

# Regulating for Globalization

Trade, Labor and EU Law Perspectives

## Fast-tracking Trade and Environmental Governance: A Post Pandemic Role for the WTO's Committee on Trade and Environment

Manuel Teehankee (Philippine Ambassador to the WTO) · Wednesday, July 8th, 2020

Recent events, most notably the Covid-19 pandemic, have brought home the point as never before how inter-connected and inter-dependent the world that we live in has become, and how vulnerable humans are to nature and natural phenomena, and how fragile human societies and enterprises are in the face of forces and science that are beyond our control. Just like pandemics, global environmental challenges such as natural disasters, hurricanes, earthquakes, extreme weather conditions or sudden climate changes, can wreak havoc on basic human economic activity and impact greatly the flow of international trade in goods and services. The COVID-19 pandemic led to an unprecedented grounding of all air, land and sea travel that human movement throughout the planet was brought to an eerie standstill. The consequences of pandemics and environmental challenges do not respect man-made political or artificial boundaries.

International trading networks remain the lifeblood of efficient economic activity and in my own humble opinion and that of a small group of Geneva experts and diplomats, hosted recently at a garden roundtable to accommodate the post pandemic new normal of social distancing, the most crucial issue confronting the world today remains to be that of achieving a triple win nexus of global trade, human development, and an earthly environment worthy of a modern and model civil society.

With the lockdown allowing me to spend some time to focus on these important issues, I challenge the members of the WTO to push forward with an updated mandate for the Committee on Trade and Environment (CTE), as the only international forum that is able to fashion a governance regime that addresses the triple win issues of trade, development and the environment. While the Grotian moment of environmentalism has peaked, the post-Grotian moment is equally a true opportunity that should be seized by those committed to our world and our human potential. As I noted recently:

*The time has come to buckle down and to do the work. Today we are at an inflection point, post the Grotian momentum of enthusiasm for new deals and new agreements. The signs of the times point to pushback against more and more agreements, and more and more treaties, as well as a pushback against globalized harmonized singular approaches to treaty and rulemaking. The goal, at any rate, is not to have new agreements and rules per se, but rather fulfill its mandated functions, serve well*

*the policy directives and objectives, and perhaps do more. Current trends signal a return to a more rational and more pragmatic approach requiring diversified, responsive and customized global governance systems, or a more federalized system of international cooperation and coordination that can more nimbly and rapidly address concerns of citizens and constituents demanding more attention to the local over the international, to the substance over the procedural.[1]*

It should therefore come as no surprise that the World Trade Organization (WTO), established 25 years ago, as the only multilateral entity tasked with regulating international trade, will have to play a critical role in attempts to find the right balance. Work at the WTO on trade and environment issues is spearheaded by the CTE, and its post-pandemic role and mandate must be defined and updated with a new vigor necessitated by the clarion call of the times. Now more than ever, as the enthusiasm for globalization and multilateralism and cosmopolitanism has already reached its apex, so too has the enthusiasm waned for approaches that are of the one-size fits all, or purely right or purely left, variety. The pandemic lockdown has forced all men and women of goodwill to contemplate and reflect on the world and the life that we all have a choice to want to live in or live out.

Whether this means a resurgence of the center or middle ground, we can be confident that we must make the effort to obtain a critical and pragmatic perspective on the conflicts of norms that arise among the trade, development and environmental policy regimes, and which have caused much debate and difficulty for members at the WTO to reach consensus on the best way to contribute to effective trade and environment governance.

The future is there to be made and claimed by the current chairs and members of the CTE, and they can build on the 25 years of the Committee's work with 20 key work outputs I have been able to identify on the basis of a systematic and in-depth review of all available documents of the CTE, and its GATT-era predecessor, the *Group on Environmental Measures and International Trade* (GEMIT). My work originated from an effort to answer the question as to whether the CTE's work offers any practical value for global environmental governance. Then, the question was particularly important given the paucity of new rules or norms at the WTO in the trade and environment context. The simplistic question led to a rather lengthy journey of discovery of the depth and breadth of the deliberations and documentation that had been generated for the 10-point mandate of the CTE, that spans diverse topics such as the interface of trade-rules and environmental policy making, transparency mechanisms, thematic work areas such as carbon, standards, eco-labelling, intellectual property rights and market access.

What emerged was a realization that the CTE's contributions were both substantial and relevant, as well as essential in achieving a constant balance between two competing institutional frameworks in the trade and environment fields: a singular harmonized global governance framework on the one hand and, on the other hand, the centrifugal force of community-based, localized or regional solutions that emphasized diversity and multifaceted institution-building. The CTE's work has gifted the world with practical policy approaches and tools to better manage this conflict. We must rely on the important role being played by the increased knowledge- and experience- sharing and coordination among international and local experts and the professional bureaucracy. Concrete examples cited include the well-established Environmental Database (EDB) created by the WTO Secretariat, as well as the frameworks developed at the CTE for opening up market access opportunities for environmental goods. A policy tool is also devised and suggested in the form of

an analytical matrix that could measure the gains for trade, development and the environment of market access proposals submitted to the CTE.

My work can hopefully serve to be of some use to current members of the CTE at the WTO and to the community of academics, experts and policy makers in formulating the post pandemic new normal of a sustainable and connected global governance system by adding to the body of knowledge among all the stakeholders of the one and only global commons we are possessed of.

[1] [Trade and Environment Governance at the World Trade Organization Committee on Trade and Environment](#) (Wolters Kluwer, June 2020) (concluding chapter).

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