

RESEARCH NOTE

Qualified market access and inter-disciplinarity

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Abstract

This note offers reflections on qualified market access (QMA)—the practice of linking trade agreements to values such as human rights, labour standards, or environmental protection. This idea has been suggested by political theorists as a way of fulfilling our duties to the global poor and of making the global economic system more just, and it has influenced a number of concrete policies, such as European Union (EU) trade policies. Yet, in order to assess its merits *tout court*, different perspectives and disciplines need to be brought together, such as international law, economics, political science, and philosophy. It is also worth reflecting on existing practices, such as those of the EU. This note summarises some insights about QMA by drawing such research together and considers the areas in which further research is needed, whilst reflecting also on the merits of interdisciplinary exchanges on such topics.

Keywords: *trade justice; qualified market access; generalised system of preferences; human rights; labour standards; World Trade Organization; inter-disciplinarity*

It is widely known that individuals in many places worldwide could have better living and working conditions. Many live in poverty, many are inhumanely treated, and many work in conditions that are barely, if at all, tolerable, for long hours, with low pay, and under limited health and safety provisions. Such concerns are often linked with the workings of the global economy. One of the basic theoretical justifications for trade and the spread of markets is that they allow for bargains that are profitable for all sides. But the conditions noted above have led some to wonder whether the

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particular structures of the global economy realise this ideal. Questions have been raised as to whether and how the trade system could be designed to improve the living and working conditions of, at least, badly off individuals to a greater extent.

One suggestion in this context is the idea of qualified market access (QMA): the idea that trade relationships should be made conditional upon their meeting various requirements, such as human rights, labour standards, or environmental regulations. Depending on whether or not these conditions are met, countries should be given incentives or sanctions, in the form of preferential or disadvantageous market access.

In recent academic literature, Barry and Reddy have pursued the idea of QMA in their development of an account of a coordinated system of 'linkage', designed to promote respect for labour standards in developing countries by offering improved access to the markets of wealthier states. This system, coordinated by the World Trade Organization (WTO) and International Labour Organization (ILO), would provide the means of enhancing labour rights protection within a system designed to ensure it is not co-opted by protectionist interests.¹ But QMA is more than a theoretical idea. It figures in areas of global trade governance, for example, in the EU's so-called GSP+, which is a sub-scheme of its generalised system of preferences (GSP), a tariff preference system that can be granted to developing countries under the rules of the WTO.² In 2008, the European Commission commissioned an extensive report on QMA,³ and the EU has recently finalised a substantial reform of its GSP, including its GSP+ regime (see Regulation No. 978/2012 of 31 October 2012), with the new rules applying from January 2014. Similar objectives can also be found in the Fair Trade initiative.⁴

Yet, in this note, we hope to highlight important ways in which analysis of QMA could be usefully developed. Our most central argument is that to undertake a comprehensive assessment of QMA (and other similar policy proposals), it is distinctly important that the perspectives of different disciplines are brought together to a greater extent.⁵ It is a subject on which contributions can be made by, *inter alia*, philosophers, economists, political scientists, legal scholars, and practitioners. But it is by drawing this range of experience and knowledge together that we can form a complete picture of QMA and determine how, if at all, QMA can best be defended and which questions remain in need of answers.

The note demonstrates this point by making an attempt to bring together various strands of QMA analysis from different disciplines (although without a claim to completeness).⁶ The paper proceeds in a deductive fashion. In the next section, we highlight important themes that different disciplines can contribute to the debate about QMA. We begin by discussing the foundational moral concerns that motivate QMA and the rationale for focusing these concerns through QMA. We, then, move to discussing its practical viability and likely impact. In the last of these subsections, we draw the analysis together by summarising the key challenges that face defenders of QMA and use this analysis to identify the areas in which further research is needed. To aid the flow of this text, the discussion is written from an 'internal' perspective, focused primarily on exploring the dimensions of QMA, the ways in which advocates of the idea will encounter challenges, and how responses can be

shaped along certain lines. However, we use the final section to offer a more explicit reflective commentary, in which we outline more directly what we think the discussion demonstrates both in terms of how to proceed with analysis of QMA and in terms of the importance of interdisciplinary exchanges on subjects of its kind.

