

# WORLD TRADE ORGANIZATION

WT/CTE/W/160/Rev.1  
14 June 2001

(01-2956)

---

## Committee on Trade and Environment

### MATRIX ON TRADE MEASURES PURSUANT TO SELECTED MEAs

#### Note by the Secretariat

#### Revision

1. This Note has been prepared in response to requests from delegations for information on trade-related developments in multilateral environmental agreements (MEAs). The Note contains a revised Matrix on trade measures pursuant to selected MEAs. The Matrix includes information on the provisions of 14 environmental conventions and protocols. The revisions to the Matrix include updating the material on the original 11 environmental conventions and protocols in WT/CTE/W/160, and adding information on the finalized Stockholm Convention on Persistent Organic Pollutants, which was adopted in May 2001, as well as on two additional instruments: the International Plant Protection Convention, and the UN Fish Stocks Agreement.

2. The Matrix is organized in the following manner. The first column states the name, date of adoption and the purpose of the MEA (the Agreements are listed in order of the year of adoption). The second column contains information on membership in the MEA (as of 1 June 2001), including, where appropriate, the WTO Members that are, or are not, Parties to that MEA. The third column summarizes the trade-related measures in the particular Agreement, notably if there is a requirement or a restriction on imported or exported products or on the process of their importation or exportation. Trade measures can range from trade bans to products standards, from notification procedures to labelling requirements.<sup>1</sup> The fourth column contains supportive measures, such as technology transfer or financial assistance provided under the provisions of the Agreement. The fifth column explains the mechanism (if any) used in the Agreement for non-compliance of a Party. The sixth column lists the dispute settlement mechanisms in the Agreement and indicates whether there have been any disputes to date. The last column sets out any provisions that relate to non-parties to the Agreement.

3. The Secretariat has prepared this Matrix under its own responsibility in cooperation with the following MEA Secretariats:<sup>2</sup>

- International Commission for the Conservation of Atlantic Tunas (ICCAT);
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR);

---

<sup>1</sup> Dale Andrew, *Trade Measures in Multilateral Environmental Agreements: Synthesis Report of Three Case Studies*, OECD document COM/ENV/TD(98)127, Joint Session of Trade and Environment Experts, 12 November 1998, page 10.

<sup>2</sup> The Secretariats of the relevant Agreements described were asked to confirm the information contained in the Matrix. The WTO Secretariat is grateful for their responses. Nevertheless, the WTO Secretariat takes full responsibility for any errors the Matrix may contain and undertakes to revise it in light of further information that it receives.

- Montreal Protocol on Substances that Deplete the Ozone Layer (MP);
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
- Convention on Biological Diversity (CBD);
- UN Framework Convention on Climate Change (UNFCCC);
- International Tropical Timber Organization (ITTO);
- UNEP Chemicals on the Rotterdam Convention on Prior Informed Consent (PIC) and the Stockholm Convention on Persistent Organic Pollutants (POPs);
- International Plant Protection Convention (IPPC); and
- UN Division of Ocean Affairs and the Law of the Sea on the UN Fish Stocks Agreement.

4. The Matrix makes reference to the Global Environment Facility (GEF) when discussing the supportive measures contained in the UNFCCC, the CBD and the Montreal Protocol. The GEF is a financial mechanism that provides grant and concessional funds to recipient countries for projects and activities that aim to protect the global environment. It is jointly implemented by the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the World Bank. The GEF is the current funding mechanism for the UNFCCC and the CBD. The use of GEF resources to fund convention activities is to be in conformity with the policies, programme priorities, and eligibility criteria decided by the Convention of the Parties of each MEA. The Montreal Protocol has its own Multilateral Fund to cover developing country costs in phasing out the production and consumption of ozone-depleting substances. However, there are a number of GEF-eligible countries that are Parties to the Montreal Protocol in which the production or consumption of ODS is too high to qualify for support under the Multilateral Fund. Countries receiving funding for ozone projects through the GEF have to meet the same criteria as those receiving funding through the Multilateral Fund.

5. Annex I to the Matrix contains a list of MEAs which contain potential trade measures.

6. The Secretariat intends to continue to update this Matrix periodically in light of developments and welcomes comments and suggestions from Members in this regard.<sup>3</sup>

---

<sup>3</sup> Reports on the status of major environment-related Conventions can be found at: [www.iisd.ca/linkages](http://www.iisd.ca/linkages) ([Linkages](#)), provided by the International Institute for Sustainable Development (IISD), publishers of the [Earth Negotiations Bulletin](#), ([www.iisd.ca](http://www.iisd.ca)). It is designed to be an electronic clearinghouse for information on past and upcoming international meetings related to environment and development.

**MATRIX ON TRADE MEASURES PURSUANT TO SELECTED MEAs**

Table of Contents

<b>GLOSSARY OF TERMS .....</b>	<b>4</b>
<b>I. INTERNATIONAL PLANT PROTECTION CONVENTION .....</b>	<b>5</b>
<b>II. INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS.....</b>	<b>10</b>
<b>III. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA .....</b>	<b>14</b>
<b>IV. CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES .....</b>	<b>18</b>
<b>V. MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER.....</b>	<b>20</b>
<b>VI. BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL.....</b>	<b>24</b>
<b>VII. CONVENTION ON BIOLOGICAL DIVERSITY .....</b>	<b>27</b>
<b>VIII. CARTAGENA PROTOCOL ON BIOSAFETY .....</b>	<b>30</b>
<b>IX. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE .....</b>	<b>38</b>
<b>X. KYOTO PROTOCOL.....</b>	<b>40</b>
<b>XI. INTERNATIONAL TROPICAL TIMBER AGREEMENT .....</b>	<b>42</b>
<b>XII. UN FISH STOCKS AGREEMENT .....</b>	<b>45</b>
<b>XIII. ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE .....</b>	<b>51</b>
<b>XIV. STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS .....</b>	<b>53</b>
<b>ANNEX: LIST OF MEAs CONTAINING POTENTIAL TRADE MEASURES .....</b>	<b>55</b>

## **GLOSSARY OF TERMS**

CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources
CBD	Convention on Biological Diversity
CDM	Clean Development Mechanism
CFCs	Chlorofluorocarbons
CITES	Convention on the International Trade in Endangered Species of Wild Fauna and Flora
COP/MOP	Conference of the Parties/Meeting of the Parties
EEZ	Exclusive Economic Zone
GEF	Global Environment Facility
GHGs	Greenhouse gases
HCFCs	Hydrochlorofluorocarbons
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICJ	International Court of Justice
ITLOS	International Tribunal of the Law of the Sea
IPPC	International Plant Protection Convention
ITTA/ITTO	International Tropical Timber Agreement/Organization
IUCN	World Conservation Union
LMOs	Living modified organisms
MEAs	Multilateral environmental agreements
MCP	Multilateral Consultative Process
MP	Montreal Protocol on Substances that Deplete the Ozone Layer
ODS	Ozone-depleting substances
PIC	Prior informed consent procedure
POPs	Persistent organic pollutants
RFMOs	Regional Fisheries Management Organizations
UNCLOS	United Nations Convention on the Law of the Sea
UNFCCC	United Nations Framework Convention on Climate Change

