{27}\) The CRPD has been ratified by almost all countries in the European region, with the exception of Ireland and Monaco.
With the **European Disability Strategy (2010-2020)**, the EU is building on the CRPD\(^\text{28}\). The European Convention on Human Rights (ECHR) and the Charter of Fundamental Rights of the European Union (CFREU) **prohibit discrimination** on any grounds, including disability or genetic features\(^\text{29}\). Article 26 of the CFREU addresses persons with disabilities directly, while articles 34 and 35 address social security, social assistance, and health care.

Shared safety concerns in public health are a **shared competence** between the EU and its Member States, while the protection of human health is a **supporting competence** of the EU\(^\text{30}\).

National legislation regarding mental health differs widely, as does spending allocated to the issue.\(^\text{31}\)

**WHERE PAST AND FUTURE MEET**

What can be done to **close the treatment gap**?

How can mental health issues in children, adults and the elderly be better addressed?

How much can be gained from early education on mental health? And how can **discrimination in education and the workplace** towards those suffering from mental health issues be prevented? How can this issue be **destigmatised**?

What can be done to support public health services struggling with the ageing population in Europe?

To what extent are the measures currently in place in the European area successful at tackling mental health issues? What can be done to support those for whom the **financial burden of accessing treatment** is too much?

How can regional and international organisations support states in guaranteeing quality health care? What steps need to be taken to guarantee better integration of people suffering from mental health issues in society? How can their **discrimination be combatted** and factors that lead to bad mental health reduced both in **education and the workplace**?

\(^\text{28}\) For main objectives of the Strategy, see European Comission, *Persons with disabilities*. The EU acceded to the CRPD in 2010, setting up a monitoring framework.

\(^\text{29}\) Article 21 CFREU; in more general terms, article 14 ECHR. Individuals can sue states in case their rights under the ECHR have been violated before a specific court.

\(^\text{30}\) See further Eur-Lex, *Division of competencies within the European Union*. See article 168 of the Treaty on the Functioning of the EU (TFEU) setting out the limitations and responsibilities of the EU regarding public health.

WHO IS WHO
IN MENTAL HEALTH

THE WORLD HEALTH ORGANISATION (WHO)
is a UN agency responsible for public health. It determines policies and guidelines for Members to follow.

THE HUMAN RIGHTS COUNCIL (UNHRC)
of the UN promotes and protects human rights around the world – the rights to mental health among them.
EUROPEAN STATES
are responsible for their own health policies, providing health care and allocating resources to health – spending varies greatly from country to country.

EU AGENCIES AND BODIES
such as The European Union Agency for Fundamental Rights (FRA) and The European Economic and Social Committee (EESC).

HEALTH CARE PROFESSIONALS
such as doctors, therapists and nurses – provide care, support and treatment to those affected by mental health issues.

INDIVIDUALS
with mental health issues are the group most strongly affected by the other stakeholders.
Money and Morals: European negotiations of economic and trade partnerships with Canada and the United States (CETA and TTIP) have led to clashes between civil society and European institutions on the appropriate approach to foreign investment. How can Europe live up to its demand for investment from abroad, requiring legal certainty and an attractive investment climate, while preserving domestic (European and/or national) regulatory policy space, to accommodate social and environmental standards?

Chaired by Giedrė Birmontaitė (LT)
SUMMARY

While Europe is struggling to kickstart its economic growth after years of austerity and high uncertainty, foreign investment is seen as a key to Europe’s economic problems. The European Union (EU) has been encouraging trade and investment most notably by creating an attractive investment climate by negotiating trade agreements with the US and Canada. While the trade deals predict high economic gains, their negotiation has stirred clashes between the civil society and European institutions, raising questions about regulatory cooperation, investment protection, and accommodation to the public’s concerns.

FUTURE

After the financial crisis of 2008, the EU is still on a recovery path. The economic growth registered in 2017 and 2018 is predicted to be only 1.6%. The number and especially its constant rate for both years means “modest growth in challenging times”. The estimates show that the EU is struggling with its competitiveness in the global market. If no measures are taken to improve the attractive investment climate, the future for Europe’s prosperity is left uncertain.

PAST

1. Key concepts defined

While there are many different measures that could be taken by the EU to improve the economic situation, an increase in investments would achieve this target with much less costs, as opposed to tax cuts or larger spending by the government. Investment is highly dependant on the economic, political and legal environment of any given economy, as lack of certainty and safety regarding the future of an investment makes businesses reluctant to invest. This is why achieving an attractive investment climate requires all three areas to be stable and fair. To foster foreign investment, the EU investment policy has been centred on two main aspects: increasing market access and supporting legal certainty and transparency.

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1 International Monetary Fund, ‘The World Economic Outlook Update’ (January 2017).
In order to increase market access, the EU is currently negotiating several free trade agreements, promising to significantly boost the economy\(^3\). Two of the most notable are the EU-Canada Comprehensive Economic and Trade Agreement (CETA) and the EU-US Transatlantic Trade and Investment Partnership (TTIP). While CETA has almost reached the finish line\(^4\), TTIP’s future is much more questionable. Following the recent change in US approach to multilateral trade agreements, it is highly unlikely that the work that has been done will be finalised in a form of an agreement. How should the EU proceed in handling this issue? If TTIP cannot be saved, can some of the advances in negotiations be implemented elsewhere?

A highly debated element of both trade agreements has been the Investor-State Dispute Settlement mechanism (ISDS). ISDS has caused much concern to the public due to the opacity of the mechanism, its impact on regulatory environment and the possibility of foreign countries abusing the system\(^5\). It is feared that ISDS will create a ‘regulatory chill’ environment, thus discouraging governments to regulate in socially desirable areas. Historically, ISDS has been created to encourage foreign investment in developing countries where investors would not have otherwise trusted to open shop. It is argued that such concerns of lack of trust in national courts are no longer valid, especially between developed states. The European Parliament rejected the proposal to include ISDS in TTIP and CETA\(^6\). The European Commission has introduced a reformed version – Investment Court System (ICS) that has been included in CETA and proposed to be included in TTIP\(^7\). However, the proposal has been deplored by specialists as unfounded and in contradiction with EU law\(^8\). How should the EU proceed in developing a system that would ensure foreign investment protection while respecting its legal system and accommodating the concerns raised by the public?

