

**TRADE MEASURES FOR ENVIRONMENTAL PROTECTION
IN THE WORLD TRADE ORGANIZATION (WTO): IMPLICATIONS FOR
DEVELOPING COUNTRIES**

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**TRADE MEASURES FOR ENVIRONMENTAL PROTECTION
IN THE WORLD TRADE ORGANIZATION (WTO): IMPLICATIONS FOR
DEVELOPING COUNTRIES**

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ABSTRAK

Kajian ini meneliti sejauh mana peraturan Pertubuhan Perdagangan Dunia (WTO) boleh memenuhi objektif perlindungan persekitaran menerusi penguatkuasaan tindakan perdagangan sehala, khususnya dengan merujuk negara sedang membangun. Potensi konflik antara prinsip substantif WTO dengan tindakan persekitaran yang berkait dengan perdagangan telah mengakibatkan berlakunya perselisihan yang serius antara negara membangun dengan negara sedang membangun semenjak tiga dekad terakhir ini. Meskipun hubungan antara peraturan WTO dengan tindakan persekitaran belum lagi dimantapkan dengan jelas, namun aplikasi Artikel XX(b) dan (g) daripada GATT telah menyediakan perkaitan antara objektif perdagangan dengan objektif persekitaran. Kajian ini mengguna pakai teknik pentafsiran dan analisis untuk menganalisis data. Kajian ini bertujuan menganalisis secara terperinci pendekatan kehakiman dan perundangan berhubung kebolehizinan dan kesahan tindakan perdagangan sehala yang didorong oleh persekitaran. Pendekatan kehakiman WTO meneroka perkembangan jurisprudens persekitaran yang dibentuk berdasarkan keputusan Lembaga Panel dan Rayuan. WTO mengusulkan Perjanjian Persekutaran Berbilang Pihak (MEAs) sebagai jalan penyelesaian yang lebih baik untuk menangani masalah persekitaran rentas sempadan. Kajian ini turut memberi tumpuan terhadap pendekatan perundangan WTO yang merangkumi program kerja Jawatankuasa Perdagangan dan Persekutaran (CTE) berkenaan perhubungan WTO-MEA. Kajian ini mencadangkan tatacara rundingan secara sukarela bagi menjelaskan tindakan perdagangan berhubung MEA dengan menggunakan prinsip asal yang dikemukakan oleh negara New Zealand dalam perundingan di Doha. Kajian ini dirumuskan dengan memberi penekanan terhadap perlunya tindakan positif yang lebih bersepadu dan inovatif untuk negara membangun dijatkan bagi mengimbangi implikasi negatif daripada tindakan perdagangan sehala.

Kata kunci: Pertubuhan Perdagangan Dunia, Langkah Perdagangan, Negara-negara Membangun, Perjanjian alam sekitar pelbagai hala, Pusingan Doha pembangunan.

ABSTRACT

This study examines the extent to which rules of World Trade Organization (WTO) can serve the objectives of environmental protection through the enforcement of unilateral trade measures particularly with reference to developing countries. The potential conflicts between the substantive principles of WTO and trade-related environmental measures have resulted in serious disagreement between developed and developing countries since last three decades. Although the relationship between WTO rules and environmental measures has not been clearly established, however, the applicability of Article XX (b) and (g) of GATT provides a connection between trade and environmental objectives. This study adopts interpretative and analytical techniques for data analysis. The purpose of this study was to undertake detailed analyses of WTO's judicial and legislative approaches with regard to permissibility and legality of environmentally motivated unilateral trade measures. Judicial approach of WTO explores the development of environmental jurisprudence established by the Panels and Appellate Body decisions. The Multilateral Environmental Agreements (MEAs) have been recommended by the WTO as a better solution to transboundary environmental problems. This study also focuses on the legislative approach of WTO, comprising of work programme of Committee on Trade and Environment (CTE) regarding WTO- MEA relationship. This study proposes a voluntary consultation procedure for clarification of MEA-related trade measures based upon the principles originally presented by New Zealand during Doha negotiations. The study concludes by emphasizing upon the need for more integrated and innovative positive measures for developing countries to offset the negative implications of unilateral trade measures.

