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NEWS UPDATE

Multilateral Environmental Agreements & World Trade

By Melanie Nakagawa*

In September 2003, the Fifth Ministerial Conference of the World Trade Organization (“WTO”) will meet in Cancun, Mexico. Cancun may provide an opportunity to reconcile many tensions between trade and the environment, although it seems likely that environmental concerns will remain marginalized. NGOs, governments, and other environmental agencies are eagerly waiting to see what happens at Cancun.

At the Fourth WTO Ministerial Conference in Doha, Qatar, governments mandated the WTO to unilaterally clarify the relationship between trade rules and trade measures that enforce MEAs. The Doha mandate, however, established that the outcome of any negotiations “shall not diminish the rights and obligations of Members under existing WTO agreements,” thus continuing to subjugate environmental concerns to those of trade.¹ Many developing nations favor prioritizing economic development over complying with MEAs. They consider GATT Article XX, the list of exceptions, adequate for handling the MEA-WTO issue.² Other nations, mainly developed economic powers, support clarifying the MEA-WTO relationship.³

Two areas of potential progress are increased cooperation and information exchange, and laying out the legal framework for the relationship between MEAs and trade agreements. A major limiting factor, however, is the fact that the negotiations leading up to Cancun have largely excluded many environmental perspectives from the discussion. Currently the WTO's Committee on Trade and Environment meets with secretariats of MEAs once or twice a year to discuss trade-related provisions and dispute resolution mechanisms in MEAs.⁴ Thus, new negotiations could expand the existing cooperation between the WTO and trade-related MEAs.⁵

(Endnotes)

¹ Doha Round Briefing Series, *Developments Since the Fourth WTO Ministerial Conference*, International Center for Trade and Sustainable Development and International Institute for Sustainable Development, PUB. Vol. 1 No. 9 of 13, TRADE AND ENVIRONMENT 1 (2003).

² WTO, *WTO Symposium: Challenges Ahead on The Road to Cancun*, June 16 Session I: *The Relationship Between MEAs and the WTO: Where are Negotiations Heading*, available at http://www.wto.org/english/tratop_e/dda_e/symp03_sum_devel_country_e.doc.

³ Doha Round Briefing Series, *supra* note 1.

⁴ Report by the Chairperson of the Special Session of the Committee on Trade and Environment to the Trade Negotiations Committee. Trade and Environment Negotiations: State of Play 1 (TN/TE/7) (10 July 2003, World Trade Organization).

⁵ Paul E. Hagen and Daniel M. Krainin, *Trade and Environment Update: An Introduction to the Rules of the World Trade Organization and Their Relationship to Environmental, Health, and Safety Measures*, SG056 ALI ABA 301 (2002).