Furthermore, what has been seen as a key to increasing investment from abroad is regulatory cooperation\(^9\). TTIP aims not only to abolish tariffs to boost trade, but also to reduce non-tariff barriers to trade and thus, reduce costs for firms and set common standards for goods traded in both markets. For example, in the case of TTIP, if the EU and US could reach

\(^3\) For more information, see: ‘Economic benefits of the agreements’ on INTA TRØ’17 shared drive.
\(^4\) As of February 2017, the agreement has been signed and is in the last stage – ratification by the European Parliament and parliaments of Member States.
\(^8\) German Magistrates Association, ‘Opinion on the establishment of an investment tribunal in TTIP’ (2016).
\(^9\) For more information on possible forms of regulatory cooperation, see ‘Regulatory Cooperation’ on INTA TRØ’17 shared drive.
harmonisation of standards, it would generate the most economic benefits, by cutting costs significantly and increasing the competitiveness of the EU companies abroad. However, the EU and the US operate on different principles – the EU uses the rule of precaution which means that products must be proven safe before they are sold, while the US takes a different approach of waiting for proof that a product is harmful before banning it. This is where key fears of harmonizing standards to the US level come from. The Commission has confirmed that it will protect Europe’s high standards, including food safety rules. Seeing the benefits of common standards, the question remains – how far should the EU go to encourage foreign investment in future deals?

2. Stakeholders’ interests and interconnections

10 European Commission, ‘The top 10 myths about TTIP Separating fact from fiction’ (2014).
The Treaty of Lisbon made significant changes to the EU trade policy, making foreign direct investment (FDI) and investment protection a part of EU’s common commercial policy - an area of exclusive EU competence. This change increased the role of the European Commission, allowing it to take the lead in trade negotiations on behalf of the EU. The European Parliament was also granted a significant role in ratifying final trade agreements. Member States continue to hold a significant role on the matter as well, through mixed trade agreements and national investment policies.

Businesses, especially multinational firms, show high interest in the matter and have offered their stance in the debate through lobby groups, such as the Confederation of European Business (BusinessEurope). Civil society plays a highly important role in the matter. Groups such as Corporate Europe Observatory aims to expose the corporate lobbying and share their stand on the topic. The aforementioned trade agreements have been met with a lot of resistance from NGOs and citizens, calling on state representatives to take a stance in the European Parliament and for the Commission to change course. Concerns relate to the lack of transparency in the negotiations (especially after some documents were leaked), the lowering of social and environmental standards, and overall the threat posed to democracy and the rule of law.

3. Current Measures

Apart from the two major trade agreements mentioned, the EU has taken steps to boost investment and create the necessary conditions for it to strive. In late 2014, the European Commission introduced the Investment Plan for Europe that aimed to (a) mobilise investments of up to 315 billion EUR in three years, (b) supporting investment in real economy; (c) creating an investment friendly environment. Two years later, the Commission proposed to double its duration and its financial capacity to provide a total of at least 550 billion EUR by 2020. In 2015, the Commission proposed a new trade and investment strategy titled Trade for all. This

12 Due to the large scope of the free trade agreements (CETA and TTIP) the power of ratification was extended to the parliaments of Member States as well – ensuring a double democratic guarantee. The influence Member States can have on trade policy is seen in the case where a region of Belgium almost sunk the EU-Canada agreement: The Economist, 'Wallonia is adamantly blocking the EU’s trade deal with Canada' (2016).
13 BusinessEurope has conducted many studies, released position papers and public letters stating their opinion on the trade deals such as, position paper on ‘BusinessEurope’s assessment of the European Commission proposal on a new investment court system’ (2015).
14 More information on the role of civil society and specific examples can be found: ‘Civil Society’ on INTA TRØ17 shared drive.
16 European Commission, ‘The Investment Plan : Two years on’.
strategy focuses on developing effective policies based on values,, increasing transparency, and establishing a programme for negotiations. This program includes designing an open approach to trade agreements, strengthening presence in Asia and the Pacific through new free trade agreements and modernizing existing ones with key trade partners. How should the EU proceed with implementing the goals set in the strategy? What further measures need to be taken to ensure an attractive investment climate in Europe?

4. Legislative Framework

The EU has adopted key international standards and principles referring to investment, such as those set by the World Trade Organisation (WTO) and by the Organisation of Economic Cooperation and Development (OECD). The recent WTO Trade Facilitation Agreement that came into force on 22nd February 2017, took important steps to reduce the technical trade barriers and boost global trade. The European Parliament has also taken further steps to provide legal certainty to both EU and foreign investors operating under the terms of current bilateral trade agreements through the adaptation of Regulation 1219/2012; through it, it granted legal security to almost 1200 existing Bilateral Investment Agreements of Member States until they are replaced by EU-wide investment deals17.

WHERE PAST AND FUTURE MEET

Observing the current situation that EU’s economy is in, changes need to be made to help the region regain its economic growth. The EU is on its way to creating an attractive investment climate, but whether it is the right path has been questioned following clashes between civil society and European institutions on TTIP and CETA. The radical change in United States’ approach to foreign policy and investment, as well as the global wave of free trade skepticism raise many questions on how the future of the global trade policy will look like. How can the EU create an attractive investment climate while maintaining its regulatory policy space and preserving high standards? How can the public’s fears be reassured when it comes to the possibilities of lowering the social and environmental standards, democracy and the rule of law being under threat? Should the EU look for trade and investment opportunities in other markets? Should the EU rethink its investment policy and focus on boosting it through other measures than trade agreements?

17 European Commission, ‘Investment’. 
Beneath a Steel Sky: Since humanity began exploring beyond the atmosphere, it has been leaving behind scrap and debris in orbit around the planet - from stray flecks of paint to lost gloves to entire dormant satellites. With even the smallest objects capable of destroying satellites and the volume of debris capable of growing exponentially, humanity’s ability to exploit space is now under threat. What action must the international community take to protect Earth’s orbit from debris and ensure that space remains accessible?

Chaired by Tom Cantillon (IE)
SUMMARY

For as long as mankind has existed, it has looked to the stars in wonderment. The modern era has turned the dream of space exploration into a reality, but in this zest for space exploration, Earth’s orbits have become increasingly cluttered. Obsolete satellites and random junk are beginning to form a floating rubbish heap around the Earth. Dealing with this problem is both costly and difficult. The technology to remove space debris is underdeveloped and the fledgling nature of space law means that states are not obliged to clean up their orbiting mess. The time to act is now, before space exploration becomes an impossibility again, and man is trapped to stare up at the stars once more.