Keywords: World Trade Organization, Trade Measures, Developing Countries, Multilateral Environmental Agreements, Doha Development Round.

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LIST OF ABBREVIATIONS

Art.	Article
AB	Appellate Body
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COP	Conference of Parties
CTE	Committee on Trade and Environment
DSB	Dispute Settlement Body
EFTA	European Free Trade Association
EMIT	Environmental Measures and International Trade
GATT	General Agreement on Tariff and Trade
IISD	International Institute on Sustainable Development
LEDCs	Less Economically Developed Countries
MEAs	Multilateral Environmental Agreements
OECD	Organization for Economic Cooperation and Development
SPS	Sanitary and Phyto-Sanitary Measures
STO	Specific Trade Obligation
TBT	Technical Barriers to Trade
TEDs	Turtle Exclusion Devices
UNEP	United Nations Environment Programme
UNCED	United Nations Conference on Environment and Development
UNCTAD	United Nations Committee on Trade and Development
WTO	World Trade Organization

LIST OF RELEVANT GATT/WTO CASES

1. Brazil – Retreaded Tyres case (3 December, 2007. Appellate Body report adopted)
2. EC – Asbestos (Article 21.5) (5 April, 2001. Appellate Body report adopted)
3. Thailand – Cigarettes (7 November, 1990. Panel Report adopted)
4. US – Reformulated Gasoline (20 May, 1996. Appellate Body report adopted)
5. US – Shrimp/Turtle I (6 November, 1998. Appellate Body report adopted)
6. US – Shrimp/Turtle II (Article 21.5) (21 November, 2001. Appellate Body report adopted)
7. US – Tuna/Dolphin I (3 September, 1991. Panel Report not adopted)
8. US – Tuna/Dolphin II (16 June, 1994. Panel Report not adopted)

CHAPTER 1

INTRODUCTION

1.1 Background of the Study

Today most of the global environmental degradation is considered to be the direct consequence of increased scale of worldwide economic activity largely triggered by acceleration of International trade. Environment, serving as the prime resource for major industrial activities became its central target resulting in greater consumption, exploitation and contamination of natural resources. As a result, the concerns regarding resource depletion and environmental degradation have constantly been growing at the national, regional and international level, aiming to achieve slow paced resource exploitation and implementation of stringent environmental regulations.¹

The Millennium Ecosystem Assessment (2005) found that almost 60 percent of the world's ecosystem services are being degraded or exploited. Global carbon dioxide emissions have quadrupled and we are confronted with catastrophic era of climate change. Half of world's fish stocks are being fished at their biological limits and another quarter are beyond that point, or depleted. If the present trend is to prevail, three and a half billion people will have to face "water stress" having less than 1,000 liters of water per person per year. Every day almost 6,000 people particularly children lose their lives because of diseases caused by lack of access to clean water or sanitation.

¹ Kym Anderson, "Environmental Standards and International Trade," (Paper presented at the Eighth Annual Conference on Development Economics, World Bank, Washington, D.C., April, 1996) 317.

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Bibliography

Anderson, Kym. "Environmental Standards and International Trade." Paper presented at the Eighth Annual Conference on Development Economics, World Bank, Washington, D.C., April, 1996.

Bernasconi-Osterwalder, Nathalie, Daniel Magraw, Maria Julia Oliva, Marcos Orellana, and Elisabeth Tuerk. *Environment and Trade. A Guide to WTO Jurisprudence*. London and Sterling: VA, Earthscan, 2006.

Birnie, P.W., and A.E. Boyle. *International Law and the Environment*. Oxford, New York: Oxford University Press, 2002.

Bhagwati, Jagdish. "On Thinking Clearly About the Linkage between Trade and the Environment." *The Economics of International Environmental Problems* No 1, 5 (2000): 483-529.

