

**CHAIRMAN'S SUMMARY: UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
MEETING ON ENHANCING SYNERGIES AND MUTUAL SUPPORTIVENESS
OF MULTILATERAL ENVIRONMENTAL AGREEMENTS
AND THE WORLD TRADE ORGANIZATION**

Palais des Nations, 23 October 2000

Communication from UNEP

I. OBJECTIVE, STRUCTURE AND OUTPUTS OF THE MEETING

1. This meeting, convened by the United Nations Environment Programme (UNEP) in cooperation with the Multilateral Environmental Agreements (MEAs) and the World Trade Organization (WTO) Secretariat on 23 October 2000, was intended to provide a constructive, open and informal dialogue between trade and environment officials on ways to enhance synergies between MEAs and the WTO. The meeting focused on concrete examples of the relationship between MEAs and the WTO, and sought to contribute to other processes, including the WTO's Committee on Trade and Environment (CTE). The objectives of the meeting were to seek the advice of government officials and to identify activities that could be undertaken, individually or collectively, by UNEP, MEAs, and the WTO to enhance synergies between these regimes.

2. The importance of enhancing synergies was underpinned by the attendance at the meeting of Dr. Klaus Töpfer, Executive Director of UNEP, Mr. Mike Moore, Director-General of the WTO, and Mr. Rubens Ricupero, the Secretary General of the United Nations Conference on Trade and Development (UNCTAD), and who delivered statements at the meeting. The meeting was attended by over 200 delegates from approximately 90 countries, and by representatives from intergovernmental and non-governmental organizations. MEAs represented at the meeting included the Convention on Biological Diversity (CBD), the Basel Convention, the Convention on Trade in Endangered Species of Flora and Fauna (CITES), the Multilateral Fund for the Implementation of the Montreal Protocol, the Convention on Migratory Species (CMS), the Convention to Combat Desertification (UNCCD), and the UN Framework Convention on Climate Change (UNFCCC). Senior and chief executives of the CBD, the Multilateral Fund for the Implementation of the Montreal Protocol, CITES, the Secretariat of the Basel Convention (SBC), UNCCD and UNFCCC made presentations at the meeting.

3. This document represents a Chairman's summary of the meeting. Without attempting to itemize the many important contributions made, it provides an overview of the main issues raised by participants and a list of future work that was suggested by some government representatives, and that may be undertaken by UNEP in collaboration with MEAs and the WTO Secretariat. This summary does not represent a consensus document by Governments attending the meeting. Rather, it is offered by the Chair as a source of information for Governments, and to seek their further input and guidance as part of an ongoing informal, collaborative initiative to foster synergies between trade and environment policies, rules and institutions.

II. MAIN POINTS ARISING FROM DISCUSSIONS

A. ENVIRONMENTAL DEGRADATION

- Concern was expressed about the scale and pace of environmental degradation, which underlined the need for effective MEAs.
- Poverty can be an important cause of environmental degradation, which must be addressed in developing policy solutions that fully integrate trade, environment and development concerns.

B. THE ROLE OF DIALOGUE AND COMMUNICATION

- Participants welcomed the meeting and emphasized the value of enhancing informal dialogue between trade and environment officials, UNEP, MEAs and WTO Secretariats.
- Emphasis was given to the need to strengthen coordination between the trade and environment ministries at the national level.
- It was also noted that there is a need to increase the participation of developing country representatives from both trade and environment ministries in meetings such as these, including the meetings of the WTO's Committee on Trade and Environment.
- Developing communication and dialogue between developing and developed countries, outside formal negotiating fora, will help to identify areas of common interest.

C. INSTITUTIONAL COOPERATION

- Enhanced involvement of developing countries in the trade and environment negotiations is hampered by the dispersed locations of environmental institutions and the multiplicity of meetings.
- Enhanced cooperation among UNEP, MEAs and the WTO will help realize synergies and strengthen the mutual supportiveness of trade and environment regimes.
- Ongoing cooperation is desirable, including in the context of the UNEP-WTO Elements of Cooperation.
- UNEP, MEAs and the WTO should provide substantive input to each other's work and workshops, including participation by WTO staff at MEA meetings, and observer status for UNEP and MEAs in WTO Committees and Councils.
- UNEP was encouraged to continue to develop internal synergies among the UNEP-administered MEAs.