## I. INTERNATIONAL PLANT PROTECTION CONVENTION

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>International Plant Protection Convention (IPPC), 1951 (revised in 1979 and 1997).</p> <p>The IPPC is an international treaty for plant protection. Although the IPPC has strong implications for international trade, it has international cooperation for plant protection as its focus. Many forms of cooperation fall within the scope of the Convention. Its application to plants is not limited only to the protection of cultivated plants or direct damage from pests. The scope of the Convention extends to the protection of cultivated and</p>	<p>The Convention has 115 Parties.</p> <p>The 1997 amended text of the Convention will come into force when 2/3 of the contracting parties have ratified it. So far, 30 of the 115 contracting parties have accepted it.</p> <p>44 WTO Members are not party to the Convention:</p> <p>Angola Antigua &amp; Barbuda Benin Botswana Brunei Darussalam Burundi Cameroon Central African Republic Chad Congo Congo, Dem. Rep. Djibouti Dominica EC</p>	<p><b>Article VII</b> With the aim of preventing the introduction and/or spread of regulated pests into their territories, contracting parties shall have sovereign authority to regulate, in accordance with applicable international agreements, the entry of plants and plant products and other regulated articles and, to this end, may:</p> <p>(a) prescribe and adopt phytosanitary measures concerning the importation of plants, plant products and other regulated articles, including, for example, inspection, prohibition on importation, and treatment;</p> <p>(b) refuse entry or detain, or require treatment, destruction or removal from the territory of the contracting party, of plants, plant products and other regulated articles or consignments thereof that do not comply with the phytosanitary measures prescribed or adopted under subparagraph (a);</p> <p>(c) prohibit or restrict the movement of regulated pests into their territories;</p> <p>(d) prohibit or restrict the movement of biological control agents and other organisms of phytosanitary concern claimed to be beneficial into their territories.</p>	<p><b>Article XX</b> The Parties agree to promote the provisions of technical assistance to contracting parties especially those that are developed contracting parties, either bilaterally or through international organizations, with the objective of facilitating the implementation of this Convention.</p>	<p>No provisions</p>	<p><b>Article XIII as amended</b> If there is any dispute regarding the interpretation or application of this Convention, or if a contracting party considers that any action by another contracting party is in conflict with the obligations of the latter under Articles V and VII of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants, plant products or other regulated articles coming from its territories, the contracting parties concerned shall consult among themselves as soon as possible with a view to resolving the dispute. If the dispute cannot be resolved by the means referred to in paragraph 1, the contracting party or parties</p>	<p><b>Article XVIII</b> The contracting parties shall encourage any state or member organization of FAO, not a party to this Convention, to accept this Convention, and shall encourage any non-contracting party to apply phytosanitary measures consistent with the provisions of this Convention and any international standards adopted hereunder.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>natural flora as well as plant products, and includes direct and indirect damage by pests.</p> <p>The Preamble recognizes that phytosanitary measures should be technically justified, transparent and should not be applied in such a way as to constitute either a means of arbitrary or unjustified discrimination or a disguised restriction, particularly on international trade; it also takes note of the agreements concluded as a result of the Uruguay Round of Multilateral Trade Negotiations, including the SPS Agreement.</p>	<p>Fiji Gabon Gambia Georgia Guinea-Bissau Honduras Iceland Ivory Coast Kuwait Kyrgyzstan Latvia Lesotho Liechtenstein Madagascar Maldives Mauritania Mongolia Mozambique Myanmar Namibia Qatar Rwanda St. Lucia Sao Vincent &amp; the Grenadines Singapore Slovak Rep. Swaziland Tanzania Uganda Zimbabwe</p>	<p>In order to minimize interference with international trade, each contracting party, in exercising its authority under paragraph 1 of this Article, undertakes to act in conformity with the following:</p> <p>(a) Contracting parties shall not, under their phytosanitary legislation, take any of the measures specified in paragraph 1 of this Article unless such measures are made necessary by phytosanitary considerations and are technically justified.</p> <p>(b) Contracting parties shall, immediately upon their adoption, publish and transmit phytosanitary requirements, restrictions and prohibitions to any contracting party or parties that they believe may be directly affected by such measures.</p> <p>(c) Contracting parties shall, on request, make available to any contracting party the rationale for phytosanitary requirements, restrictions and prohibitions.</p> <p>(d) If a contracting party requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not to unnecessarily impede international trade. The contracting party shall publish a list of such points of entry and communicate it to the Secretary, any regional plant protection organization of which the contracting party is a member,</p>			<p>concerned may request the FAO Director-General to appoint a committee of experts to consider the question in dispute, in accordance with rules and procedures that may be established by the Commission.</p> <p>This Committee shall include representatives designated by each contracting party concerned. The Committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the contracting parties concerned. The Committee shall prepare a report on the technical aspects of the dispute for the purpose of seeking its resolution. The preparation of the report and its approval shall be according to rules and procedures established by the Commission, and it</p>	

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>all contracting parties which the contracting party believes to be directly affected, and other contracting parties upon request. Such restrictions on points of entry shall not be made unless the plants, plant products or other regulated articles concerned are required to be accompanied by phytosanitary certificates or to be submitted to inspection or treatment.</p> <p>(e) Any inspection or other phytosanitary procedure required by the plant protection organization of a contracting party for a consignment of plants, plant products or other regulated articles offered for importation, shall take place as promptly as possible with due regard to their perishability.</p> <p>(f) Importing contracting parties shall, as soon as possible, inform the exporting contracting party concerned or, where appropriate, the re-exporting contracting party concerned, of significant instances of non-compliance with phytosanitary certification. The exporting contracting party or, where appropriate, the re-exporting contracting party concerned, should investigate and, on request, report the result of its investigation to the importing contracting party concerned.</p> <p>(g) Contracting parties shall institute only phytosanitary measures that are technically justified, consistent with the pest</p>			<p>shall be transmitted by the Director-General to the contracting parties concerned. The report may also be submitted, upon its request, to the competent body of the international organization responsible for resolving trade disputes.</p> <p>The contracting parties agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the contracting parties concerned of the matter out of which the disagreement arose.</p> <p>The contracting parties concerned shall share the expenses of the experts.</p> <p>The provisions of this Article shall be complementary to and not in derogation of the dispute settlement</p>	

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>risk involved and represent the least restrictive measures available, and result in the minimum impediment to the international movement of people, commodities and conveyances.</p> <p>(h) Contracting parties shall, as conditions change, and as new facts become available, ensure that phytosanitary measures are promptly modified or removed if found to be unnecessary.</p> <p>(i) Contracting parties shall, to the best of their ability, establish and update lists of regulated pests, using scientific names, and make such lists available to the Secretary, to regional plant protection organizations of which they are members and, on request, to other contracting parties.</p> <p>(j) Contracting parties shall, to the best of their ability, conduct surveillance for pests and develop and maintain adequate information on pest status in order to support categorization of pests, and for the development of appropriate phytosanitary measures. This information shall be made available to contracting parties, on request. A contracting party may apply measures specified in this Article to pests which may not be capable of establishment in its territories but, if they gained entry, cause economic damage. Measures taken against these pests must be technically justified. Contracting parties may apply</p>			<p>procedures provided for in other international agreements dealing with trade matters.</p> <p>There have been no disputes to date.</p>	



Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>measures specified in this Article to consignments in transit through their territories only where such measures are technically justified and necessary to prevent the introduction and/or spread of pests. Nothing in this Article shall prevent importing contracting parties from making special provision, subject to adequate safeguards, for the importation, for the purpose of scientific research, education, or other specific use, of plants and plant products and other regulated articles, and of plant pests.</p> <p>Nothing in this Article shall prevent any contracting party from taking appropriate emergency action on the detection of a pest posing a potential threat to its territories or the report of such a detection. Any such action shall be evaluated as soon as possible to ensure that its continuance is justified. The action taken shall be immediately reported to contracting parties concerned, the Secretary, and any regional plant protection organization of which the contracting party is a member.</p>				