QMA: THE CENTRAL THEMES

Normative grounding

At the root of any social, economic, or political policy, one would hope to find a convincing normative rationale. Without such a rationale, those who argue in favour of a policy cannot reject the claim that they are illegitimately imposing their preferences on others. In the context of QMA this topic deserves special attention, because policies implemented by Western countries vis-à-vis developing countries might have a chime of imperialism.⁷ In addition, there is the possibility that a minority within Western countries might impose their preferences on a silent majority.

Providing such normative rationales is the task of philosophy and political theory, usually by drawing on principles of justice. In the case of QMA, Mathias Risse and Aaron James argue that the promotion of justice is sufficiently important to justify imposing norms on others. Risse's main emphasis is on human rights, but he also brings forward the shared membership in a trading system and in the global order as 'grounds of justice'.⁸ James argues for the legitimacy of regulation by highlighting the analogy to extreme cases such as sexual servitude and slavery, in which we do seem to think leaving the behaviour unchallenged is problematic, because they constitute impermissible forms of treatment that cannot be justified in the name of larger societal benefits.⁹

A more contentious topic is labour rights. For example, large companies might be able to hire desperate workers at low wages and with high-risk working conditions, without these conditions being compensated by the benefits received. It might be argued that policies aimed at improving such working conditions could also be justified.¹⁰ Nonetheless, it is not so clear whether Western countries—which might have similar problems internally—are justified in imposing these values on other countries, which might have more urgent priorities. Barry & Reddy operate by '*presuming* that ... advantage is generally enhanced by higher employment, higher real wages and improved working conditions'.¹¹ Insofar as this claim merely regards what constitutes 'advantage', it is probably valid. However, it bears mentioning that it is a jump from this claim to the claim that such goals justify policies designed to alter the internal regulation of other states. There may be space for reasonable disagreement on what constitutes good working conditions, or, at least, the extent to which they should be treated as a priority.¹² For that matter, it is possible to agree that working conditions should be improved, but simply have an alternative strategy for aiding their development: many have argued, for example, that freer markets can act as a stimulus to growth and, thereby, enhance the capacity to realise more just

conditions.¹³ If there is space for disagreement on any of these issues, more argument is needed in order to move from a claim about the role of working conditions in a conception of advantage to the claim that such ideas can justify policies designed to modify regulation in other states.

Thus, there are a number of options for how to provide a normative rationale for QMA, but one must be careful not to jump to conclusions too quickly. Without meaning to suggest that the labour rights argument cannot provide a justification, it seems important to avoid being overly concerned with ‘keeping our hands’ clean without taking seriously how we impose on others, and that we construct appropriate argument if we wish to use such bases for justification. In this regard, it may be a safer option to argue from the less controversial bases of human rights and the other fundamental moral concerns mentioned above. In these areas, at least, there does seem to be a firm justification for policies designed to promote more just behaviour.

Focusing on trade

These reflections lead to a second question: why should justice be promoted through *trade*? This question has both a philosophical and a practical dimension. On a philosophical level, there is the question of whether there is something specific about the trade relations in which we stand with other individuals, mandating that we pay attention to the normative qualities of these relations, rather than, say, helping those who can be reached most easily. James, for example, holds that trade relations that violate certain basic standards might not be morally permissible at all.¹⁴ Other commentators might be more inclined to see the focus on trade as a merely practical issue—one means through which we could promote general concerns of justice.¹⁵ In short, QMA seems to raise an important question in terms of whether we should consider our duties to ‘trade justly’ as special or general duties.

Especially if one adopts the latter approach, it is important to remember the range of ways through which we could promote or protect demands of justice, even if we remain close to the sphere of trade. If one takes a look at existing practices, such as the EC’s policies, it turns out that there are a number of QMA-type policies.¹⁶ The range includes:

1. QMA, which prevents or restricts the access of particular goods produced under certain conditions to a market, such as product standards like sanitary and phytosanitary measures.
2. A GSP sub-scheme, which grants additional market access to a country depending on whether it meets a range of criteria and fulfils certain country characteristics.