D. TECHNICAL COOPERATION AND CAPACITY BUILDING

- Technical cooperation and capacity building were identified as areas requiring the enhanced and concerted efforts of UNEP, MEAs and the WTO. The UNEP-UNCTAD Capacity Building Task Force on Trade, Environment and Development was identified as being able to make an important contribution in this context.
- There is merit in running joint awareness raising and training activities. Regional workshops provide a useful way to bring together trade and environmental officials to explore synergies, and to discuss concrete issues of concern to them.

E. TECHNOLOGY TRANSFER, FINANCIAL ASSISTANCE AND MARKET INCENTIVES

- There are significant synergies to be realized in the implementation of these measures in MEAs and the WTO, including in relation to technology transfer.
- There is a need for more supportive measures in MEAs, such as technology transfer, financial transfers, and the use of market incentives to achieve sustainable development. The effectiveness of such supportive measures should be enhanced.

F. TRADE MEASURES AND DISPUTE SETTLEMENT

- Effective MEAs help to prevent disputes from arising in the WTO's dispute settlement system, and thus provide an important source of mutual supportiveness for the trading system.
- MEAs use trade measures as part of balanced packages of instruments to address environmental problems of concern to the international community.
- There is a need to strengthen compliance and dispute settlement mechanisms in MEAs, both to enhance the effective implementation of MEAs, and to reduce any potential for tension.
- Reducing tensions between trade and environmental regimes would be enhanced through better communication and understanding of the compliance and dispute settlement systems in MEAs and the WTO, and by dissemination of Appellate Body decisions. Sharing expertise in respective areas of competence may help reduce the potential for disputes.

G. ASSESSMENT

- Assessment of the impacts of trade liberalization on the environment as well as the economic and trade impacts of MEAs were emphasized as areas requiring further attention.

III. POTENTIAL NEXT STEPS FOR UNEP, MEAs AND THE WTO

- UNEP, MEAs and the WTO Secretariat should continue their process of engagement to seek synergies among trade and environment policies, rules and institutions.
- Observer status for UNEP and MEAs in WTO bodies, including in the General Council, Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council and the Committee on Agriculture, are a priority.
- Joint capacity-building efforts, including through future meetings, and in collaboration with relevant organizations such as UNCTAD should be developed to assist the implementation of MEAs and WTO agreements.
- Assessments should be explored as a tool to increase policy coherence at the national level, and to realize win-win opportunities between MEAs and the WTO, for example in the context of the Convention to Combat Desertification, the CBD and CITES.
- In the context of the CBD, issues highlighted for further collaboration with the WTO include assessment of the impact of specialization of agriculture on biodiversity, in conformity with a decision passed at its Fifth Conference of the Parties. Other potential issues include further exploring the interrelationship between the CBD and

the TRIPS Agreement and the possibility of collaboration between information exchange mechanisms existing in the WTO, and under development in the Biosafety Protocol.

- The relationship between the TRIPS Agreement (e.g. Arts. 7, 8 and 66.2) and the provisions in MEAs for the transfer of environmentally sound technology could be further explored by UNEP, MEAs and the WTO.
 - UNEP and WTO could consider elaborating a paper contrasting dispute settlement and compliance practices in both regimes, for use as a reference for negotiators of trade and environment agreements.
 - UNEP, together with WTO and MEAs, could examine the use of trade measures pursuant to MEAs, and the rules of the multilateral trading system, with a view to enhancing synergies and reducing tensions with the trading system.
 - UNEP, together with WTO and MEAs, could examine the elaboration of a tool (e.g. a checklist) to provide MEA negotiators with guidance on the use of trade measures in order to maximize synergies between the two regimes.
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