1 Visual – NASA, ‘A computer generated image by NASA of objects orbiting Earth that are currently being tracked’.
There are currently around 22,000 trackable objects orbiting the earth. The rate at which new satellites are launched in space (60 to 70 per year) is considerably higher than the disintegration rates (four to five per year), meaning the number of debris objects in space will increase exponentially over time, increasing the probability of a catastrophic collision occurring. Potentially, this could create a cascade of collisions known as ‘Kessler Syndrome’. This will hamper future space exploration, as orbits become full of high velocity debris with the potential to destroy any spacefaring craft attempting to enter orbit, or explore space, increasing expedition costs, or potentially stopping them altogether.

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2 Graph – Global Aerospace, ‘Yearly increase in number of tracked objects in Earth Orbit (courtesy of NASA)’.
3 Objects larger than 5 - 10cm at Low Earth Orbit (LEO) and 30cm - 1m at Geostationary Orbit (GEO). See section ‘Tracking Debris’ in this source.
4 The rate at which objects in space naturally break apart, due to factors like air resistance see ‘Maintaining Orbit’ section.
5 Current studies estimate that doubling the number of objects currently in space would lead to the collision risk increasing four times. See European Space Agency, ‘About Space Debris’ (2013).
PAST

1. Essential Information

There are two orbits that are most important to understand for the purposes of this topic. They are:

**Low Earth Orbit (LEO):** altitudes between 160 km and 2,000 km.⁷ It is the orbit that is both most populated by space debris which is dangerous there is a higher risk of collisions than in other orbits.

**Graveyard Orbits (GEO):** orbits that are not functionally useful. Graveyard orbits can vary in location, from 2,000 km to 36,100 km.⁸ These orbits are used to ‘retire’ satellites that have come to the end of their lifespans by removing them from functional orbits.

2. Stakeholders Interests & Interconnections

Many national governments have space programs, like the US’ National Aeronautics and Space Administration (NASA), or the Russian Federal Space Agency (ROSCOSMOS). In Europe, space programs have largely been harmonised under the European Space Agency (ESA).

In the coordination of space debris policy, there are two main bodies. These are the Inter-Agency Space Debris Coordination Committee (IADC), and the United Nations Committee on the Peaceful Uses of Outer Space (UNOOSA). The IADC coordinates research into the detection and elimination of space debris⁹, while UNOOSA promotes international cooperation amongst states.¹⁰

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⁹ Its members include most space-faring nations and organisations, including NASA, the ESA and ROSCOSMOS. The IADC does not have the power to draft or implement legislation, which is reserved for national governments, and the relative transnational organisations such as the EU or UN.
¹⁰ The UN has a series of upcoming high-level fora to discuss the future of space exploration. See these links for more information.
3. Current Measures

Current measures for combatting space debris can be roughly divided into three categories.

Detection refers to tracking potentially harmful space debris. Most organisations and states rely on the US for Space Surveillance and Tracking (SST), as the United States Strategic Command holds a very large database of trackable objects. The EU has recently implemented a space debris tracking framework, to harmonise the work of Member States in this area.

Reduction tries to ensure that the amount of space debris does not increase in the future. Guidelines on reducing future space debris have been adopted by the UN General Assembly and issued by NASA, the ESA, and the EU, but none are legally binding, however some states have incorporated these into their domestic laws.

Removal refers to eliminating space debris from orbit. While currently theoretical, there are several proposals being investigated. These include using lasers, sending a satellite to ‘eat’ space debris, or using a durable satellite to ‘bounce’ debris out to space. These measures are potentially quite costly, but retirement to graveyard orbits could be a cost effective solution.

4. Legislative Framework

There are two UN Treaties that comprise the bulk of current space law regarding satellites and space debris, the 1967 Outer Space Treaty (OST) and the 1972 Liability Convention. There are also several non-binding resolutions encouraging states to combat space debris.

Article VII of the OST establishes that any country that launches a satellite, is internationally liable for any damage that satellite causes.

Additionally, the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, also known as the Moon Treaty, attempted to harmonise space legislation by only allowing space to be regulated through international treaties, rather than national laws. It is however considered a failed treaty, as it is currently only ratified by 17 states, none of which engage in self-launched manned space exploration.
The issue inherent in all of these Treaties is that they do not require that states safely dispose of debris once it has exceeded its usefulness.

The EU recently published a Space Strategy for Europe (2016), but though it only advocates for the passive detection and tracking of space debris.

WHERE PAST AND FUTURE MEET

The issue at the core of this topic is a classic collective action problem. How can the world work together to tackle a global problem, without the enforcement necessary to ensure that everyone plays their part? How can states be compelled to clean up their space debris? Why don’t states clean up after their space programmes? Should the UN guidelines on debris mitigation be made legally binding? What should be prioritised, reducing future space debris, or cleaning up existing space debris? How can the costs associated with eliminating space debris be reduced?
Sustainable Fossil Energy Production – A Utopian Dream? All European countries have agreed to the same terms of Sustainable Development Goals and the Paris Agreement to fight climate change. What measures should European countries with dependency on fossil fuels and fossil industries take, and to what extent should European states support regions within and outside of Europe in achieving their commitments under the Paris Agreement for the common goal of a sustainable future?

Chaired by Daniels Griņevičs (LV)
SUMMARY

Fossil fuels are fuelling our cars, heating our homes and producing our goods – they are also fuelling climate change, the biggest threat to the future of our planet. While progress has been made towards decarbonising the world’s economy, especially with the ratification of the Paris agreement, scientists across the world are warning that more needs to be done to reduce our reliance on fossil fuels. Political consensus has been much harder to reach, giving European states a chance to lead the way to a sustainable future.

FUTURE

The science is clear - if the world does not take drastic action to curb climate change, even the slightest rise in average temperatures will have a dramatic impact on our planet and its inhabitants. An annual rise of 4°C alone would increase the risk of severe floods in 70% of countries by 500%. The math is clear too - if we do not reduce the world’s dependence on oil, coal and gas, the amount of carbon dioxide in the atmosphere will be at a level incompatible with life on Earth. To avoid this, everyone needs to contribute - from international organisations through national governments to individuals. What is not clear is how soon we can reach a truly global consensus on the urgency of climate action, and whether our current efforts are enough to reverse the damage mankind has done to its environment.