Beyond QMA-type measures, there are a host of other options, including:

1. Voluntary individual action, which has the advantages of flexibility and of not imposing values on others.

2. Nudging measures, such as mandatory labels, which are less intrusive, and might address problems of imperfect rationality or information asymmetries, by, for example, allowing Western consumers to choose between certified and non-certified products.
3. Policies in the context of government procurement, which are not subject to the legal issues discussed below, and might be of symbolic value, but raise concerns about the functions and tasks of government agencies.
4. Direct policies, such as aid, government loans, or technical support.

It might seem less pressing to consider some of these policy alternatives if there are rather strict specific duties of justice owed to trading partners. But in order to pursue this line, it is important to note that careful argument is needed to tie the issues together in this fashion. It perhaps seems most plausible to connect issues such as labour standards to market regulation. As James writes: ‘the trading system is the natural place to address the labor exploitation issue, since concerns of labor exploitation are at least partly internal to the socioeconomic relationship’.¹⁷ But such an argument leads us back to the question of whether labour standards can serve as the appropriate normative framework. If, as the previous section suggested, operating from a human rights basis seems the most straightforward normative grounding for a policy like QMA, it seems to require quite intricate argumentation to explain why this clearly *general* concern should take the form of a *special* duty of trade justice.

Moreover, even if an argument for special duties can be made, it would remain the case that we need to consider both the viability and consequences, both direct and indirect, of any approach, since sound policy requires not only that the policy work, but that, taking all things together, it is the best way of achieving the relevant objectives.¹⁸ To determine any case in favour of QMA, these issues must be considered.

Viability: legal challenges and existing institutions

Perhaps the most pressing question in terms of viability concerns international trade law.¹⁹ It is worth going into some detail here, in order to illustrate the intricacies that one encounters if one wants to put an abstract idea into practice, at least within the existing legal framework.

Amongst the more direct ways in which we can pursue ‘QMA’ (in the sense described in the list above) are the actions of forbidding or restricting the quantity of imports of a certain commodity, the impositions of punitive tariffs, and the imposition of a punitive internal tariff. Whilst theoretically feasible, all of these actions are problematic under WTO law. The first is accepted in certain ‘exemption’ cases, such as for goods produced under prison labour, but largely rejected otherwise. The second violates GATT’s Article II, which requires that tariffs must not exceed agreed levels. Meanwhile, the third violates the national treatment provision of the WTO system, which requires that, once they have paid any import duties, imported goods are treated the same as nationally produced goods. In all of

these cases, much depends on whether it can be shown that the good in question is not 'like' other goods to which it is being compared. There are four cumulative criteria employed to determine this issue:

1. Properties, nature, and quality.
2. End use of the product.
3. Consumer perception and behaviour.
4. Tariff classification.

This legal avenue has been used in WTO law in attempts to qualify the market access of certain goods, but such manoeuvres are not often upheld.

One route around these requirements is to appeal to Article XX of the GATT, which regards exemptions to standard rules. This article is designed to enable countries to make product distinctions based on policy objectives that, *inter alia*, are:

1. Necessary to protect public morals.
2. Necessary to protect human, animal, and plant life or health.
3. Relating to the conservation of natural resources.

But while apparently allowing for QMA measures, the burden of proof for those who want to impose sanctions along these lines is high and includes showing that the preferred policies are no more trade-restrictive than necessary to achieve the desired goal. Also, it should be noted that Article XX can be used to protect moral ends within one's own country, but it is typically, both in theory and practice, deemed to have a non-extraterritoriality clause.

The alternative—and seemingly only available—route around standard WTO conventions appears in Part IV of the GATT. This part involves the Enabling Clause under which generalised systems of preferences—the second QMA-type measure mentioned earlier—can be constructed. This avenue enables market actors to organise a set of market privileges—usually beneficially asymmetric tariff regimes—for developing countries on the condition that the latter protect or promote certain standards. The EU, for example, allows developing countries to export goods to their markets subject to lower tariffs than are applied to other states. It has a system, adopted unilaterally, applied to 15 developing countries, which are required to meet 27 core human rights and labour standards in return for more preferential access to the EU market compared to those countries which benefit from the standard GSP.²⁰ This system is not only in existence at present, but has also been used for precisely the purposes QMA sets. There are three cases in which the EU has withdrawn preferential market access for the violation of the required standards: Belarus, Sri Lanka, and Burma/Myanmar.²¹ However, the extent to which the removal of the trade preferences has had any real impact on the ground is difficult to judge. As such, the example does suggest that there is, at least, one viable route for pursuing QMA-type measures, but it remains crucial to consider the issue of consequences.