Cameron, Hugo. "The Evolution of Trade and Environment Debate at the WTO." In *Trade and Environment: A Resource Book*, edited by Adil Najam, Mark Halle and Ricardo Melendez-Ortiz, International Institute for Sustainable Development, 2007.

Charnovitz, Steve. 'GATT and the Environment Examining the Issues' Conference on International Trade and Sustainable Development, Centre of Trade Policy and the University of Ottawa, (May, 1992)

Charnovitz, Steve. "WTO Dispute Settlement as a Model for International Governance." In *Economic Globalization and Compliance with International Environmental Agreements*, edited by Alexandre Kiss and Dinah Shelton, 245-253. Kluwer Law International, 2003.

Chazournes, Laurence Boisson de. "The Use of Unilateral Trade Measures to Protect the Environment." In *Economic Globalization and Compliance with International Environmental Agreements*, edited by Alexandre Kiss and Dinah Shelton, 181-191. Kluwer Law International, 2003.

Chazournes, Laurence Boisson de. "Unilateralism and Environmental Protection: Issues of Perception and Reality of issues." *European Journal of International Law*, 11 (2) (2000): 315-338.

Chynoweth, Paul. "Legal Research." In *Advanced Research Methods in the Built Environment*, edited by Andrew Knight and Les Ruddock, Wiley-Blackwell, 2008.

Desai, H Bharat. *Multilateral Environmental Agreements; Legal Status of the Secretariats*. Cambridge University Press, 2010.

Drumble, M A. "Actors and Law-making in International Environmental Law." In *Research Handbook on International Environmental Law*, edited by Malgosia Fitzmaurice and David M. Ong, Edward Elgar Publishing, 2010.

Dunoff, Jeffrey L. "International Dispute Resolution: Can the WTO Learn from MEAs?" In *Trade and Environment, the WTO and MEAs. Facets of a Complex Relationship*, edited by Laine Schalatek, Heinrich Boll Foundation, 2001,

Ewing-chow, M, and Soh, D. "Pain, Gain, or Shame: The Evolution of Environmental Law and the Role of Multinational Corporations." *Indiana Journal of Global Legal Studies* No. 1, 16 (2009): 195-222.

Gallagher, Kevin P. "Understanding Developing Countries' Resistance to the Doha Round." *Review of International Political Economy* No. 1, 15 (2008) <<http://www.tandf.co.uk>> (accessed January 28, 2014).

Gomula, Joana. "Environmental Disputes in the WTO." In *Research Handbook on International Environmental Law*, edited by Malgosia Fitzmaurice and David M. Ong, Edward Elgar Publishing, 2010.

Gueneau, Stephane, Selim Louafi, and Benoit Martimort. *Trade and Environment in the Architecture of International Governance*. Paris : IDDRI, 2005.

Hoekman, M. Bernard, and Petros C. Mavroidis. *The World Trade Organization: Law, economics and politics*. London and New York: Routledge Global Institutions, 2007.

Hoffmann, Ulrich. "Clear and Effective Trade Measures in Multilateral Environmental Agreements and their Compatibility with the Rules of the Multilateral Trading System." Discussion paper, UNEP-UNCTAD Capacity Building Task Force Workshop, Singapore, May 16, 2002. <www.unep-unctad.org/cbtf/events/singapore/discussionmea1.doc> (accessed January 28, 2014).

Hutton, Jonathon. "Sustainable Use of Natural Resources, the WTO and MEAs." 5:8 *Bridges*. October 2001. ICTSD <<http://www.ictsd.org>> (accessed January 28, 2014),

Ishibashi, Kanami. "Environmental Measures Restricting the Waste Trade," In *Economic Globalization and Compliance with International Environmental Agreements*, edited by Alexandre Kiss and Dinah Shelton, 59-74. Kluwer Law International, 2003.

Jha, Veena, and Ulrich Hoffmann, eds., *Achieving Objectives of Multilateral Environmental Agreements: A Package of Trade Measures and Positive Measures*. UNTCAD: 2000.