PAST

1. Key concepts defined

Fossil fuels - oil, coal and natural gas - are nonrenewable energy resources constituting two-thirds of the world’s energy consumption¹. Powering the world’s economic growth since the industrial revolution, fossil fuels have become the bedrock of our economy and way of life². However, burning fossil fuels releases carbon dioxide into the atmosphere, where it causes the greenhouse effect together with other greenhouse gases (GHG). While the Earth’s climate has always been changing, 97% of climate scientists agree that the rapidly increasing trends over the past century have been caused by human activities, especially

² For a historical perspective, watch ‘Humans and Energy: Crash Course World History 207’
our use of fossil fuels. Rising sea levels, increasing global temperatures, shrinking ice sheets and extreme weather conditions are just the tip of the iceberg, as signs of climate change abound all around us. On the other hand, renewable energy that does not produce carbon dioxide can be generated from solar, tidal, geothermal, wind and other sources; the renewable nature, as well as the pros and cons of nuclear power are still debated.

2. Stakeholders' interests and interconnections

As climate change concerns every country in the world and transcends national borders, much of it is tackled at the international level. The global environmental agenda is set by the United Nations Environment Programme (UNEP), which, together with the World Meteorological Organisation (WMO), founded the Intergovernmental Panel on Climate Change (IPCC) to provide the world with scientific data on climate change and its impact. The Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) is the main decision-making forum, consisting of all parties to UNFCCC.

As the third largest carbon emitter in the world after China and the US, the European Union (EU) has been at the forefront of efforts to reduce the world’s dependence on fossil fuels. The European Council has set energy and climate as a top short-term priority area, whereas the European Commission prioritised a fully integrated internal energy market, with raising energy efficiency and decarbonising the economy as goals for the European Energy Union. Still, in several Member States (MS) fossil fuels form over 80% of energy consumption. As the world’s largest importer of energy, the EU gets over 53% of energy from abroad. As a result, it relies heavily on fossil fuel suppliers such as Norway and Russia, which has severe implications for its energy security.

However, what is often overlooked is the producing industry itself - as the International Energy Agency (IEA) estimates, governmental subsidies to fossil fuels worldwide are over four times higher than for renewable energy. Consequently, many civil society groups such as Fossil Free and 350.org call on people to take matters in their own hands, as the influence of the world’s largest fossil fuel companies on European energy policy remains a concern.

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3 Particularly relevant for the Commission’s work are DG CLIMA and ENER.
4 For more details, see ‘EU energy in figures: Statistical Pocketbook’ (2016).
5 For a clear explanation of the EU’s energy statistics, see ‘Shedding light on energy in the EU’.
6 For more details, read the article on Europe’s vulnerability on Russian gas.
3. Current Measures

The UN has set affordable and clean energy and climate action among its 17 Sustainable Development Goals (SDGs) for 2030\(^7\), but are these targets specific and binding enough to make a difference? Hailed by many as an extraordinary achievement\(^8\), COP 21 reached the Paris Agreement on climate change. Most notably, States agreed to strive towards lowering the global average temperature rise to 1.5ºC and to ultimately reverse GHG emissions. While it has moved climate action forward in theory, it must now be implemented. Furthermore, many gaps still remain, such as third-party oversight to track countries’ progress\(^9\). Only two thirds of the parties have ratified the Paris Agreement, with several European countries yet to do so.

The EU has been making progress towards these commitments. Its Renewable Energy Directive has set a binding target for 20% emission reduction and 20% of EU’s final energy consumption to come from renewables by 2020, with different national renewables targets. Key here is the Emission Trading System (ETS)\(^10\), currently covering 45% of emissions across the EU-28, Iceland, Liechtenstein and Norway. The other 55% of EU emissions fall under the Effort Sharing Decision with binding national emission reduction targets for sectors not covered by ETS, such as transport and agriculture. Reducing transport emissions remains a main cause of concern, representing a quarter of Europe’s overall emissions. The 2020 and 2030 targets are intended to achieve a low-carbon economy by 2050 when the EU should have cut emissions to 80% below 1990 levels. However, the EU has not set a 2050 target for its share of renewable energy. Moreover, while some countries like Sweden are making tremendous progress in decarbonising, Norway is increasing its fossil fuel production, while Russia and Ukraine are nowhere near their targets. Are European countries and the EU doing enough\(^11\)?

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7 Follow these links for the targets on energy and climate action.
8 See examples of praise and critique of the Paris Agreement.
9 The US proposed a body similar to IAEA to keep track of the process but the motion was denied, read more on this in a reader’s guide to the Paris Agreement.
10 See this overview on Emissions Trading Schemes around the world for more examples.
11 Climate Action Tracker would suggest otherwise.
4. Legislative Framework

The best avenue for achieving global agreement on tackling climate change has been through UNFCCC. With its nearly universal membership (196 countries and the EU), UNFCCC has made progress towards its main objective of preventing dangerous human interference with the climate. It has done so through the annual COP meetings where its members gather to set binding targets for themselves by signing international treaties\(^\text{12}\). While many climate advocates remain optimistic\(^\text{13}\), international consensus is difficult to reach\(^\text{13}\), so it is important to consider how else can progress on climate change be achieved.

WHERE PAST AND FUTURE MEET

Should European states invest in more renewable energy, increase the share of nuclear power, research alternative options (like fusion power), all of the above or something else? What must be implemented in the short term to avoid a catastrophe in the long term? What else should be done to honour the Paris Agreement? How much and what should Europe do to help others in the world to do their part?

\(^{12}\) Such as the predecessor of the Paris Agreement - the Kyoto Protocol.

\(^{13}\) For more, watch the inside story of the Paris Agreement.
TYPES OF STAKEHOLDERS

The different levels at which the topic can be tackled

INTERNATIONAL

UNEP, IPCC, UNFCCC, COP, etc.

As climate change concerns every country in the world and transcends national borders, much of it is tackled at the international level. This is where the global climate action agenda is discussed and determined.

REGIONAL

The EU, the European Commission, etc.

Regional cooperation blocks, such as the EU and its institutions, coordinate Member State positions and actions towards the reduction of carbon emissions and other measures of climate action.

LOCAL

National governments, NGO’s, citizens

Decisions taken at the international and regional level are meaningless if not implemented properly on the local level. Equally, many of the potential solutions cannot work without an active role by the civil society.

For more information, read the section on stakeholders' interests and interconnections.
“Everything is fine”: Recent calls have been made towards a more regulated press, following allegations of media privacy invasion and phone hacking, fake news, and even accusations of corporate interests and lobbyists manipulating headlines. However, the international community admonished Poland for its move to bring media under state control. How should European countries ensure the media is able to fulfil its regulatory purpose on both private and public enterprises, informing people in an accurate and professional manner?