The cynic, the crux, and the consequences

One way to bring together a picture of QMA is to begin from a completely negative view—a ‘cynic’s view’—that highlights all potential problems and to explore which of these problems can be answered.²² A cynic might raise the following objections to linking trade to respect for normative values:

1. All moral values are relative.
2. It is objectionable to push others to uphold even universal values.
3. Attempts to encourage others to adopt certain values through trade restrictions would be unviable in terms of international economic law.
4. Attempts to encourage others to adopt certain values through trade restrictions would not achieve the intended aim because:
 - a. They are ineffective mechanisms.
 - b. They could have problematic by-products.

In the aforementioned sections, we have identified arguments that advocates of QMA could use to address issues 1–3. On 1 and 2, it would seem that certain core human rights, and maybe also environmental issues, are concerns that are both universal and permissible to encourage others to respect. Whether these points extend to certain ‘softer’ standards, such as respect for labour rights, is more controversial, but at least some case can be made against the cynic. If 3 were insurmountable, it would present a major difficulty for QMA, at least if we make the (not unrealistic) assumption that states, in general, need to abide by international economic law, if only for long-term pragmatic reasons. But as noted above, although some avenues for pursuing QMA remain difficult in international economic law, the Enabling Clause allows for a system that can and has been used for QMA-type policies. If this analysis is correct, it appears that the crux of the argument that must be made against the cynic concerns 4—the consequences of pursuing QMA-type policies.

Worry 4 can be broken into two parts. On the one hand, there is (a) the worry that QMA-type policies simply would not have much positive impact. This worry is along the lines of ‘missing the nail’. On the other hand, there is (b) the worry that whether or not the policy has a positive direct impact, it may also produce negative by-products. This worry is along the lines of hitting the nail, but cracking the wall.

There are certainly genuine reasons to fear the latter effect. Obviously, such policies can be used as a smoke screen for protectionist interests—pig farmers can find reasons to raise tariffs on imported pork by drawing on ‘concerns’ about standards of production overseas.²³ Such action might lead to a spiral of retaliatory protectionist measures that would, in the end, violate the interests of those who currently profit from open markets, including many of the globally poor. The consequences of the latter scenario might do more harm to the basic rights of the globally poor than anything positive that even an ideal system of QMA might achieve. On the contrary, if the measure was mobilised through the Enabling Clause avenue suggested above, we

might have some reason for optimism here. As noted, the GSP+ structure has been present for some time within an on-going framework of existing international treaties and has not brought down the WTO system.

The former worry—the likely direct consequences of QMA-type policies—seems to present a more pressing problem. In terms of the substantive information we hold on this point, the outlook is not positive. But, in fact, we know very little about the impact of QMA-type measures. For example, there is no hard evidence of any positive impact on the observance of human rights in the countries on which the EU imposed sanctions within the GSP framework.²⁴ In addition, there are general questions about the adequacy and coherence of measures and goals. For example, it is unlikely that the money raised from additional tariffs, wherever it is reaped and spent, will be of the right order to address the concerns usually linked with QMA.²⁵ On this point, those critical of QMA stress that, very often, we would be more likely to source the necessary funds and direct them appropriately by using non-market mechanisms, such as aid.

If one were to attempt a reply to the cynic on these worries, there seem to be two relevant points to make. On the latter thought that there might be alternative mechanisms for promoting justice, it might be remembered that we operate within constrained institutional parameters. Aid budgets are commonly under threat in most countries, perhaps even more so during recession, and, in general, it is harder to create new institutions and policies than to use those that already exist.²⁶ Indeed, the QMA debate itself demonstrates the difficulty of attempting to operationalise various policy options within the current global framework. Against this background, it would seem sensible not to abandon the idea of QMA prematurely.

