

United Nations Conference on Trade and Development

TRADE AND ENVIRONMENT REVIEW

2003



UNITED NATIONS
New York and Geneva, 2004

Note

Symbols of the United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Material in this publication may be freely quoted or reprinted, but acknowledgement is requested, together with a reference to the document number. A copy of the publication containing the quotation or reprint should be sent to the UNCTAD secretariat (c/o Administrative Secretary, Division on International Trade in Goods and Services, and Commodities, Palais des Nations, 1211 Geneva 10, Switzerland).

For comments on this review, please contact Mr. Rafe Dent, rafe.dent@unctad.org.

This review is also available at http://www.unctad.org/trade_env/TER

UNITED NATIONS PUBLICATION

Symbol No. UNCTAD/DITC/TED/2003/4

Sales No. E.04.II.D.2

ISBN 92-1-112608-8

ISSN 1810-5432

Copyright © United Nations, 2004

All rights reserved

Foreword

The Doha Ministerial Declaration, and the Johannesburg Plan of Implementation adopted by the World Summit on Sustainable Development, reiterated the major role that trade can play in achieving sustainable development and reducing poverty. At the same time, there has been growing recognition, including in the context of preparations for UNCTAD XI, of the need to integrate environmental and social aspects into development strategies.

Developing countries, however, are apprehensive that the subject of trade and environment issues is driven by developed country Governments and non-governmental organizations from the north, on the basis of developed countries' producer and consumer preferences, circumstances and visions, without sufficient heed being paid to conditions in developing countries and the latter's development priorities.

A new annual publication, the *Trade and Environment Review*, addresses this concern by tackling trade and environment issues from a development perspective. It also attempts to provide developing countries' Governments and civil society with a forum, in which to discuss their most important trade and environment issues and from which to influence the international agenda.

UNCTAD was prompted to launch an annual review dealing with issues at the interface of trade, environment and development for several reasons.

First, as tariff barriers and quantitative restrictions are dismantled, there is concern that product- and process-related requirements, including environmental and health requirements, are being unwittingly or intentionally used as technical barriers to trade, complicating market access and entry for developing country exporters. In many key export markets, environmental requirements are becoming more stringent, frequent and complex. They are increasingly viewed as decisive tools in the international competitiveness race and need to be dealt with as an integral part of both business strategies in companies and economic strategies in developing countries (i.e. eco-positioning in addition to price, quality and brand positioning) in order to defend and expand international market shares. At the same time, enhanced environmental quality and sustainable use of natural resources are key elements in promoting the use of environmentally preferable products and services.

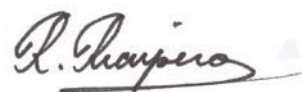
Second, there is a need to identify development-friendly solutions, including through trade incentives, to address the world's growing environmental problems.

Third, for the first time in multilateral trade negotiations, trade and environment issues were included in the round of WTO negotiations launched at Doha in November 2001. This inclusion requires a thorough analysis of those subjects and a clear vision of the objectives of the negotiations for each developing country WTO Member. Furthermore, as trade and environment will be part of the "single undertaking" at the end of the negotiations, developing countries need to examine the role that trade and environment issues could play in the final outcome of the Doha negotiations.

Fourth, although it constitutes a negotiating subject in its own right, trade and environment cuts across many WTO negotiating subjects, such as services, agriculture, non-agricultural market access and trade-related intellectual property rights. As such, these issues must be addressed in the broader context of an agenda for sustainable development, including by focusing on such issues as finance, technology and strengthening productive capacities.

Lastly, creating a mutually supportive relationship between trade and environment requires intensive policy coordination and stakeholder consultations at the national level and greater policy coherence at the international level.

It is hoped that, by addressing these and other core issues, the *Trade and Environment Review* will contribute to informed national decision-making and intergovernmental discussions on trade, environment and development.



Rubens Ricupero
Secretary-General of UNCTAD

Acknowledgements

The *Trade and Environment Review 2003* was compiled — under the overall direction of René Vossenaar — by a team led by Ulrich Hoffmann comprising Nuria Castells, Anna Griggs, Lorenzo Santucci, Sophia Twarog, Alexey Vikhlyayev and Silvina Vilas.

The *TER 2003* was prepared for publishing by Rafe Dent and the graphics were done by Diego Oyarzun-Reyes.

A number of experts prepared commentaries on lead articles in the *TER 2003*. The drafting team would like to gratefully acknowledge the valuable contribution of Mr. Alan Oxley, International Trade Strategies Pty. Ltd.; Mr. Youfu Xia, University of International Business and Economics; Mr. Pierre Portas, Secretariat of the Basel Convention; Mr. Nohyoung Park, Korea University; Mr. Roy Santana-Ott, formerly with the Permanent Mission of Costa Rica to the WTO; Mr. Duncan Brack, Royal Institute of International Affairs; and Mr. Howard Mann, International Institute of Sustainable Development for their review of the lead article on trade measures in MEAs. Thanks also go to Ms. Adriana Suarez, Permanent Mission of Colombia to the WTO; Mr. Scott Vaughan, Carnegie Endowment; Ms. Ulrike Hauer, European Commission; and Mr. Ronald Steenblik, OECD Secretariat for their review of the first lead article on environmental goods and services and also to Mr. P. Jayakumar, Arbutus Computers and Consultants Ltd, India, Mr. Dale Andrew, OECD Secretariat; Mr. Umberto Mazzei, President of the Institute of International Economic Relations; Mr. Juan Mario Martínez Suárez, Cuba Environment Agency; and Mr. Scott Vaughan, Organization for American States for their review of the second article on environmental goods and services.