## II. INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>International Commission for the Conservation of Atlantic Tunas (ICCAT), 1966.</p> <p>ICCAT is responsible for the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas.</p> <p>Its mandate also includes the study of fish species caught incidental to tuna fishing.</p>	<p>ICCAT has 30 Parties, 23 of these Parties are also WTO Members.</p> <p>The 7 Parties to ICCAT that are not WTO Members are:</p> <p>Algeria Cape Verde China Equatorial Guinea Libya Russia Sao Tome &amp; Principe</p>	<p>ICCAT does not contain trade measures, but Resolutions taken by the Parties do contain trade restrictions. In <i>Resolution by ICCAT Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna, 1994</i>, Article (f) states that "to ensure the effectiveness of ICCAT Bluefin Conservation Programme the Commission will recommend that Contracting Parties take non-discriminatory trade restrictive measures, consistent with international obligations on bluefin tuna products". A similar Resolution (Action Plan) was also taken for <i>Atlantic Swordfish</i> (1995) and trade measures can also be taken for conservation of swordfish.</p> <p>Recommendations were adopted by the Contracting Parties in 1996 to take appropriate measures, consistent with the provisions of the <i>Bluefin Tuna Resolution</i>, to the effect that the import of Atlantic bluefin tuna and its products in any form be prohibited, starting from 1997 from Belize and Honduras, and starting from 1998 from Panama.</p> <p>ICCAT adopted a recommendation in 1996 regarding compliance measures for bluefin tuna and north Atlantic swordfish fishing. This Recommendation includes an article that trade measures similar</p>	<p>Contracting Parties have access to the scientific research and statistical database and other information, (as well as participation in all scientific and other meetings), the possibility of obtaining some technical assistance in establishing their statistical systems, and in receiving training from the Commission.</p> <p>Funding of many of the Commission's activities is through the regular budget, provided by Contracting Party contributions. Special funding arrangements have been established, with funds from the public and private sector.</p>	<p><b>Article IX</b> Contracting Parties agree to take all necessary action to ensure the enforcement of ICCAT. The Contracting Parties have adopted Recommendations pursuant to the <i>Bluefin Tuna Resolution and the Swordfish Action Plan Resolution</i> for compliance measures (see Trade-related measures). Some non-compliance procedures have been enforced, such as reducing catch quotas by the amount of excess catch over the quota and or by 125 per cent of the excess. Also trade measures can be, and have been applied to Contracting Parties (see trade-related measures).</p>	<p>No provisions.</p>	<p>Chinese Taipei, a non-party/entity/ fishing entity is complying with the Commission's regulations to the same extent as Contracting Parties. Other countries, such as Turkey, partially comply with management regulations. These countries are studying the procedures to become Contracting Parties.</p> <p>In 1997, the Commission adopted a Resolution urging non-parties either to become Contracting Parties, or attain status as a "Cooperating Party/Entity/Fishing Entities". Such status requires the firm commitment to provide the same data that Contracting Parties are required to submit and they have to respect the Commission's management recommendations. Such status is granted for one-year periods</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>to those mentioned above can also be taken against Contracting Parties. A Resolution adopted in 1997 to extend the above compliance measures to south Atlantic swordfish.</p> <p>Recommendations were adopted in 1999 to take appropriate measures, consistent with the provisions of <i><b>Swordfish Action Plan Resolution</b></i>, to the effect that the import of Atlantic swordfish and its products in any form be prohibited (to become effective in mid-2000).</p> <p>Also according to the Compliance Recommendation, the Commission recommended that Contracting Parties take appropriate measures to prohibit the import of Atlantic bluefin tuna and its products in any form from Equatorial Guinea (a Contracting Party).</p> <p>Panama, after trade measures were imposed against it, became a Party to the Commission, and has since implemented stringent domestic measures such as the cancellation of all open-registries of tuna fishing vessels and started a licensing system with a strict satellite vessel monitoring system. Therefore, the Commission recommended in 1999 that previous trade measures taken by the Contracting Parties in relation to Panama for bluefin tuna be lifted.</p>				<p>and is subject to review annually. In 1999, Chinese Taipei and Mexico were granted that status.</p> <p>In addition, according to the ICCAT Secretariat, the following countries, entities, or fishing entities can be considered as important or key players, because of their involvement in tuna fisheries:  Turkey, Cyprus, Malta, Algeria, Denmark (Faroe Islands), Iceland, Honduras, Belize, the Philippines, Thailand, and Vanuatu.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>Incentives to join the Convention involve the right to participate in the process of establishing regulatory measures, taking part in the partitioning of quotas, and obtaining a quota. According to the ICCAT Secretariat, as soon as strict quotas were introduced, the number of Contracting Parties increased. Trade measures taken against Belize and Honduras are still in effect. Many of the vessels that were considered as fishing illegally with the flag of Belize and Honduras (and Panama) have since changed their flags to other countries. Hence, non-compliance by these three countries has been reduced, but many fishing boats are still operating in the manner which undermines the objectives of ICCAT's conservation measures.</p> <p>Warning letters have been sent to Guinea Bissau concerning bluefin tuna catches; a final warning letter was sent to Sierra Leone concerning its bluefin and swordfish fishing; and warning letters were sent to Equatorial Guinea (a Contracting Party) relative to their fishing practices. The responses (or lack of response) to these letters will be discussed at each Commission Meeting.</p> <p>In 1999, the Commission adopted <i>Resolution calling for further actions against illegal, unregulated and unreported fishing activities by large scale longline vessels in</i></p>				

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<i>the Convention area and other areas.</i> Among other actions, it recommended that the Contracting Parties, Cooperating Non-Contracting Parties, Entities and Fishing Entities shall take every possible action, consistent with the relevant laws, to urge their importers, transporters and other concerned business people to refrain from engaging in transaction and transshipment of tunas and tuna-like species caught by vessels carrying out illegal, unregulated and unreported fishing activities in the Convention Area and other areas.				

### III. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973.</p> <p>An international treaty to protect wildlife against over-exploitation and to prevent international trade from threatening species with extinction.</p>	<p>There are 154 Parties to CITES.</p> <p>10 WTO Members are not party to CITES:</p> <p>Angola Bahrain EC Haiti Ireland Kyrgyz Republic Kuwait Lesotho Maldives Solomon Islands</p>	<p><b>Article II</b> CITES regulates trade in endangered species by defining conditions under which import and export permits may be issued. The conditions are differentiated according to a classification system based on three appendices of protected species.</p> <p><b>Article III</b> Appendix I includes all species threatened with extinction which are or may be affected by trade. Trade in these species is subject to particularly strict regulation through both import and export permits which may be issued only in exceptional circumstances.</p> <p>Trade in Appendix 1 species must meet two criteria:</p> <p>Trade must not be primarily commercial in nature and it must not be detrimental to the species. The non-detriment finding is a scientific test. Document 11.40 prepared for CITES COP11 provides assistance to Scientific Authorities for making non-detriment findings. It makes reference to Information Document 11.3 for COP11 which contains a draft elaborated checklist for making non-detriment findings for Appendix II species. The checklist is to be further developed by the CITES Secretariat and IUCN. The species listed in this appendix</p>	<p>CITES is funded through a Trust Fund administered by UNEP. CITES projects are funded through donor organizations and countries. Donor countries include, the EU; Nordic countries; the UK; the US and Japan.</p> <p>There are two types of CITES projects. "Administrative projects" include, <i>inter alia</i>: those related to the funding of participants to CITES COPs or other meetings; technical assistance (e.g., support in the development of CITES-related legislation); training; and the provision of information (published and electronic).</p> <p>"Species" projects are those that fund scientific research related to a particular animal or plant species (e.g., status survey, management and conservation of the African grey parrot in one or more countries).</p>	<p><b>Article XIII</b> When the Secretariat receives information that a species in Appendix I or II is being adversely affected by trade in that species, or that the provisions of the Convention are not being effectively implemented, it shall communicate this information to the authorized Management Authority of the Party or Parties concerned. When a Party receives this communication it shall inform the Secretariat of any relevant facts and where appropriate, propose remedial action. Where the Party considers an inquiry to be desirable, such inquiry shall be carried out by person(s) authorized by the Party. The information provided by the Party, or by the inquiry, shall be reviewed at the next COP which may make any recommendation it deems appropriate.</p> <p>The Standing Committee meets regularly to discuss a range of issues related to the Convention, and there are times when the CITES Secretariat brings before it information on illicit trade problems. It is the COP, however, that regularly reviews and takes decisions on infractions of the Convention.</p> <p>For the past 15 years, decisions of the CITES COPs and Standing Committee have been used to recommend the suspension of trade with countries that refuse, after prior warning, to comply with the</p>	<p><b>Article XVIII</b> The Parties are first subject to negotiation in the event of a dispute. However, if the dispute cannot be resolved through negotiation, Parties may, by mutual consent, submit the dispute to arbitration (Permanent Court of Arbitration at the Hague). Parties shall be bound by that decision.</p> <p>No disputes to date.</p>	<p><b>Article X</b> Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.</p> <p>Resolution Conf. 9.5 (1994) addresses in detail trade with States not party to the Convention. The following non-parties have provided the information requested by Resolution Conf. 9.5 (that is, proof that comparable documentation is being issued by competent authorities): Albania; Angola; Bahrain; Cook Islands; Democratic People's Republic of Korea;</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>are prohibited for trade for commercial purposes (there are limited exceptions to this such as captively bred species, ranching and use for scientific research, see Article VII).</p> <p>The test for exceptions is: will trade be detrimental to the survival of the species? Export and import permits are required for exceptions.</p> <p><b>Article IV</b> Species in Appendix II may become threatened with extinction unless their trade and the trade in species that resemble them is subject to strict regulation; trade in Appendix II species is regulated by the issue of export permits which are subject to both a finding of non-detriment and legal acquisition. In Appendix II, the granting of import permits is not a condition (except for some countries with stricter measures under Article XVI).</p> <p><b>Article V</b> Appendix III covers species identified by an individual Party as being subject to regulation within its jurisdiction and for which it requests the cooperation of other Parties in the control of trade.</p> <p><b>Article VI</b> Regulates permits and certificates for import and export permits required under Articles III, IV and V.</p>		<p>Convention's provisions. General trade suspension recommendations have been made against El Salvador, Italy, Greece, Grenada, Guyana, Senegal and Thailand. Strict shipment controls have been recommended with regard to Bolivia. Trade suspension for particular species have been made against dozens of countries. The criteria for recommending a suspension of trade are: (a) the presence of significant trade; and (b) the absence of domestic measures to enforce the provisions of the Convention as required by Article VIII. The practice of proposing trade sanctions has worked well in obtaining the enactment of national legislation related to the Convention and the submission of required reports.</p> <p>Parties can request and receive assistance from the CITES Secretariat at any time to enact appropriate legislation or prepare required reports. Once compliance has been obtained, the relevant trade suspension recommendation is withdrawn. Overall the practice of using trade suspension recommendations to bring about compliance with the Convention has never been challenged. A proposed decision by the Parties at COP11 would extend trade suspension recommendations to those countries that fail to submit annual national reports, as required by Article VIII (7)(a), for three consecutive years.</p>		<p>Haiti; Ireland; Kiribati; Lebanon; Lithuania; Marshall Islands; Federated States of Micronesia; Niue; Oman; Palau; Qatar; Solomon Islands; Tonga; Turks and Caicos Islands; Tuvalu; and the Federal Republic of Yugoslavia.</p> <p>The amendment to allow the EC to become a CITES Party has not been ratified by a 2/3 majority of Parties.</p> <p>China is a Party to CITES. Hong Kong, China, however, has its own CITES Management Authority and Scientific Authority.</p> <p>According to the CITES Secretariat key non-parties include:</p> <p>Angola (significant trade); Laos; Arab Gulf States; and the small island developing states in Oceania.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p><b>Article VII</b> Lists the Exemptions and Other Special Provisions Relating to Trade. This Article provides all the exceptions to the prohibitions of trade in endangered species listed in the three appendices.</p> <p><b>Article VIII</b> Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation of the Convention. Article XIV - allows for Parties to take stricter domestic measures. Appendix II does not require an import permit but many OECD countries have instituted a system of import permits for trade in certain species and in some instances, with species listed in Appendix III.</p> <p>There are three management quota systems provided for in CITES which are determined by the COP. Under the first system, some countries have the right to export a limited number of Appendix I species for non-commercial uses (e.g. the leopard). Under the second system, species have been transferred from Appendix I to II, subject to annual quotas which limit trade in the specimen on a country-by-country basis. Examples from COP Resolutions include:</p> <p><b>Resolution Conf 8.11</b> - trade in cloth and wool from Vicuña.</p>				



Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p><b>Resolution Conf 10.10</b> - trade in Elephant Specimens – limited ivory trade between Zimbabwe, Botswana and Namibia (where elephants were down listed to Appendix II) to Japan. There is a quota based on stockpiles.</p> <p><b>Resolution Conf 10.14</b> - quotas for leopard skins.</p> <p>Countries establish their own quotas on species in the third system. An example of this is the quota for sturgeons under <b>Resolution Conf. 10.12</b>. New states are joining CITES due to the listing of the sturgeons in Appendix II.</p>				

#### IV. CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), 1980.</p> <p>The aim of the Convention is to conserve marine life. This does not exclude harvesting as long as such harvesting and associated activities are carried out in accordance with "ecosystem" conservation principles set out in Article II of the Convention.</p>	<p>CCAMLR has 30 Contracting Parties:</p> <p>Argentina Australia Belgium Brazil Chile EC France Germany India Italy Japan Korea, Rep. of Namibia New Zealand Norway Poland Russian Federation South Africa Spain Sweden Ukraine UK US and Uruguay</p> <p>28 Parties to CCAMLR are also WTO Members.</p> <p>States that have ratified the Convention, but are not Commission</p>	<p>The Convention does not contain trade measures, but trade-related measures have been adopted in the following Conservation Measures that are binding to Contracting Parties.</p> <p><b>Conservation Measure 118/XVII</b> The "Scheme to Promote Compliance by Non-Contracting Party Vessels with CCAMLR Conservation Measures" prohibits Parties from allowing the landing or transshipment of fish from the vessel of a non-Contracting Party <i>sighted</i> engaging in fishing activities within the Convention Area, and therefore presumed to be undermining the effectiveness of CCAMLR Conservation Measures, unless the vessel has been inspected by authorized Contracting Party officials and can establish that the fish were caught outside the Convention Area or in compliance with all relevant CCAMLR Conservation Measures and requirements under the Convention.</p> <p><b>Conservation Measure 119/XVII</b> Requires Contracting Parties to prohibit its flag vessels from fishing in the Convention Area unless licensed or permitted to do so. The licence should be carried on board and must include conditions of timely notification of port entry and exit and movement between sub-areas or divisions, reporting of catch data and operation of an</p>	No provisions.	<p><b>Article XXI</b> 1. Parties shall take appropriate measures within its competence to ensure compliance with the provisions of this Convention and with conservation measures adopted by the Commission to which the Party is bound in accordance with Article IX.</p> <p>2. Parties shall transmit to the Commission information on measures taken pursuant to paragraph 1 above, including the imposition of sanctions for any violation.</p> <p>3. The CCAMLR System of Inspection has been in operation since 1989. Inspections of fishing and fisheries research vessels of CCAMLR Flag States are being carried out regularly by CCAMLR Inspectors designated by Members. In December 2000, the Commission established the Standing Committee on Observation and Inspection (SCOI), that will consider and prepare advice to the Commission in all matters related to inspections undertaken and steps taken by member to enforce compliance with Conservation Measures.</p>	<p><b>Article XXV</b> 1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of this Convention, those Contracting Parties shall resolve the dispute by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.</p> <p>2. An unresolved dispute will, with the consent of all Parties to the dispute, be referred for settlement to the ICJ or to arbitration. Failure to reach agreement on reference to the ICJ or to arbitration shall not absolve Parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means in paragraph 1.</p>	<p>The Contracting Parties, realizing that Conservation Measure 170/XVIII would be most effective if non-parties agree to participate had the Commission draw up an <i>Explanatory Memorandum</i> and a <i>Policy to Enhance the Cooperation between CCAMLR and non-Contracting Parties</i>.</p> <p>Non-parties are urged to cooperate with CCAMLR, as they may import toothfish caught in the CCAMLR Conservation Area or provide ports and landing facilities to vessels which may have been illegally fishing for toothfish.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
	<p>Members:</p> <p>Bulgaria Canada Finland Greece Peru and The Netherlands</p> <p>Any State which has acceded to the Convention is entitled to become a Member of the Commission if it is actively conducting research or harvesting in the Convention Area. An Acceding State wishing to become a Member must submit a statement to the Australian Ministry of Foreign Affairs and Trade setting down the basis upon which it is seeking to participate in the work of the Commission.</p>	<p>automated satellite-linked vessel monitoring system (VMS). Any infringement of these conditions discovered upon port arrival, departure or upon inspection in an EEZ are to be investigated and dealt with in accordance with national legislation</p> <p><b>Conservation Measure 170/XVIII</b> Adopted November 1999 and came into force on 7 May 2000. This measure establishes Catch Documentation Scheme which tracks the landings and trade flows of toothfish (<i>Dissostichus</i> spp.) caught in the Convention Area and where possible, adjacent waters. Contracting Parties are required to ensure that:</p> <p>(i) Each of their flag vessels licensed to harvest toothfish shall be accompanied by a completed catch document, confirmed by the Flag State, for each catch landed or transhipped; (ii) each shipment that is transhipped to their flag vessels is accompanied by a completed catch document, confirmed by the Flag State; and (iii) each shipment imported into their territory is accompanied by an export-validated toothfish catch document.</p>			<p>3. In cases where the dispute is referred to arbitration, the arbitral tribunal shall be constituted as provided in the Annex to this Convention.</p> <p>To date, Contracting Parties have not had a dispute concerning the interpretation or application of the Convention which would require an arbitral tribunal to be established.</p> <p>No disputes to date.</p>	