Chaired by Adelaide Di Maggio (PL)
SUMMARY

Regulation of the media implies a set of rules and procedures established by state entities over matters that involve the media. Intervention occurs through clauses in laws and technical specifications, for various purposes, like ensuring sources of valid information for the public or fostering competition in the market. Although meant to benefit the population, government control over media can become a tool for political propaganda and considerable freedom limitation. On the other hand, the lack of control over media, especially private ones, might lead to a high concentration of influential media enterprises in the hands of bigger firms. This raises the question of the credibility of private media sources, as well as whose interests they stand for. So far, there are several measures and initiatives that aim to protect the public from governmental control over media, but few observations have been made on how to protect them from private interests. How can we reach a balance that will ensure the accuracy of information for the public?

FUTURE

A 2016 Council of Europe Report on the state of democracy, human rights and the rule of law in Europe shows that media limitation issues are still present among European states. Misusing legal tools and exercising economic pressure on the press can lead to a dysfunction of democracy, curbing the opinions of the majority. If citizens are denied access to transparent information, their opinion on certain matters may become biased, to the advantage of the entities that control the news. Especially in the digital era, there is a risk of getting lost in the quantity of opinions we are exposed to and unable to verify their accuracy.

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1. Regulation of mass media and the press

Media freedom and pluralism are protected through international instruments and refer to our right to receive objective information, representing all sides. Media are owned publicly or privately. The former are funded directly or indirectly by the state (but not editorialised), to serve the public interest. Media can also be editorially controlled by the government (state-owned media), becoming a tool for political propaganda. Private media is funded through private entities, not public funds. This form of ownership ranges from single firms concentrating on one business, to conglomerate ownership that leads to concentration of media ownership when the mass media industry is dominated by a small number of firms. Concerns about this include the lack of competition among private media market and the biased influence it might have on the public and the government.

Mainstream media have a major influence on the population, reflecting and shaping prevailing ideas in society.

2. Stakeholders’ interests and interconnections

Journalists, the press, and publishing companies are influenced and sponsored by non-state and state actors. Their role is to provide accurate information to the public, as well as entertainment. National governments enact laws supporting or controlling the press. Every country has an agency that releases media licences, is responsible for the quality of information spread over the country and ensures media plurality. Recent reforms in Poland and Hungary brought up the question of corruptive governmental media regulation in regard to public broadcasters, which are supposed to be linked to the government only financially, but can be powerful means of political propaganda. The same threats can be posed by the business market: large companies, multinational corporations, CEOs, that own part of the mass media. Such influence attracts many investors, but also politicians, who

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3 See section ‘Legislative Framework’.
4 Also referred to as state broadcasting - D. Webster, ‘Building Free and Independent Media’ (1992).
6 Also referred to as media mergers and corporate media ownership - See footnote 5.
9 Like British Ofcom or the National Broadcasting Council - KRRiT in Poland.
10 The boards of such agencies are usually chosen by the government or parliaments, which complicates the matter of their impartiality and whether they are or not a tool of political control.
11 An example is Rupert Murdoch, an Australian businessman, that owns influential broadcasting stations and press agencies not only in Australia, but also the US (Fox, Wall Street Journal), the UK (The Times, the Sun), India and other countries – K. Li, ‘MediaFile Rupert Murdoch's global empire’ (2011). In Poland, major broadcasters and newspaper are also owned by foreign firms – B. Klimkiewicz, ‘Media Ownership and Its Impact on Media Independence and Pluralism: Poland’ (2004).
want to put forward their interests. That is why several international and non-governmental organisations were created to make sure that freedom of speech and the right to receive accurate information are met\(^2\). International organisations which are focused on monitoring and reporting on the state of affairs and support member states to implement media freedom and pluralism measures are the European Union, the UN Educational, Scientific and Cultural Organization (UNESCO) and UN Human Rights Office of the High Commissioner (OHCHR) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Organisation for Security and Co-operation in Europe (OSCE) Representative on the freedom of the media.

### 3. Current Measures

The UN offers funding (through UNESCO), and facilitates international cooperation, for example through its Plan of Action on the Safety of Journalist and the Issue of Impunity creating an inter-agency mechanism. UNESCO also raises awareness on the topic through its World Press Freedom Day and the World Press Freedom Prize. The UNCHR gives the possibility to individuals and groups to directly contribute to monitoring, by reporting violations ahead of the its universal country review, as well as by filing complaints against a state.

On a European level, the Council of Europe and its advisory body, the Venice Commission, monitor the constitutionality of acts in member states\(^3\). Also, the European Union’s main institutions (and its partners, like the Centre for Pluralism and Freedom) are constantly researching and reporting about the state of media plurality in Europe, as well as creating and funding initiatives that aim at involving citizens in the process of monitoring and ensuring media freedom, like Mapping Media Freedom or the European Media Initiative.

The European Commission and Parliament have the power to represent the voice of the Union and condemn certain actions, as they did through the Commission Recommendation regarding the rule of law in Poland, which threatened the country to deprive it of its voting rights unless they take steps to maintain the rule of law\(^4\), or the Parliament’s resolution regarding recent media pressure in Turkey which emphasised that there is no place for Turkey in the EU if it does not respect media freedom\(^5\).

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12 Examples include the Helsinki Foundation for Human Rights, Reporters without borders, European Centre for Press and Media Freedom, International Press Institute, Project Censored, Article19, Amnesty International, European Alternatives - Alliance Internationale de Journalistes that provide financial and legal support to journalists in danger and organise initiatives.

13 For example, the latter’s opinion contributed to the assessment of the Hungarian government’s planned media reforms, however it was not extensively taken into consideration by the government - see ‘Venice Commission Opinion on Media Legislation of Hungary’ (2015).


15 Sputnik, ‘Europe’s Message to Turkey: No media freedom, No EU Accession’ (2016).
Moreover, the internet, or even social media, have been a tool for the public and several independent platforms to address media freedom, with the aim of providing reliable information, like Euractiv.

Reporters without borders release popular annual reports and ranking of media freedom per country.

National Governments support both public and private media through governmental agencies and public funds\textsuperscript{16}. In many countries, several public interest protection rules on ownership apply, both limiting the private and political sphere\textsuperscript{17}.

