



Institut suisse de droit comparé  
Schweizerisches Institut für Rechtsvergleichung  
Istituto svizzero di diritto comparato  
Swiss Institute of Comparative Law

**27 June 2023**

**ISDC, salle Von Overbeck**

## **Rencontres informelles de l'Institut suisse de droit comparé**

### **It Takes Two to Tango: The Dialectical Juxtaposition of Hard and Soft Legalisation Methods in Shaping Trade and Sustainable Development Chapters**

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*The impact of international trade agreements and their anticipated benefits are far beyond the global economy. Among others, they find themselves in a nexus with sustainability concerns. While all chapters of free trade agreements influence a wide range of sustainable development areas, states have decided to limit these issues inside separate chapters mostly through a reverse logic of how sustainability (primarily labour and environmental) regulations can affect commercial interests instead of adopting a comprehensive sustainability-driven approach throughout the FTAs. Even within this narrower framework, the negotiations of the Trade and Sustainable Development chapters display complex costs as the impact of international delegation in this area likely touches upon significant benefits and, at the same time, sensitive state interests. To accommodate diverse heterogeneous interests, various legislative tools are applied. This presentation will demonstrate the different levels of legalisation, ranging from soft to hard, used to craft the substantive and procedural obligations, as well as their implementation and enforcement mechanisms under TSD chapters. It will examine the reasons driving the current architecture of sustainability-trade governance under free trade agreements, adopting domestic- and geopolitical-contextual outlook into the opportunities, constraints and bargaining powers influencing the political readiness to design and commit to soft and hard international rules and procedures.*

**Tuesday 27 June at 12 :00**

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