## V. MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, and its Amendments.</p> <p>The Montreal Protocol develops a regime that limits the release of ozone-depleting substances (ODS) into the atmosphere.</p>	<p>There are 175 Parties to the Montreal Protocol.</p> <p>There are 3 WTO Members that are not party to the Protocol:</p> <p>Guinea Bissau Rwanda Sierra Leone</p> <p>The Parties to the Amendments to the Protocol are:</p> <p>London Amendment (1990): 145</p> <p>Copenhagen Amendment (1992): 120</p> <p>Montreal Amendment (1997): 56</p> <p>Beijing Amendment (1999): 6</p>	<p><b>Article 4</b> The measures are directed against non-parties. These measures are as follows:</p> <p>(a) Control of trade in ODS with non-parties:</p> <p>(i) Annex A substances: import from non-parties banned from January 1990, export banned from January 1993;</p> <p>(ii) Annex B substances: import and export banned from August 1993 for non-parties to the London Amendment;</p> <p>(iii) Annex C – Group II - HBFCs: import and export banned from June 1995 for non-parties to the Copenhagen Amendment.</p> <p>(iv) Annex C Group I hydrochlorofluorocarbons (HCFCs): import and export ban with non-parties to the Beijing Amendment from 1 January 2004.</p> <p>(v) Annex C Group III: Import and export ban with non-parties to the Beijing Amendment within one year from the date of entry into force of the Beijing Amendment.</p> <p>(b) Control of trade in ODS products with non-parties:</p> <p>Import of products (listed in Annex D) containing Annex A</p>	<p><b>The London Amendment under Article 10</b> Established a Multilateral Fund for incremental costs. The Fund has disbursed nearly US\$1 billion to 120 developing countries for the purpose of institutional strengthening, training, project preparation, and implementation of investment projects. The Fund has the obligation to meet all the agreed incremental costs of developing countries for implementing the control measures. An indicative list of agreed incremental costs approved by the MOP IV was established in 1991 (permanent in 1992). The three-year initial budget for 1991-93 was US\$240 million and the budget was replenished in 1993, 1996 and 1999.</p> <p>As of 2000, the fund has financed more than 2,000 projects in developing countries to meet the costs of changing from CFC technologies to more ozone-friendly technologies. Also, developing countries have received assistance for institutional strengthening and technical advice to help them reduce their use of ODS.</p>	<p><b>Article 8</b> In 1990 MOP II adopted non-compliance procedures and established an Implementation Committee. The functions of the Committee are to receive, consider and report on any submission made by one or more Parties and any information or observations forwarded by the Secretariat in connection with the preparation of a report referred to in Article 12 of the Protocol. After receiving a report by the Committee, the Meeting of the Parties may, taking into consideration the circumstances of the case, decide upon and call for steps to bring about full compliance with the Protocol, including measures to assist a Party's compliance and to further the Protocol's objectives.</p> <p>The Multilateral Fund, contributed to by the developed countries, meets all the agreed incremental costs of all developing countries to implement the control measures. Parties having difficulties meeting their obligations under the Protocol have notified the MOP under self-reporting provision of the procedure. In 1995, five countries with economies in transition jointly self-reported their foreseeable failure to comply with the Protocol's control measures.</p>	<p><b>Article 11 of the Vienna Convention for the Protection of the Ozone Layer</b> applies to the Montreal Protocol and its amendments for dispute settlement. In the event of a dispute, Parties are:</p> <ol style="list-style-type: none"> <li>1. To first seek a solution by negotiation;</li> <li>2. if an agreement is not reached by negotiation, they may jointly seek the good offices of, or request mediation by a third party;</li> <li>3. for those disputes not resolved in accordance with negotiation or mediation, a Party may declare that it accepts one or both of the following means of dispute settlement as compulsory: <ul style="list-style-type: none"> <li>(a) Arbitration in accordance with procedures adopted</li> </ul> </li> </ol>	<p><b>Article 4 (8)</b> Trade restrictions do <u>not</u> apply if a non-party is in compliance with the Protocol.</p> <p>Article 4 (8) states: "Notwithstanding the provisions of this Article, imports and exports referred to in paragraphs 1 to 4 <i>ter</i> of this Article may be permitted from, or to, any State not Party to this Protocol, if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2, Articles 2A to 2E, Articles 2G <u>and</u> 2H and this Article, and have submitted data to that effect as specified in Article 7".</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>substances banned from May 1992;</p> <p>It was decided at MOP V that it was not feasible to ban or restrict trade in products made with, but not containing Annex A substances.</p> <p>Parties also decided that products containing Annex B and Annex C, Group II, substances or products made with, but not containing the Annex C, Group II substances will not be listed.</p> <p>(c) Exports of ODS-technologies: Parties to discourage "to the fullest practicable extent", export of technology for producing of ODS; however, there are exceptions for HCFCs and for equipment or technology to recycle ODS.</p> <p>MOP IX introduced, through the Montreal Amendment (not yet in force), <i>inter alia</i>, trade controls for methyl bromide (Annex E) with non parties:</p> <ul style="list-style-type: none"> <li>- From November 2000, each Party shall ban the import, and after November 2000, the export, of methyl bromide from any State not Party to the Montreal Amendment.</li> <li>- Parties are to discourage the export of technology for producing or for utilizing methyl bromide to non-parties.</li> <li>- Each Party shall refrain from providing any assistance for the</li> </ul>	<p>The allocations so far have been as follows: Period Amount (US\$ in Millions):</p> <p>1991 to 1993: \$240 1994 to 1996: \$455 1997 to 1999: \$465 2000 to 2002: \$440</p> <p>The GEF also provides funds to countries with economies in transition. There are a number of GEF-eligible countries that are Parties to the Protocol, where the production or consumption of ODS is too high to qualify for support under the Multilateral Fund. These are mainly countries in Central and Eastern Europe, and the former Soviet Union. The same criteria apply for the funding of ozone projects under the GEF as under the Multilateral Fund. The GEF has allocated US\$148 million for 14 such countries.</p> <p>Technology Transfer under Article 10A occurs under fair and most favourable conditions.</p> <p>Nearly 2500 projects are being implemented in developing countries to shift their use to non-ODS substances.</p>		<p>by the COP at its first meeting; or (b) submission of the dispute to the ICJ</p> <p>If the Parties have not accepted the same or any procedure, the dispute shall be submitted to a conciliation commission which is created upon the request of one of the Parties to the dispute. This commission shall be composed of an equal number of members appointed by each Party concerned and a chair chosen jointly by the members appointed by each Party. It shall render a final and recommendatory award, which the Parties shall consider in good faith.</p> <p>There have been no disputes to date. Decisions are reached by consensus.</p>	

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>export to non-parties of any equipment or technology that would facilitate production of methyl bromide.</p> <ul style="list-style-type: none"> <li>Recent trade-related decisions from MOP XI include:</li> </ul> <p>Three further adjustments, relating to control and gradual phase-out of production by developed countries of CFCs, (chlorofluorocarbons), halons, other fully halogenated CFCs and methyl-bromide (Annex A, B and E substances) for basic domestic needs of developing countries</p> <p>The Beijing Amendment to the Montreal Protocol shall enter into force on 1 January 2001, provided that at least 20 instruments of ratification of the Amendment have been deposited, or on the 90th day following the date on which the required number of ratifications have been reached. Under the Protocol, HCFCs are to be phased out in developed countries by 2030 and in developing countries by 2040.</p> <p>The Beijing Amendment to the Protocol will also ban trade in HCFCs with countries that have not yet ratified the Copenhagen Amendment (1992), which introduced the HCFC phase out. The Beijing Amendment also requires developed countries to freeze the production of HCFCs in 2004 at 1989 levels (measured as the average of consumption and</p>				

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>production levels) and developing countries to do so in 2016 with a similar baseline of 2015.</p> <p>Production of 15 per cent above baseline will be permitted to meet the "basic domestic needs" of developing countries. In addition, the production of a recently developed ozone-depleting chemical, (bromochloromethane, which is a controlled substance in a newly created Group III of Annex C) is to be completely phased out in all countries by 1 January 2002.</p>				