4. Legislative Framework

Freedom of speech is a fundamental right protected by the Universal Declaration of Human Rights and the EU Charter of Fundamental Rights. Issues of media pluralism have also been addressed by the UN, with the recent Resolution adopted by the General Assembly on 26 September 2016 on the safety of journalists, urging states to implement laws enabling journalists to perform their work independently. The European Court of Human Rights\textsuperscript{18} emphasised that the right of freedom of expression is violated without non-state owned media\textsuperscript{18} and that fully state media broadcasting and media for the public are not interchangeable.

The EU supports Member States mainly through the Audiovisual Media Services Directive and guidelines on how to attain goals of media independence and pluralism. National Governments regulate media through Press and Broadcasting Acts\textsuperscript{19}. Rules vary from taking further steps in order to ensure media regulation\textsuperscript{20}, to media acts reform, towards media pluralism and more information of public value\textsuperscript{21}.

\textsuperscript{16} London School of Economics Media Policy Project, ‘Public Funding of Private Media’ (2014).
\textsuperscript{17} Further on this see Media Reform Coalition, ‘The elephant next door: a survey of international media ownership regulations’ (2015), which analyses international practices and regulations regarding media ownership.
\textsuperscript{18} European Court of Human Rights, Informationsverein Lentia and Others v Austria (1993).
\textsuperscript{19} For an overview of every country’s laws, see the European Platform of Regulatory Authorities Database.
\textsuperscript{20} An example is the Act on the National Media Council: ‘Poland - Act on the National Media Council’ (2016).
\textsuperscript{21} Like the Irish Competition and Consumer Protection Act 2014: ‘Media Mergers Policy in Ireland’.
WHERE PAST AND FUTURE MEET

Is the intervention of government needed? If yes, how can we ensure a balance between the influence of the government and business on media? What are the means for media companies to remain independent economically, without the need to be owned by large corporations? How can we ensure that media are truly ‘for public use’? How to ensure objectivity of media and at the same time guard freedom of speech? What are the properties of a well-informed and educated citizen, able to consult different sources and find the truth by himself? How can we, European citizens, best find the truth and not allow ourselves to be manipulated?
“The dangerous genders”: Transgender and gender-diverse people are among the most targeted groups for hate speech, discrimination and violence. The Trans Murder Monitoring has since 2008 reported over 2,000 murders of transgender and gender-diverse people from 68 countries worldwide¹, numbers still deemed as the “tip of the iceberg” due to underreporting and lack of prosecutions. How can Europe ensure the safety, dignity and quality of life of transgender and gender—diverse people? How can the protection, reporting and prosecution systems be improved?

Chaired by Juho Nikko (FI)

SUMMARY

Everywhere in the world, transgender and gender-diverse people constitute a minority of the general population; a minority whose rights are defended primarily by the community itself. Traditionally, legislation in European countries has been based on the assumption that people identify with the sex and gender assigned to them at birth, while anything deviating from this has originally been considered an illness or an abnormality. Hostile attitudes and discrimination cause transgender and gender-diverse people to be particularly vulnerable to violence. Due to distrust towards the police, many of the crimes are never reported by their victims.

FUTURE

If transphobic attitudes and discriminatory legislation in Europe do not change, transgender and gender-diverse will continue to suffer from discrimination in all spheres of life, from family life to education, in working life and when dealing with public institutions. The stigma caused by social norms dictating that a person should be either a man or a woman, and that this is defined at birth, can push transgender people into the margins of society. Additionally, discriminatory procedures that keep trans people from changing their documents\(^2\) add a level of institutionalised discrimination that seriously restricts trans people from accessing employment, healthcare and other services. A number of factors contribute to the fact that suicide rates among transgender people are alarmingly high, and especially vulnerable are minorities within minorities, such as transgender people of colour.\(^3\)

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2. Such as identity cards, passports and birth certificates.
3. A 2015 nation-wide survey of 27,715 transgender people in the USA indicated that 40% of the respondents had attempted suicide at least once.
1. Essential terminology

When a person is born, they are usually born with a set of bodily attributes that are associated with either male or female bodies. This is what we refer to as **sex** - the biological differences between people in hormones, genitalia and chromosomes. **Gender** refers to the roles and expectations assigned by society to people of a certain sex. In other words, sexual characteristics are physical, whereas gender is cultural and mental.

**Transgender** is an umbrella term for people who do not identify with the gender and/or sex assigned at birth. The term **gender-diverse** evidences that not all people fit into the clear-cut gender categories of male and female - they might identify as something in between or neither of the two. Transgender people often experience **gender dysphoria**, meaning a deep anxiety or distress caused by one’s gender identity and body not matching. A person who is in the mental and/or physical process of matching their body and gender expression with their gender identity is **transitioning**. Transgender and gender-diverse people use a number of different terms to describe their gender identity and gender expression. It is important to note that different languages may use the terms differently.

2. Stakeholders' interests and interconnections

Stakeholders with an interest or influence on the rights and safety of transgender and gender-diverse people exist on an international, national and grassroots level. For details about the UN\(^6\) and NGOs\(^7\), see footnotes.

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4 Sometimes, the sex of a child is not clearly male or female, in which case the person is an **intersex** person.
5 **Gender expression** refers to the way a person communicates their gender identity to other people through their appearance and mannerisms.
6 Several UN bodies can promote the rights of transgender and gender-diverse people: the **UN General Assembly** and **UN Security Council**; most relevant are the UN **Human Rights Council** and the **High Commissioner for Human Rights**. Only the Security Council can make decisions that are binding to states.
7 NGOs exist both on an international and national level, hence the yellow colour in the graph. International NGOs lobbying for transgender rights and better legislation include for example **Transgender Europe (TGEU)** and the International Lesbian, Gay, Bisexual, Trans and Intersex Association (**ILGA**). Additionally, human rights organisations such as **Amnesty International** regularly speak for trans rights.
3. Current Measures

In 2016, the UN Human Rights Council (UNHRC) passed a resolution creating the position of an independent UN expert for the “protection against violence and discrimination based on sexual orientation and gender identity”. This can be seen as a major achievement, considering that the UN is often divided on transgender issues. The UN also has an educational campaign for promoting LGBT rights globally called “Free and equal”.

In 2015, the Parliamentary Assembly of the Council of Europe adopted a resolution urging its members to improve transgender rights in their national legislations. The resolution made recommendations on matters such as legal gender recognition, trans-specific hate crime laws, police training and the inclusion of a third gender option in official documents. A report with similar findings and recommendations, but from a global perspective, was published by the UN Human Rights Council in 2015.