Josling, Timothy E., Donna Roberts and Ayesha Hassan. "The Beef-Hormone Dispute and its Implications for Trade Policy." Working Paper presented at Stanford Univ., September, 1999.
http://fce.stanford.edu/publications/beefhormone_dispute_and_its_implications_for_trade_policy_the/ (accessed January 28, 2014).

Kelly, Trish, "The WTO, the Environment and Health and Safety Standards." *The World Economy* No. 2, 26 (2003).

Khalid, Dato Azmi, Statement. International Conference on Financing for Development, Mexico, 22 march 2002. United Nations <<http://www.un.org/ffd/statements/malaysiaE.htm>> (accessed January 28, 2014).

Khalilian, Vorgelegt. "Trade Measures – A Legitimate Tool for Environmental Protection?" Masters thesis, Freien University Berlin, 2008.

Khor, Martin. "Climate Change: A Development Perspective." Note prepared for the special UN General Assembly Session on Climate Change. New York: July 31st - August 2nd, 2007.
<<http://www.un.org/ga/president/61/follow-up/climatechange/MartinKhor.pdf>> (accessed January 28, 2014).

Knox, John H. "The Judicial Resolution of Conflicts between Trade and the Environment." *Harvard Environmental Law Review* 28 (2004): 1-78.

Lee, Eun Sup. "Legitimation of Trade-Related Environmental Measures under the WTO." *The Berkeley Electronic Press*, 1788 (2006)
<<http://law.beprees.com/expresso/eps/1788>> (accessed January 28, 2014)

MacEllven, D T. *Legal Research Handbook*. Butterworths, 1983.

Mehra, K. M., S. Banerjee, R. Bajaj, and C. Fernandex. "India at the Doha Ministerial Meeting: An Analysis." *International Journal of Regulation and Governance* 1(2) (2001): 197-214.

Meredith, S, and Donal Nolan, eds. *Oxford Standard for the Citation of Legal Authorities*. Oxford University Press, 2010.

Moltke, Konrad Von. 'After Doha-Assessing the outcomes of the WTO Fourth Ministerial Conference' IISD Commentary_1 (April 2002) <<http://www.iisd.org>> (accessed January 28, 2014).

Montini, Massimiliano. "Improving Compliance with Multilateral Environmental Agreements through Positive Measures: The Case of the Kyoto Protocol on Climate Change." In *Economic Globalization and Compliance with International Environmental Agreements*, edited by Alexandre Kiss and Dinah Shelton, Kluwer Law International, 2003.

Paolo, Vicente. "Multilateral Environmental Agreements." In *Trade and Environment: A Resource Book*, edited by Adil Najam, Mark Halle and Ricardo Melendez-Ortiz, International Institute for Sustainable Development, 2007.

Ricupero, Rubens. "Trade and Environment: Strengthening Complementarities and Reducing Conflicts." in *Trade, Environment and the Millennium*, edited by Gary P. Sampson and W. Bradnee Chambers, Tokyo: United Nations University Press, 2001.

Robson, Colin. *Real World Research: A Resource for Social Scientists and Practitioners – Researchers*. Oxford: Blackwell Publishers, 2002.

Sampson P. Gary, "Effective Multilateral Environment Agreements and Why the WTO Needs Them." *The World Economy* vol. 24, 9 (September 2001): 1109-34.

Sands, Philippe "‘Unilateralism’, Values and International Law," *European Journal of International Law* vol. 11, 2 (2000): 291-302.

Shaw, Sabrina, and Risa Schwartz. "Trade and Environment in the WTO State of Play." *Journal of World Trade* 36 (2002): 129-54.

Singh, Nidhi. "Trade Related Environmental Measures in Multilateral Environmental Agreements and the WTO: Irreconcilable Differences?" *American Journal of Economics and Business Administration* vol, 1, 3 (2009): 249-255.