## VI. BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989.</p> <p>This treaty strictly regulates the transboundary movements of hazardous wastes. Parties are obliged to ensure that such wastes are managed and disposed of in an environmentally sound manner.</p>	<p>There are 146 Parties to the Basel Convention.</p> <p>22 WTO Members are not party to Basel:</p> <p>Angola Brunei Darussalam Central African Republic Chad Djibouti Fuji Gabon Ghana Grenada Guinea Bissau Haiti Jamaica Kenya Lesotho Myanmar Rwanda Solomon Islands Suriname Swaziland Togo US Zimbabwe</p> <p>25 Parties have ratified the Ban Amendment (1995)</p>	<p><b>Article 4</b> Article 4.1(a) - Parties can exercise their right to ban import of hazardous waste; Article 4.1(b) - Parties are obliged to prohibit export of covered waste to Parties that have banned such imports; Article 4.1(c) - for wastes not specifically prohibited by the importing state, Parties will prohibit export of wastes if importing country has not consented in writing to the specific import; Article 4.2(e) - a Party shall prevent the export of hazardous waste if it has reason to believe that the waste will not be managed in an environmentally sound manner; Article 4.5 - prohibits trade in covered waste with non-parties (no imports/exports); exception Article 11 – non-parties can trade in hazardous waste if transboundary movements are subject to another appropriate bilateral/multilateral or regional agreement; Article 4.6 - exports of hazardous waste prohibited for disposal in the area of 60° south latitude (Antarctica); Article 4.7 - packaging, labelling and transport requirements for hazardous wastes.</p> <p><b>Article 6</b> The state of export must obtain prior informed consent from the</p>	<p>UNEP administers two trust funds for Basel:</p> <p>1. A fund for the implementation of the Convention where funds are based on the UN scale of assessment and;</p> <p>2. A technical cooperation fund to assist developing countries and other countries in need of assistance to implement the Convention. Parties decide on the level of contribution for this fund. Other financial resources come from bilateral assistance programmes among Parties.</p> <p>Basel has no specific financial mechanism to facilitate technology transfer. This is problematic, as there is a lack of funds. For example, the Technical Cooperation Trust Fund to assist developing countries only had a budget of US\$600,000 for 1997/8. Further development and consolidation of the operation of the regional and sub-regional centres for training and technology transfer will provide for future assistance in these areas.</p> <p>Capacity building (training and information management) is also carried out by Parties and the Secretariat. There are</p>	<p>No cases of non-compliance to date. The cases thus far have not necessitated a mechanism. However, there have been some bilateral discussions regarding notification problems.</p> <p>Parties are working towards developing a compliance mechanism that should be non-confrontational, transparent, cost-effective, preventative in nature as well as flexible. One of the main items under consideration by the Legal Working Group concerns the composition and tenure of the body to administer a compliance mechanism.</p>	<p><b>Article 20</b> Parties are to seek the settlement of the dispute through negotiation or any other peaceful means of their choice. If this is unsuccessful and if the Parties to the dispute agree, the dispute is to be submitted to: (1) The ICJ; or (2) arbitration in accordance with the provisions in Annex VI. A Party may declare that it recognizes as compulsory the submission of the dispute to either the ICJ or arbitration. If the two Parties in the dispute have chosen different methods of dispute settlement, there is still an ongoing responsibility to continue to seek resolution through negotiation. In the event that arbitration is the chosen method, the tribunal is to draw up its own rules of</p>	<p><b>Article 11</b> Parties can consent to transboundary movements with non-parties provided the provisions in the Convention are met.</p> <p>There is a potential incompatibility with the Basel Ban Amendment and Article 11. Will non-Annex VII countries be allowed to trade with Annex VII countries under a bilateral agreement?</p> <p>One Party affirmed its position that Parties have a right to undertake Article 11 arrangements with States not listed in Annex VII. However, other Parties have different views.</p> <p>The EU has passed a law applicable to its Member States that does not allow the use of Article 11 in reference to Annex VII countries.</p>



Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
	<p>The Ban Amendment has to be ratified by <math>\frac{3}{4}</math> of the Parties present at the adoption of the Ban to enter into force.</p> <p>21 WTO Members have ratified the Ban Amendment:</p> <p>Austria Bulgaria Czech Republic Ecuador Denmark EC Finland Luxembourg Norway Panama Paraguay Portugal Slovakia Spain Sri Lanka Sweden The Netherlands Trinidad &amp; Tobago Tunisia UK Uruguay</p>	<p>importer.</p> <p><b>Article 8</b> There is a duty to re-import if waste cannot be disposed of in an environmentally sound manner.</p> <p><b>The Amendment to the Basel Convention (1995)</b> is a decision made at COP 2 to ban movement of hazardous waste headed for final disposal and for recovery from Annex VII countries (Parties and other States which are members of the OECD, EC, Liechtenstein).</p> <p>At COP 4, there was a discussion concerning other countries which wanted to join Annex VII. These countries are Monaco, Slovenia and Israel. However, it was decided to wait and see how the ban was functioning and to leave Annex VII unchanged until it is in force. Then a decision can be made whether to close Annex VII or to have open criteria. This issue was again raised by other Parties at COP 5.</p> <p>Trade measures within COP decisions are Annex VIII and IX of the Convention, decided upon at COP 4. Annex VIII and IX clarify what is and what is not considered to be hazardous waste. Non-hazardous material is listed in Annex IX (list B) wastes. Many of the recyclable materials such as copper, zinc (and their products) and other precious metals are in Annex IX and are not considered hazardous unless they have been</p>	<p>limited funds for capacity building.</p> <p>However, with the recent adoption of the <b>Basel Declaration on Environmentally Sound Management</b> efforts will increase to assist Parties to minimize generation of wastes and to manage wastes generated in an environmentally sound manner. Parties agreed to provide US\$300,000 per year over a three-year period (2000-2002) to initiate activities for the implementation of the Basel Declaration.</p>		<p>procedure and render its decision in accordance with international law and with the provisions of the Convention. It may take all appropriate measures to establish the facts of the dispute and shall render a decision within a specified time limit. The award of the arbitral tribunal shall be accompanied by a statement of reasons and be final and binding on the Parties to the dispute.</p> <p>There have been no disputes to date.</p>	

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>contaminated. Further clarification is needed for some wastes, such as lead acid and zinc ashes (as these would be hazardous waste under Basel).</p> <p>At COP 5, <b>The Basel Declaration on Environmentally Sound Management</b> was adopted. This Declaration outlines the activities to be undertaken to achieve the objectives of the practical implementation of environmentally sound management: prevention, minimization, recycling, recovery and disposal of wastes subject to the Convention.</p> <p><b>The Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal</b> was also adopted and opened for signature. The Protocol will enter into force once 20 Parties ratify it. This Protocol is to provide for a comprehensive regime for liability, as well as adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes, including incidents occurring because of illegal traffic. At COP 6, Parties agreed to re-evaluate the financial limits to strict liability in this Protocol.</p>				

## VII. CONVENTION ON BIOLOGICAL DIVERSITY

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>Convention on Biological Diversity (CBD), 1992.</p> <p>The goal of this treaty is the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.</p>	<p>There are 180 Parties to the CBD.</p> <p>There are 4 Parties to the WTO that are not Party to the CBD:</p> <p>Brunei Darussalam Kuwait (signed, but not ratified) Thailand (signed but not ratified) US (signed, but not ratified)</p>	<p>The text of the Convention does not explicitly refer to trade measures. Nor does the Convention generally prescribe specific measures. The provisions of the Convention, with a few exceptions, set goals. The specific measures required to achieve these goals are largely the prerogative of the Parties.</p> <p><b>Article 8(j)</b> Parties, subject to their national legislation, shall, as appropriate, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity and encourage the equitable sharing of benefits from the holders of such knowledge;</p> <p><b>Article 10(b)</b> Provides that Parties shall "[a]dopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity";</p> <p><b>Article 15</b> Establishes a basis for the regime use of genetic resources based on the fair and equitable distribution of their use. This access shall be subject to prior informed consent of the Party. Parties shall also take legislative, administrative or policy measures in accordance with</p>	<p>The CBD contains provisions addressing: transfer of technology (Articles 16 and 19); market incentives (Articles 10 and 11); capacity building (Articles 12 and 18); financial support for implementing the Convention (Articles 20 and 21); as well as participating in its decision-making (e.g. decision IV/17, Table 4, Special Voluntary Trust Fund for the Facilitating Participation of Parties in the Convention Process for the Biennium 1999-2000); awareness raising (Article 13); scientific and technical co-operation (Article 18); research and training (Article 12); exchange of information (Article 17); sustainable use of biological diversity (Article 10); and incentive measures (Article 11).</p> <p>The financial mechanism for the CBD is the GEF. In total, the GEF has approved biodiversity projects amounting to over US\$ 600 million.</p>	<p>The CBD does not have a compliance procedure. Formal assessment of Parties or non-parties compliance has not occurred.</p> <p><b>Article 26</b> Requires Parties to present to the COP, reports on measures which they have taken to implement the CBD's provisions and their effectiveness in meeting its objectives. The first national reports were due on 31 December 1998. By the end of 1999 the Secretariat had received 112 reports from Parties and one report from a non-party.</p>	<p><b>Article 27</b> In the event of a dispute between Parties they shall seek a solution by negotiation. If they are unable to reach agreement, they may jointly seek mediation by a third party. A Party may make a written declaration to the Convention's Depositary accepting a compulsory dispute resolution by arbitration, by the ICJ or both, when negotiation or mediation have failed. Either of these judicial procedures is intended to lead to a binding decision. The procedures for arbitration are set out in Part 1 of Annex II. In the event of a conflict between two Parties, the arbitral provisions provide for the standard three-member panel, as described</p>	<p>There are no Articles that deal directly with the rights of non-parties. According to the CBD Secretariat, in practice, however, as meetings of the Convention are open to non-parties and decisions are taken by consensus, they enjoy the same role in the decision-making processes of the CBD as Parties.</p> <p>One non-party has submitted a report on measures taken to implement the CBD.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>Articles 16 and 19, with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Party providing the resources. Such sharing will be on mutually agreed terms</p> <p><b>Article 16</b> 16(2) Access to technologies to developing countries will facilitated under fair and most favourable terms, including on concessional and preferential terms. In the case of technology subject to patents and other intellectual property rights, the access and transfer will be consistent with adequate and effective protection of intellectual property rights. 16(3) Parties shall also take legislative, administrative or policy measures with the aim of providing Parties, especially developing countries which have provided genetic resources, with access to, and transfer of, technology which makes use of those resources, on mutually agreed terms. This includes technology protected by patents and other intellectual property rights, as necessary.</p> <p><b>Article 19</b> Parties shall take measures to advance priority access on a fair and equitable basis to the Party that provided the genetic resource, of the results and benefits arising from biotechnologies based on that genetic resources.</p>			<p>under the Montreal Protocol and the Basel Convention. If more Parties are involved, Parties "in the same interest" are to nominate a "common" arbitrator. If the dispute is taken to the ICJ, the Statutes of the ICJ apply to the procedures. If the dispute is not submitted to arbitration or the ICJ because either the Parties have not chosen a procedure, or each has chosen a different procedure, the dispute must be submitted to conciliation. Conciliation does not lead to a binding decision, unless the Parties agree otherwise, but the proposals for resolution of the dispute must consider in good faith. The procedures for the five-member conciliation commission are set out in Part 2 of Annex II.</p>	