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8 All 47 members of the Council took part in the vote, with 23 states in favour, 18 against and six abstentions. The resolution built upon two previous resolutions from 2011 and 2014.

9 In 2012, the UNHRC held a panel discussion on ending violence and discrimination based on sexual orientation and gender identity. The discussion revealed fundamental differences in opinion, such as whether international human rights law currently even requires states to prohibit discrimination based on gender identity and sexual orientation. In December 2016, according to Associated Press, Russia blocked a wording in a UN Security Council resolution which would have congratulated UN Secretary General Ban Ki-moon for his work on LGBT rights.

10 A crime motivated by a bias such as racism, homophobia, transphobia etc. Often, the sentences for a crime are tougher when a hate motive can be indicated.
The European Union (EU) Agency for Fundamental Rights (FRA) has carried out research since 2008 on the situation of LGBT people in the EU. An EU-wide survey from 2013 revealed that many LGBT people in the EU avoid public places due to fear, experience discrimination or even violence and do not necessarily report their discrimination to the police.

On a national level, countries such as Norway, Denmark and Malta have recently renewed their trans legislation. In 2015, Malta adopted a new law allowing for a quick, transparent and accessible gender recognition procedure based on self-determination. The bill also gives the parents of intersex children the possibility to leave their child’s gender blank in the birth certificate until the child can make an informed decision about their gender identity.

4. Legislative Framework

The status and rights of transgender and gender-diverse people are governed primarily by national legislation. In many European countries, the process for legal gender recognition is long and difficult. In 23 European countries, a person who wishes to change their juridical gender needs to be sterilised. Other requirements may include hormonal treatment, undergoing sex reassignment surgery, possessing a psychiatric diagnosis or not being married. In many countries, the process is not available for underaged people.

Protection from hate speech and violence varies between EU countries. According to a 2015 FRA report, only 8 countries in the EU specifically prohibit incitement to hate speech, violence and discrimination based on gender identity. The report identified that offenses do not always lead to prosecutions, or the transphobic aspect of the crimes might not be taken into account.

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11 In addition to transgender, the term includes lesbian, gay and bisexual people. In 2015, FRA extended their research to the rights of intersex people for the first time.
12 For a chart with an overview of the different legislations, see TGEU, ‘Trans Rights Europe Index 2016’.
13 The process required for changing one’s gender in official documents.
14 Sterilisation includes different procedures that leave a person unable to reproduce. For example, a trans man could have his uterus removed, whereas a trans woman could have her testicles removed.
15 Ibid. (short from ‘ibidem’ ‘meaning ‘in the same place’ is used to repeat a citation in the immediately preceding footnote. If followed by a page number, the information is the same source, but at a different page number).
16 Meanwhile, 20 EU states prohibit homophobic hate speech and 15 EU states prohibit homophobic hate crimes.
17 In Lithuania, hate speech needs to be intentional in order to constitute a crime. According to a FRA report (p.66), courts might simply ask the person accused whether the hate speech was intentional, disregarding the context.
For a number of reasons\textsuperscript{18}, victims of violence often do not report the crimes. The underreporting, in turn, makes gathering statistical data difficult.

On an EU-level, the \textit{discrimination} of transgender and gender-diverse people is \textit{explicitly prohibited in the workplace} by the \textit{Employment Equality Directive}. There is also EU legislation relevant to trans people about discrimination in the access to and provision of goods and services, crime victim's rights and asylum.\textsuperscript{19} On a broader level, Article 10 of the \textit{Treaty on the Functioning of the European Union} (TFEU) requires the EU to combat discrimination based on sex and sexual orientation, among other things.

The \textit{Universal Declaration of Human Rights} (UNDHR) of the UN does not explicitly name transgender or gender-diverse people, but by definition, the rights do apply to all people undividedly\textsuperscript{20}. The \textit{Yogyakarta Principles} are guidelines for applying international human rights law to sexual orientation and gender identity.\textsuperscript{21}

The World Health Organisation (WHO) currently classifies \textit{transsexualism} as a gender identity disorder in their \textit{International Classification of Diseases}, but a new version of the list is being drafted, and debate is ongoing about whether it should include transgender identity at all.

\section*{WHERE PAST AND FUTURE MEET}

Even though gender equality in Europe has advanced a great deal, the wellbeing and safety of transgender and gender-diverse people continues to be endangered. What needs to be done to ensure a life of safety and dignity to all people regardless of gender? Why are transgender and gender-diverse people so often targeted by hate-speech and violence? What is the most effective way to prevent these crimes, and who holds the power to create change?

\footnotesize
\begin{itemize}
  \item \textsuperscript{18} According to a FRA report (p.64), only 22\% of the most serious cases of abuse based on sexual orientation (not gender) were reported by their victims. Reasons for this included fear that nothing will change, fear that one’s sexual orientation could be revealed to family or friends, or a lack of knowledge about how or where to report an incident.
  \item \textsuperscript{19} For an overview of EU legislation relevant to trans people, see TGEU, ‘Guides on EU Law’.
  \item \textsuperscript{20} On the implications of universal human rights to transgender and gender-diverse people, see Free & Equal, \textit{International Human Rights Law and Sexual orientation & Gender Identity}.
  \item \textsuperscript{21} The Yogyakarta Principles were developed in 2006 by a group of human rights experts.
\end{itemize}
Troubled Waters: European Aquaculture is struggling with social acceptance of its operations, and is under pressure to prove sustainable and to meet the public ideal of low impact fish farming. Considering the contribution fish farming has to modern food production and the possibilities of large scale offshore farming, how can Europe combine a stable food production together with meeting the goals of the EU Water Framework Directive by 2021?

Chaired by Markos Merkouris (HU)
SUMMARY

Feeding the ever growing world population is a challenge that needs to be tackled in the imminent future. At the same time, most food production is massively taxing on the environment. Due to the constraints of available land mass, fishing is the fastest growing agricultural sector, leading to the depletion of natural fish stocks. With the imminent collapse of wild fish, aquacultures may possibly be a solution to the world’s food shortage. However, they carry social, technical, and ecological shortcomings that have to be overcome for them to be a viable long-term solution. While Europe might not be the epicentre of aquaculture production, it has a responsibility to lead global development and use its normative powers to spread best practices and tools to major producers.

FUTURE

Fish is one of the largest protein sources on the planet, with approximately three billion people depending on it on a daily basis. Corresponding to this high demand, the capture of wild fish globally is around 250% larger than what the ocean can support.