There does remain the worry regarding evidence of positive impact, but it is worth noting here that we also have little evidence to suggest that the GSP programme did *not* help, in some way or other, to improve the protection of human rights in the countries that do participate in the scheme. It is, after all, extremely difficult to unravel which factors influence improvements in rights protection, and the latter is hard to measure. Perhaps what should be said here is that more research is needed, particularly in terms of more precise measurements and more in-depth studies of the effect of incentives on performance. These would help us determine what we can realistically expect from QMA and how existing institutions might be improved. Such investigation would also need to take into account indirect effects, including symbolic and spiralling effects. For example, it would be useful to know whether one country's refusal to continue certain policies might convince other countries to follow suit, thus creating a critical mass for promoting certain changes in international agreements. After all, the long-term cumulative value of building human rights concerns into a number of international agreements has been suggested by a number of recent studies.²⁷

To be sure, lack of evidence cuts in both directions. It is no more reason for optimism than pessimism. But the above should, at least, identify where more research is required in order for the advocate of QMA to respond to the cynic.

REFLECTIONS

The previous section sought primarily to clarify central themes in the QMA debate whilst drawing attention to areas where further research is required. But it also brings to light, we think, a deeper point about the importance of using an interdisciplinary approach for evaluating proposals such as QMA. This point can be demonstrated with reflections on two insights that can be gleaned from what has been said above.

Questions answered

It is obvious that different disciplines can contribute answers to different questions with regard to a proposal such as QMA. But it is perhaps underappreciated what can be gained from hearing this variety of questions and answers. Indeed, it may sometimes come as a surprise to scholars of other disciplines that what seem some of the most troubling concerns from one perspective are issues interrogated and addressed by others whilst, conversely, some assumptions taken for granted in one place may be significantly problematised. In the context of QMA, the clearest example of this possibility concerns the question of normative foundations. Here, empirical social scientists may assume that QMA policies amount to an ‘imperialistic’ imposition of values on other countries, without considering arguments about justice proposed by philosophers and political theorists which appear to address such worries. A similar point might be made regarding questions of institutional structures and implementation. In this case, political philosophers may sometimes be too prone to assuming that there will be viable and effective ways to realise desirable normative ends in normatively desirable fashions within existing institutions. The legal analysis of QMA suggests, however, that matters might be rather more complicated, and that operationising such a system might warrant working through quite tightly constrained parameters. Here, again, the interdisciplinary exchange seems to help narrow our analysis of QMA and identify how central questions—such as viability—can be sensibly addressed.

Questions opened

Inter-disciplinary exchanges also help clarify which questions remain unanswered or not answered satisfactorily. It might be suggested that another assumption unfortunately common in political philosophy is that we have the knowledge to predict the consequences of certain policy measures, without asking whether such studies have ever been undertaken, and what methodological problems they might encounter.²⁸ But things are often more complicated in empirical research, and often we may not be able to derive clear ‘if-then’-statements from the existing scholarship. In extreme cases, empirical research may show the impossibility of implementing certain policies. This might lead to ‘ought implies can’ limitations on what can be normatively demanded. In most cases, however, one does not deal with strict impossibilities, but with questions about the advantages and disadvantages of different solutions, all of which need to be carefully considered when evaluating which one can best be endorsed from a normative perspective. These points

raise questions for normative theorising such as: How non-ideal does non-ideal theory need to be in order to address the real world? And: How much knowledge about the real world does one need in order to be able to theorise at this level? In relation to this latter question, the dialogue with empirical scientists can help philosophers identify the practical terrain within which normative policy advocacy must operate.

In the case of QMA, it transpires that there remains a crucial question about its consequences that social scientific research has not yet answered. The literature in economics and political science has emphasised possible instabilities that might arise from policies like QMA, the potential for abuse by, for example, protectionist forces, and areas in which there could be negative indirect effects. These research results point towards possible trade-offs of changes in the institutional structure. But they fall short of offering robust information about the consequences of QMA-type policies, which would be sufficient for a final verdict. Thus, it would seem that one of the most significant insights that can be drawn from considering QMA through the inter-disciplinary lens is that it can help us focus attention away from the questions that other disciplines can answer and on to what the different disciplines all find absent—in this case, more extensive research on the concrete consequences of QMA-type measures. This last point suggests that scholars in empirical studies might find it useful to enter discussion with normative theorists with the goal of identifying the focal moral aims for reforming international structures, such that empirical research can engage more directly in the task of exploring which concrete pathways are advisable for realising normatively desirable states of affairs.