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>19(3) requires Parties to consider the need for a protocol on biosafety.</p> <p><b>Article 22</b> The provisions in the CBD shall not affect the rights and obligations of any Party deriving from existing international agreements, except when those rights and obligations would cause serious damage to, or threaten biological diversity.</p>			No disputes to date.	

## VIII. CARTAGENA PROTOCOL ON BIOSAFETY

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>Cartagena Protocol on Biosafety, 2000.</p> <p>A protocol to the CBD, which has as its objective the aim of ensuring an adequate level of protection in the field of safe transfer, handling and use of LMOs that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health.</p>	<p>The Protocol was adopted on 29 January 2000.</p> <p>There are 100 signatories to the Protocol. It will enter into force after 50 countries have ratified it.</p> <p>There are three Parties to the Protocol:</p> <p>Bulgaria Norway Trinidad &amp; Tobago</p> <p>These countries are also WTO Members.</p>	<p><b>The preamble:</b></p> <ul style="list-style-type: none"> <li>Trade and environment agreements should be mutually supportive;</li> <li>The Protocol does not imply a change in the rights and obligations of a Party under existing international agreements (including the WTO); and</li> <li>The intent is not to subordinate the Protocol to other international agreements.</li> </ul> <p><b>Article 2(4)</b> Parties can take more protective actions for the conservation and sustainable use of biological diversity than that called for in the Protocol, provided that such action is consistent with the objective and the provisions of the Protocol and is in accordance with that Party's other international law obligations.</p> <p><b>Article 7</b> Lays out the Advanced Informed Agreement (AIA) procedure which shall apply for the first international transboundary movement of a LMO into the environment of the Party of import. The AIA procedure is outlined in Articles 8 to 10 and 12. The procedure in Article 11 shall apply prior to the first transboundary movement of LMOs intended for direct use as food or</p>	<p><b>Article 22</b> Explains that Parties shall cooperate in the development and/or strengthening of human resources and institutional capabilities in biosafety for the purpose of effective implementation of the Protocol in developing country LDC Parties, small island developing states and economies in transition.</p> <p><b>Article 28</b> States that the financial mechanism of the Protocol shall be the same institution as the Convention, the GEF.</p>	<p><b>Article 34</b> The first MOP shall consider and approve cooperative procedures and institutional mechanisms to promote compliance with the provisions of this Protocol and to address cases of non-compliance.</p>	<p><b>Article 32</b> The dispute settlement provisions of the CBD in Article 27 apply to the Protocol.</p>	<p><b>Article 24(1)</b> Allows Parties to enter into other bilateral or regional agreements which are consistent with the objective of the Protocol. Parties shall encourage non-parties to adhere to the Protocol as well as to contribute the appropriate information to the Biosafety Clearing-House on LMOs released in, or moved in and out of their national jurisdiction.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>feed, or for processing. The AIA shall not apply for living modified pharmaceuticals which are addressed by other international agreements or organizations, nor will it apply to LMOs in transit or for contained use.</p> <p><b>Article 8</b> Details that the Party of export shall notify, or require the exporter to ensure written notification to the competent national authority of the Party of import prior to the first intentional transboundary movement of an LMO into the environment of the Party of import. The notification shall contain, at a minimum, the information specified in Annex I.</p> <p><b>Article 9</b> Requires that the Party of import to acknowledge the receipt of the notification in writing within 90 days, the procedure specified in Article 10. However, a failure by the Party of import to acknowledge receipt of a notification shall not imply its consent to an intentional transboundary movement.</p> <p><b>Article 10</b> Decisions taken by the Party of import shall be in accordance with the risk assessment under Article 15. The Party of import shall, within the period of time referred to in Article 9, inform the notifier, in writing, whether the intentional transboundary movement may proceed only after the Party of</p>				

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>import has given its written consent; or after no less than 90 days without a subsequent written consent.</p> <p>The importing Party shall communicate in writing within 270 days to the notifier and the Biosafety Clearing-House its decision (and the reasons upon which the decision was made) and may: approve the import; prohibit the import; request additional information; or extend the time-period.</p> <p>The lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of a LMO on the conservation and sustainable use of biological diversity in the Party of import, taking also into account risks to human health, shall not prevent that Party from taking a decision, as appropriate, with regard to the import of the LMO in question, in order to avoid or minimize such potential adverse effects.</p> <p><b>Article 11</b> Lays out the procedure for LMOs intended for direct use as food or feed, or for processing. A Party that makes a final decision regarding domestic use of an LMO intended for direct use as food or feed, or for processing, that may be subject to transboundary movement shall, within 15 days of making that decision, inform the Parties through</p>				



Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>the Biosafety Clearing-House. A Party may take a decision on the import of an LMO intended for direct use as food or feed, or for processing, under its domestic regulatory framework, consistent with the objective of this Protocol. A developing country or economies in transition, in absence of a domestic regulatory framework, may declare through the Biosafety Clearing-House that its decision prior to the first import of an LMO for direct use as food, feed or for processing will be taken according to the following: a risk assessment in accordance with Article 15 and that the decision will take place within 270 days.</p> <p>A failure by a Party to communicate its decision shall not imply its consent or refusal to the import of a LMO intended for direct use as food or feed, or for processing.</p> <p>The lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of a LMO on the conservation and sustainable use of biological diversity in the Party of import, taking also into account risks to human health, shall not prevent that Party from taking a decision, as appropriate, with regard to the import of that LMO intended for direct use as food or feed, or for processing, in order to avoid or minimize such potential</p>				

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>adverse effects.</p> <p><b>Article 12</b> Explains that a Party of import, may, at any time, when there is new scientific information on potential adverse effects on biological diversity, taking into account the risks on human health, review and change a decision regarding the international transboundary movement of an LMO. A Party of export may also request the Party of import to review a decision it has made under Article 10 if there is a change of circumstance that may influence the outcome of the risk assessment on which the original decision was based; or if additional scientific or technical information becomes available. The Party of import may require a risk assessment for subsequent imports.</p> <p><b>Article 13</b> Allows for a simplified procedure for transboundary movement of LMOs in accordance with the objective of the Protocol and the Party of import notifies in advance to the Biosafety Clearing-House that:</p> <ul style="list-style-type: none"> <li>Intentional transboundary movement to it may take place at the same time as the movement is notified to the Party of import; and</li> <li>imports of LMOs to it are to be exempted from the advance informed agreement procedure.</li> </ul>				

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p><b>Article 14</b> Allows Parties to enter into other bilateral or regional agreements consistent with the objectives of the Protocol as long as this does not result in lower protection than that of the Protocol. Parties shall inform each other of these arrangements through the Biosafety Clearing-House.</p> <p><b>Article 15</b> Explains that a risk assessment shall be carried out in a scientifically sound manner, in accordance with Annex III. Such risk assessments shall be based, at a minimum, on information provided in accordance with Article 8 and other available scientific evidence in order to identify and evaluate the possible adverse effects of LMOs on the conservation and sustainable use of biological diversity, taking also into account risks to human health. The Party of import shall ensure that risk assessments are carried out for decisions taken under Article 10. It may require the Party of exporter to carry out the risk assessment. The notifier shall pay the cost of risk assessment if the Party of import requires this.</p> <p><b>Article 16</b> Parties shall establish and maintain appropriate mechanisms to regulate, manage and control risks associated with the use, handling and transboundary movement of LMOs. Measures based on a risk assessment shall be imposed to the</p>				