The drafting team also thanks the UK Department for International Development (DFID) for its financial support to the project *Building Capacity for Improved Policy Making and Negotiation on Key Trade and Environment Issues*, in the context of which the country-case studies used in the second article on environmental goods and services have been prepared.

All remaining errors are the authors' own. The views expressed in this *Review* should not be attributed to UNCTAD or its member states.

Contents

CHAPTER 1

Article 1:

Specific trade obligations in multilateral environmental agreements and their relationship with the rules of the multilateral trading system – A developing country perspective	1
---	---

Article 2:

Environmental goods and services: Defining negotiations or negotiating definitions?	33
--	----

Article 3:

Environmental goods and services: Challenges and opportunities for Central American and Caribbean countries	61
---	----

CHAPTER 2

Commentaries on article 1:

Specific trade obligations in multilateral agreements	93
---	----

Commentaries on articles 2 and 3:

Environmental goods and services	116
--	-----

CHAPTER 3

Overview:

Overview of technical cooperation/capacity-building activities of the UNCTAD secretariat on trade, environment and development	143
--	-----

Acronyms

AB	Appellate Body (WTO)
ANAM	National Environmental Authority, Panama
APC	air pollution control
APEC	Asia-Pacific Economic Cooperation
APROSAC	Asociación para la Promoción del Saneamiento Ambiental en Comunidad
BC	Basel Convention on the Control of Transboundary Movement of Hazardous Wastes
BOT	build-operate-transfer
BTFP	BioTrade Facilitation Programme
CAFTA	Central American Free Trade Agreement
CBD	Convention on Biological Diversity
CBTF	UNEP-UNCTAD Capacity-Building Task Force on Trade, Environment and Development
CCAD	Central American Commission for Environment and Development
CDM	Clean Development Mechanism
CESIGMA	Company Specialized in Engineering, Geographical and Environmental Solutions, Spain
CFCs	chlorofluorocarbons
CITES	Convention on International Trade in Endangered Species
CITMA	Ministry of Science, Technology and Environment, Cuba
CMEC	Carbon Market E-Learning Centre
CMP	Carbon Market Programme
COPs	Conferences of the Parties
CPC (Prov)	Provisional Central Product Classification
CTE	Committee on Trade and Environment (of the WTO)
CTESS	Committee on Trade and Environment Special Session
CTF	Consultative Task Force on Environmental Requirements and Trade
CTS	Council on Trade in Services
CTSSS	Council on Trade in Services Special Session
DFID	UK Department for International Development
DITC	Division on International Trade in Goods and Services, and Commodities, UNCTAD
DMC	Doha Ministerial Conference
DMD	Doha Ministerial Declaration
DSM	dispute settlement mechanism
EC	European Commission
ECLAC	Economic Commission for Latin America and the Caribbean
EGS	environmental goods and services
EPPs	environmentally preferable products
ESM	environmentally sound management of hazardous waste
ESTs	environmentally sound technologies
EU	European Union
Eurostat	Statistical Office of the European Communities
EVSL	Early Voluntary Sectoral Liberalization
FAO	Food and Agriculture Organization of the United Nations
FDI	foreign direct investment
FIELD	Foundation for International Environmental Law and Development
FTA	Free Trade Agreement
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GDP	gross domestic product
GEF	Global Environment Facility

HS	Harmonized Commodity Coding and Description System
IDB	Inter-American Development Bank
IFOAM	International Federation of Organic Agriculture Movements
ILO	International Labour Organization
IPRs	intellectual property rights
ISCO	International Standard Classification of Occupation
ISO	International Organization for Standardization
ITA	Information Technology Agreement
JICA	Japan International Cooperation Agency
JWPTE	OECD Joint Working Party on Trade and Environment
LDCs	least developed countries
MARENA	Ministry of Environment and Natural Resources, Nicaragua
MEA	multilateral environmental agreement
MFN	most favoured nation
MIFIC	Ministry of Development, Industry and Commerce, Nicaragua
MINCEX	Ministry of External Trade, Cuba
MoP	Meeting of Parties
MP	Montreal Protocol on Substances that Deplete the Ozone Layer
NGMA	Negotiating Group on Market Access
NGO	non-governmental organization
NTBs	non-tariff barriers
NWFPs	non-wood forest products
ODS	ozone depleting substances
OECD	Organisation for Economic Co-operation and Development
OPEC	Organization of the Petroleum Exporting Countries
PIC	Prior Informed Consent (Rotterdam Convention on)
PMAA	Programa de Manejo y Adecuación Ambiental
POPs	persistent organic pollutants
PPM	process and production method
PPPs	public-private partnerships
R&D	research and development
S&D	special and differential (treatment)
SANAA	Servicio Nacional de Acueductos y Alcantarillados
SEMARN	Secretaría de Estado de Medio Ambiente y Recursos Naturales
SEREX	Secretaría de Estado de Relaciones Exteriores
SPS	sanitary and phytosanitary measures
STOs	specific trade obligations
<i>Sui generis</i> systems	Option for protecting plant varieties (allowed under the exceptions to rules on IPRs in Article 27.3 (b) of the WTO TRIPs Agreement) or traditional knowledge and practices
TBT	technical barriers to trade
TED TC/CB	UNCTAD Trade, Environment and Development Technical Cooperation and Capacity-Building Programme.
TK	traditional knowledge
TNCs	transnational corporations
TRIMs	trade-related investment measures
TRIPS	trade-related aspects of intellectual property rights
UAE	United Arab Emirates
UNCED	United Nations Conference on Environment and Development
UNCTAD	United Nations Conference on Trade and Development

UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention for Climate Change
USTR	United States Trade Representative
WCO	World Customs Organization
WIPO	World Intellectual Property Organization
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_10484

