



## The State Of Trade Law And The Environment: Key Issues For The Next Decade

**A Working Paper by The International Institute For Sustainable Development  
and the Center For International Environmental Law**

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The relationship between trade law and the environment became a prominent agenda item in the last four to five years prior to the creation of the World Trade Organization (WTO). Decisions under the General Agreement on Tariffs and Trade (GATT) arbitration process and the Uruguay Round negotiations for what was to become the Agreement Establishing the World Trade Organization and its associated Agreements and Decisions, led several environmental and other civil society groups to focus on this issue as never before.



In the course of developing this focus, a number of serious concerns, myths, and combinations of both, emerged into the public discourse. As the Doha Round of trade negotiations moves forward, the International Institute for Sustainable Development (IISD) and the Center for International Environmental Law (CIEL) have joined forces to look at the current state of the law - trade law - as it relates to some key environmental issues. The objective of this effort is to establish, based on the WTO Agreements and WTO Dispute Settlement decisions what the current state of the law is in these key areas. Only when there is a consistent view on what the state of the law is, can a meaningful dialogue take place as to what the state of the law should be. The objective of this project is to help set such a baseline, so that negotiators, observers, civil society groups, etc., can have a consistent platform to be working from.

If a widely agreed baseline can be achieved, the priorities for trade and environment negotiations under the Doha Ministerial can be better understood, progress and regress can both be measured, and results at any given point in time assessed. For this to be possible, the IISD and CIEL have committed themselves to develop, to the best of their ability, an objective view on the current state of the law on the key issues selected for this workshop and current project. Not everyone will agree with the findings. But it is hoped that two aspects of potential agreement and disagreement can be separated: what is the state of the law, and what should be the state of the law.

The present paper has been prepared for an informed and engaged audience. It is intended to be legally accurate, but not burdened with legal jargon or style. The aim of this Working paper is to encourage debate and discussion at the nexus of trade and environment law and policy-making.

You can find a copy of the paper [here](#).

Comments are welcome and appreciated, and may be directed to [Marcos Orellana](#) at CIEL or [Howard Mann](#) at the [IISD](#).

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