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1 WWF, ‘Sustainable Seafood’ (2016).
If we continue on this road, we could face a total collapse of global fish stock within the century\(^3\). This is worrisome as already approximately 800 million\(^4\) individuals on the planet are undernourished. Furthermore, with the stability of fisheries in danger, a massive rise in global food insecurity will ensue. With fish stocks dwindling, governments are expected to pressure for alternatives, such as more intensive farming of land animals, which in turn will decrease the crops available for feeding the poorest of the planet, as well as further contribute to global warming.

It is clear that the development of food production technologies that are less impactful on the environment is going to play a central role in global development in the upcoming future.

PAST

1. Benefits and challenges of aquacultures

Many solutions are proposed to combat global food shortage. Most of the more radical alternatives, such as a global switch to veganism or insects, face major obstacles in acceptance by the general public. A more realistic approach is a turn to farmed fish.

Fish in general tend to be much more efficient in converting feed, as around one kilogram of feed is needed for one kilogram of fish produced. Seaweed and shellfish can also be cultivated in order to cater to a wider range of preferences, as well as to ensure the development of healthy habitats. These aquacultures consist of breeding water species in man-made, semi-natural, or natural environments, encompassing both marine and freshwater species. Aquacultures can provide local ecosystems with a much-needed break, giving the opportunity to species previously pushed out of their habitats to flourish again as a part of a healthy ecosystem, while providing high quality proteins. On the other hand, aquacultures pose their own risk to the environment. They can be detrimental to the ecosystems around them, due to the accumulation of biological waste in the waters of the enclosures, the use of wild animals instead of hatchery animals for restocking the cultures, or the risk of unwanted introduction of alien species through escaped specimens\(^5\).

Despite all the positive aspects and the relative technological maturity, aquacultures still face criticism from the general public, mitigating their development.

2. Stakeholders’ interests and interconnections

Parallel to the wider recognition and research into climate change, food safety and the

\(^3\) National Geographic, ‘Overfishing’.
\(^4\) World Food Programme, ‘Hunger Statistics’.
battle against global poverty also took the front stage on the agendas of global organisations. The COFI sub-committee on Aquaculture, for example, was tasked with identifying major issues in global aquaculture development that need attention, facilitate cooperation between stakeholders and develop and recommend international action. Regional organisations exist to conglomerate the voices of a variety of stakeholders. For example in Europe, one such group is the European Aquaculture Technology and Innovation Platform (EATiP) that seeks to provide a comprehensive platform for inter-communication between different sectors, in order to support innovation and efficient use of research resources. One partner organisation of the EATiP is the Federation of European Aquaculture Producers (FEAP), a federation of national aquaculture associations from European nations. The Asia-Pacific Region dominates aquaculture, with almost 90% of fish farmed globally coming from that region\(^6\), and China leading with a staggering 60% of the global production\(^7\). Aquaculture also contributes to the financial stability of many communities in the region. As such, it is obvious that aquaculture is not only important towards global food safety, but can also provide communities with a stable and sustainable livelihood\(^8\).

\(^7\) Ibid., p.10. (Ibid - short from ‘ibidem’ ‘meaning ‘in the same place’ is used to repeat a citation in the immediately preceding footnote. If followed by a page number, the information is the same source, but at a different page number).
3. Current Measures

Technology is available to design biospheres that mimic nature and to feed fish with all natural feed with low environmental impact. Research is continuous and successful, mainly supported by international organisations, such as the Food and Agriculture Organization (FAO). Applications of modern technology can be found in planning of organic aquacultures, breeding programmes, and climate change resistant aquaculture planning. Apart from expertise regarding aquaculture itself, general environmental guidelines and measures have to be taken into consideration too. As aquaculture is by nature closely connected to watersystems, regulations concerning water have to be taken into consideration too. Explicit water-related studies and goals are published by the UN on food security, sustainable development, and water quality. Regional international organisations also propose measures towards ensuring water quality, river basin management, and managing pollutants; with the Water Framework Directive (WDF) of the EU being a great example.

Despite the fact that aquacultures can heavily influence the quality of water bodies both inland and offshore, important stakeholders, such as FEAP were not included in the development of the directive itself. In their WDF Factsheet, FEAP strongly recommends that in order to achieve the goals of WDF, further revision of possible future regulation is needed through better coordinated cooperation between different authorities and stakeholders. Furthermore, the development of a standardised best practices guide for aquacultures towards the achievement of the goals of WDF is recommended, since aquacultures can be a beneficial factor towards the future state of water bodies.

4. Legislative Framework

International legislation is also hard to achieve, since states have absolute sovereignty over their territorial waters. However, concerning aquacultures there is ambiguity about the exact rights that nations have in their exclusive economic zones to install structures for economic exploitation of those waters. Generally speaking, international legislation as far as aquacultures go is severely lacking. While aquaculture has not been at the United Nations (UN) General Assembly’s center of attention, it has issued resolutions calling for international cooperation in ensuring sustainable aquaculture⁹.

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The impacts of aquacultures are indirectly regulated by three multilateral agreements, the Convention on Biological Diversity, the Convention on Wetlands of International Importance, and the Convention on the Conservation of Migratory Species. FAO’s Code of Conduct for Responsible Fisheries has been considered a promising step towards supporting the fishing industry globally. Although mainly focusing on wild fish stocks and catch fishing, the code includes provisions on the technical support of aquacultures, and sets up standards for data collection and monitoring. FAO further provides a wide variety of Technical Guidelines for Aquacultures. These include manuals on the approach to the ecosystem, the production of fish feed, and genetic resource management of farmed fish.

On a EU level, the Common Fisheries Policy (CFP) also provides guidelines towards the protection of the environment around aquacultures, the health of the fish farmed, consumer protection and rights concerning the labeling of farmed fish, as well as import and export standards for farmed fish.

WHERE PAST AND FUTURE MEET

The legendary seaman Jacques Cousteau once said: “We must plant the sea and herd its animals using the sea as farmers instead of hunters. That is what civilization is all about - farming replacing hunting.” Many agree that this type of farming is the future, while others still remind of the shortcomings of these practices.

Social change can be hard: How far can governments go in pressuring populations into changing their culinary habits? Is aquaculture the way to go towards balancing food security and the protection of the environment? What can be done to ensure sustainable development of the sector? How can international legislation be enforced on a national level? How can best practices be spread to where they are most needed?
The Schwarzkopf Foundation is the international umbrella organisation of the European Youth Parliament (EYP). EYP Norway is a National Committee in the EYP network.