Interdisciplinary research often takes additional efforts, if only for understanding one another's jargons and implicit assumptions. But as we hope to have shown, for evaluating suggestions such as QMA, it is nonetheless crucial to bring together different perspectives. There are clearly lessons to be learned for the practice of all disciplinary studies, both about the content and nature of their research. Perhaps more importantly, insights from different disciplines can lead to conclusions about where the crux of the issue lies—such as the consensus that more research on the concrete consequences of QMA-type measures is needed in order to take the evaluation to the next step. This is a promising result, and suggests that such evaluations are indispensable for engaging in genuinely *tout court* analyses of policy proposals and how plausible such proposals should be deemed as suggestions for making the global order more just.

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NOTES

1. C. Barry and S. Reddy, *International Trade and Labour Standards: A Proposal for Linkage* (New York: Columbia University Press, 2008).
2. For details of the WTO GSP system, see L. Bartels, 'The Appellate Body Report in *European Communities—Conditions for the Granting of Tariff Preferences to Developing Countries* and its Implications for Conditionality in GSP Programmes', in *Human Rights & International Trade*, ed. T. Cottier et al. (Oxford: Oxford University Press, 2005), 463–87.
3. K. Dawar et al., 'Qualified Market Access', http://trade.ec.europa.eu/doclib/docs/2009/february/tradoc_142341.pdf (accessed January 5, 2014).
4. For details of the Fair Trade system, see A. Walton, 'What is Fair Trade?', *Third World Quarterly* 31, no. 3 (2010): 431–47.
5. The literature on QMA and similar ideas remains tied to the perspectives of different disciplines. One exception is the EC report mentioned above, which brought together knowledge from several disciplines, primarily law and economics. However, the legal and economic analyses were separated components of the report, and it did not make extensive attempts to integrate them, while the philosophical foundations of QMA were not discussed at all. The same is broadly true of another somewhat more encompassing piece of literature: the text by Barry and Reddy mentioned above. Barry's primary research area is philosophy, while Reddy's is economics and their combined work offers an impressive attempt to integrate these two fields. Yet, despite suggesting that their proposal will operate with existing structures and involve the WTO, it does not incorporate an analysis of how their proposals will cohere with existing international economic law or current practice in the area.
6. These reflections are based on the workshop "Justice in Trade? An Inter-Disciplinary Assessment of Qualified Market Access", which took place at the University of St. Gallen, Switzerland, on June 10–11, 2013.
7. L. A. Winters, 'Qualified Market Access through the Eyes of Homo Economicus', (presented at Justice in Trade? An Inter-Disciplinary Assessment of Qualified Market Access, St. Gallen, June 10–11, 2013).
8. M. Risse, 'How does the ground-of-justice approach bear on linkage?', (presented at Justice in Trade? An Inter-Disciplinary Assessment of Qualified Market Access, St. Gallen, June 10–11, 2013); and See also M. Risse, *On Global Justice* (Princeton, NJ: Princeton University Press, 2012), especially 261–280.
9. A. James, 'Market Access and Moral Permissibility', (presented at Justice in Trade? An Inter-Disciplinary Assessment of Qualified Market Access, St. Gallen, June 10–11, 2013). See also A. James, *Fairness in Practice: A Social Contract for a Global Economy* (Oxford: Oxford University Press, 2012).
10. For an argument based on the issue of labour rights, see Barry and Reddy, *International Trade and Labour Standards*.
11. Barry and Reddy, *International Trade and Labour Standards*, 3, emphasis added.
12. Both claims are often made by developing countries in the context of WTO negotiation.
13. This argument is made or accepted by R. D. Anderson and H. Wager, 'Human Rights, Development, and the WTO: The Case for Intellectual Property and Competition Policy', *Journal of International Economic Law* 9, no. 3 (2006): 708–21; and A. O. Sykes, 'International Trade and Human Rights: An Economic Perspective', in *International Trade and Human Rights: Foundations and Conceptual Issues*, ed. F. M. Abbott et al. (Ann Arbor: University of Michigan Press, 2006), 69–92.
14. James, "Market Access and Moral Permissibility"; James, *Fairness in Practice*. The idea that there are obligations that arise specifically in virtue of the trade relation is also defended in Risse, *On Global Justice*, 261–80.