Timoshenko, Alexandre. "UNEP Initiatives to Promote Compliance with Multilateral Environmental Agreements." In *Economic Globalization and Compliance with International Environmental Agreements*, edited by Alexandre Kiss and Dinah Shelton, 125-138. Kluwer Law International, 2003.

Ulfstein, Geir. "International Framework for Environmental Decision-making." In *Research Handbook on International Environmental Law*, edited by Malgosia Fitzmaurice and David M. Ong, 26-47. Edward Elgar Publishing, 2010.

United Nations Conference on Trade and Development, "Environmental Requirements and International Trade." Report presented at Trade and Development Board Expert Meeting Geneva, October, 2002. Report no. TD/B/COM.1/EM.19/2

United Nations Environment Programme, Global Environment Outlook 2000 (UNEP 1999) <<http://www.unep.org/geo2000/>> (accessed January 28, 2014)

United Nations Environment Programme, *Environment and Trade*. International Institute for Sustainable Development, 2005.

Williams, G. *Learning the Law*, 14th edn, Thomson Reuters, 2010.

World Trade Organization, "The Relationship between MEAs and the WTO," in *Trade and Environment at the WTO*.
<www.oas.org/.../the%20Relationship%20between%20MEAs%20and%20>
(accessed January 28, 2014)

Zagel, Gudrun. "The WTO and Trade Related Human Rights Measures: Trade Sanctions vs. Trade Incentives." *Austrian Review of International and European Law* 9 (2004): 119-160.

Zhang, Ruosi. "Can Regional Economic Integration be Reconciled with Environmental Protection in Developing Countries?" In *Economic Globalization and Compliance with International Environmental Agreements*, edited by Alexandre Kiss and Dinah Shelton, 105-121. Kluwer Law International, 2003.

The Levin Institute, "Globalization and the Environment," The State University of New York, <<http://www.globalization101.org>> (accessed January 28, 2014)

Cases

Brazil – Retreaded Tyres case, Panel Report <http://www.wto.org/english/tratop_e/dispu_e/ds332_e.htm> (accessed January 28, 2014)

Chile – Measures affecting the Transit and Importing of Swordfish, World Trade Organization, Dispute Settlement: Dispute DS193
<http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds193_e.htm> (accessed January 28, 2014)

European Communities – Measures Concerning Meat and Meat Products (Hormones) (brought by Canada), Panel report WT/DS48/R/CAN, adopted 13 February 1998, as modified by Appellate body report WT/DS26/AB/R, WT/DS48/AB/R, DSR 1998: II, 235

European Communities – Measures Affecting Asbestos and Products Containing Asbestos (brought by Canada), Appellate Body report (WT/DS135/AB/R) and Panel report as modified by Appellate Body report (WT/DS135/R) adopted 5 April 2001

Thailand – Restrictions on Importation of and Internal Taxes on Cigarettes, Panel report (BISD 37S/200) _adopted 7 November 1990

United States – Standards for Reformulated and Conventional Gasoline (brought by Venezuela), Appellate Body report (WT/DS2/AB/R) and panel report as modified by Appellate Body report (WT/DS2/R) adopted 20 May 1996

United States – Import Prohibition of Certain Shrimp and Shrimp Products (brought by India, Malaysia, Pakistan and Thailand) (1998), Appellate Body report (WT/DS58/R/AB) and Panel report as modified by Appellate Body Report (WT/DS58/R) adopted 6 November 1998. Online: WTO <http://www.wto.org/english/tratop_e/dispu_e/5800.pdf>.

United States – Import Prohibition of Shrimp and Shrimp Products – Recourse to Article 21.5 (Implementation panel requested by Malaysia), Appellate Body report (WT/DS58/AB/RW) and Panel report as upheld by Appellate Body report (WT/DS58/RW) adopted 21 November 2001

United States – Restrictions on Imports of Tuna (Mexico), GATT Panel Report, DS21/R, 3 September 1991, (unadopted)

United States – Restrictions on Imports of Tuna (EEC), GATT Panel Report, DS29/R, 16 June 1994, (unadopted)