15. For an outline of this idea, see D. Miller, 'Fair Trade: What Does it Mean and Why Does it Matter?', *CSSJ Working Paper Series*, SJ013, http://social-justice.politics.ox.ac.uk/materials/SJ013_Miller_Fairtrade.pdf: 6–7 (accessed January 5, 2014). For an advocate of the view, see A. Walton, 'Justice and Trade: Towards a Holistic Approach' (*forthcoming*).
16. The following overview is drawn from L. Nilsson, 'QMA: State of Play and Challenges Ahead', (presented at Justice in Trade? An Inter-Disciplinary Assessment of Qualified Market Access, St. Gallen, June 10–11, 2013).
17. James, *Fairness in Practice*, 320.
18. Winters, 'Qualified Market Access' emphasises this point.
19. This section follows K. Dawar, 'Qualifying Market Access under GATT rules', (presented at Justice in Trade? An Inter-Disciplinary Assessment of Qualified Market Access, St. Gallen, June 10–11, 2013). For further details see Dawar et al., 'Qualified Market Access'.
20. Details taken from Nilsson, 'QMA: State of Play and Challenges Ahead'.
21. C. Portela, 'Sanctions under the EU's Generalised System of Preferences', (presented at Justice in Trade? An Inter-Disciplinary Assessment of Qualified Market Access, St. Gallen, June 10–11, 2013). For more detail, see C. Portela and J. Orbie, 'Sanctions under the EU Generalised System of Preferences and foreign policy: coherence by accident?', *Contemporary Politics* 20, no. 1 (2014): 63–76.
22. This summary is loosely based on L. Herzog and A. Walton, 'QMA Tout Court?', (presented at Justice in Trade? An Inter-Disciplinary Assessment of Qualified Market Access, St. Gallen, June 10–11, 2013).
23. This example was raised in Winters, 'Qualified Market Access'. It is also emphasised in J. Bhagwati, *Free Trade Today* (Princeton, NJ: Princeton University Press, 2002), 70–3; and A. Najam and N. Robins, 'Seizing the Future: The South, Sustainable Development, and International Trade', *International Affairs* 77, no. 1 (2001): 52.
24. This worry is voiced in J. Stiglitz and A. Charlton, *Fair Trade for All: How Trade can Promote Development* (Oxford: Oxford University Press, 2005), 176–88. There is also a general worry that sanctions rarely encourage better practice, on which see K. Addo, 'The Correlation between Labour Standards and International Trade', *Journal of World Trade* 36, no. 2 (2002): 298. A more optimistic assessment of the effects of preferential trade agreements in general on human rights practices is provided by E.M. Hafner-Burton, *Forced to be Good: Why Trade Agreements Boost Human Rights* (Ithaca: Cornell University Press, 2009), 142–164. Hafner-Burton argues that preferential trade agreements change incentives for perpetrators and may, thus, be more successful, in the long run, than human rights agreements without sanctions. However, given that her book focuses on the *introduction* of preferential trade agreements with human rights clauses, it is too early for her to judge whether the lack of sanctions in many cases of human rights violations will make this policy instrument less effective in the future.
25. This problem was raised in Winters, 'Qualified Market Access'.
26. This point is nicely made about the value of holding a specific place for the policy of asylum, rather than collapsing it into a general strategy of aid for refugees, in M. Price, *Rethinking Asylum: History, Purpose, and Limits* (Cambridge: Cambridge University Press, 2009).
27. Such as K. Sikkink, *The Justice Cascade: How Human Rights Prosecutions are changing World Politics* (New York: W.W. Norton, 2011).
28. On the relevance of social scientific knowledge for (non-ideal) theorizing see L. Herzog, 'Ideal and Non-Ideal Theory and the Problem of Knowledge', *Journal of Applied Philosophy* 29, no. 4 (2012): 271–88.