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>extent necessary to prevent adverse effects of LMOs on the conservation and sustainable use of biological diversity, taking account risks to human health within the importing Party's territory.</p> <p><b>Article 18</b> Explains the handling and transport requirements for LMOs under the scope of the Protocol:</p> <ul style="list-style-type: none"> <li>• LMOs for food, feed or processing shall be clearly identified that they "may contain" LMOs and are not intended for intentional introduction to the environment as well as a contact point for further information;</li> <li>• LMOs that are destined for contained use shall be clearly identified as LMOs and shall specify any requirements for safe handling, storage, transport and use as well as a contact point for further information: and</li> <li>• LMOs for intentional introduction into the environment of the Party of import shall be clearly identified as LMOs, specifying the identity and relevant traits, any requirements for safe handling, storage, transport and use, a contact point for further information and, as appropriate, the name and address of the importer and</li> </ul>				

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		<p>exporter and a declaration that the movement is in conformity with the requirements of the Protocol applicable to the exporter.</p> <p><b>Article 26</b> Parties, when reaching a decision on import under the Protocol, or while implementing the Protocol domestically, may take into account socio-economic considerations arising from the impact of LMOs on the conservation and sustainable use of biological diversity, with regard to the value of biological diversity to indigenous and local communities.</p> <p><b>Annex I</b> sets out the information required in notifications under Articles 8, 10 and 13 (AIA Procedure and Simplified Procedure).</p> <p><b>Annex II</b> sets out the information required for LMOs intended for direct use as food or feed, or for processing under Article 11.</p> <p><b>Annex III</b> gives greater details on the risk assessments carried out pursuant to this Protocol.</p>				

## IX. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Name of MEA, date of adoption and objective	Information on MEA/WTO relationship	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>United Nations Framework Convention on Climate Change (UNFCCC), 1992.</p> <p>The objective of the Convention is stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system (Article 2).</p>	<p>There are 186 Parties to the UNFCCC.</p> <p>There are 3 WTO Members that are not party to the UNFCCC:</p> <p>Brunei, Darussalam Tanzania Turkey</p>	<p>The UNFCCC does not directly restrict trade, but actions of countries implementing the UNFCCC could have significant trade implications. The requirement to adopt National policies and corresponding measures to mitigate climate change by developed country Parties is set up in Article 4.2 (a.)</p> <p><b>Article 3.5</b> International trade is specifically mentioned in this article " ... measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade."</p> <p>According to the UNFCCC Secretariat, the policies and measures adopted by Parties have not had any adverse impacts on international trade.</p>	<p><b>Article 11</b> Establishes a financial mechanism (which is the GEF) to provide financial resources, including for the transfer of technology.</p> <p>GEF covers the difference (or "increment") between the costs of a project undertaken with global environmental objectives in mind, and the costs of an alternative project that the country would have implemented in the absence of global environmental concerns.</p>	<p>Pursuant to <b>Article 13</b> of the UNFCCC, COP 4 considered the establishment of a Multilateral Consultative Committee (MCC) for the resolution of questions regarding the implementation of the UNFCCC.</p> <p>The proposed MCC is to provide advice to Parties and to prevent disputes. The nature of the MCC is to be facilitative, non-judicial, transparent, and co-operative. The outcome of the MCC may include recommendations and any measures that the MCC deems suitable for the effective implementation of the Convention.</p>	<p><b>Article 14</b> The Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice. Parties may make a written submission at any time as to whether they recognize as compulsory the submission of the dispute to the ICJ, and/or arbitration. If Parties are unable to settle their dispute through the above means, the dispute is to be submitted, at the request of any of the Parties concerned to conciliation.</p> <p>A conciliation commission is to be created upon the request of one of the Parties to the dispute, composed of an equal number of members appointed by each Party concerned who in turn jointly chooses a chair.</p>	No provisions.

Name of MEA, date of adoption and objective	Information on MEA/WTO relationship	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
					<p>The commission is to render a recommendatory award, which the Parties shall consider in good faith. Additional procedures relating to conciliation shall be adopted by the COP.</p> <p>No disputes to date.</p>	

## X. KYOTO PROTOCOL

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Rights of non-parties
<p>Kyoto Protocol, 1997.</p> <p>A protocol to the UNFCCC which is a step towards achieving the objective of the Convention by reducing emissions from Annex I Parties.</p>	<p>The Protocol has 84 signatures and 34 ratifications.</p> <p>According to Article 25, to come into force, the Protocol requires at least 55 ratifications, and the Annex I Parties that ratify must account for 55 per cent of carbon dioxide emissions for 1990.</p> <p>The 14 WTO Members that are Parties to the Protocol are:</p> <p>Antigua &amp; Barbuda Bolivia Cyprus Ecuador El Salvador Fiji Guatemala Jamaica Maldives Nicaragua Panama Paraguay Trinidad &amp; Tobago Uruguay</p>	<p><b>Article 2.1(a)</b> Annex I Parties shall, in order to promote sustainable development, implement and/or further elaborate policies and measures in accordance with national circumstances, such as enhancement of energy efficiency in relevant sectors of the national economy and progressive reduction or phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all greenhouse gas-emitting sectors that run counter to the objective of the Convention and application of market instruments.</p> <p><b>Article 2.3</b> Annex I Parties will strive to implement policies and measures in such a way as to minimize adverse effects, on other Parties, including effects on international trade.</p> <p>The Kyoto Protocol sets out three flexibility mechanisms:</p> <p><b>Article 6</b> Joint Implementation (projects between Annex I countries to help meet a Party's commitments.)</p> <p><b>Article 12</b> Clean Development Mechanism (The CDM allows Annex I Parties to invest in projects in developing countries to achieve sustainable development, contribute to the objective of the Convention and assist Annex I Parties to comply</p>	<p><b>Article 11 of the UNFCCC</b> Adopts the financial mechanism of the Convention, which is the GEF.</p>	<p><b>Article 16</b> Provides that the COP can consider and modify as appropriate the Multilateral Consultative Process that is referred to in Article 13 of the UNFCCC. The MCP applied to the Kyoto Protocol shall operate without prejudice to the procedures and mechanisms established under Article 18 of the Protocol.</p> <p><b>Article 18</b> The COP serving as the meeting of the Parties shall, at its first session, approve appropriate and effective procedures and mechanisms to determine and to address cases of non-compliance with the provisions of the Protocol. This includes the development of an initiative list of consequences, taking into account the cause, type, degree and frequency of non-compliance. Any such procedures and mechanisms that entail binding consequences shall be adopted by means of an amendment to the Protocol.</p> <p>Such procedures and mechanisms are being developed.</p>	<p><b>Article 14 of the UNFCCC</b> Governs dispute settlement for the Kyoto Protocol.</p>	<p>No provisions.</p>



Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Rights of non-parties
		with reduction commitments).  <b>Article 17</b> Emissions Trading (undefined).				

## XI. INTERNATIONAL TROPICAL TIMBER AGREEMENT

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>International Tropical Timber Agreement (ITTA), 1994.</p> <p>(Successor Agreement to the International Tropical Timber Agreement, 1983).</p> <p>The ITTA, 1994 seeks to promote international trade in tropical timber, the sustainable management of tropical forests, and the development of tropical forest industries through international cooperation, policy work and project activities.</p>	<p>ITTO has 54 Members, comprised of 30 producer and 25 consumer countries, including the EC.</p> <p>The following 51 countries are WTO and ITTA Members:</p> <p>Australia Austria Belgium Brazil Ireland Italy Canada Cameroon Central Africa Republic Colombia Congo Congo, Dem. Rep. Denmark EC Ecuador Egypt Fiji Finland France Gabon Germany Ghana Greece Guyana Honduras</p>	<p><b>Article 36</b></p> <p>According to this article, nothing in the agreement authorizes the use of measures to restrict or ban international trade, and in particular, as concerns imports of, and utilization of timber and timber products.</p> <p>There are no provisions for trade measures in the ITTA, 1994 or ITTA, 1983. However, following the entry into force of the ITTA, 1994 on 1 January 1997, the ITTO's mandate on trade has been updated and refined. This is reflected in six trade-related objectives of the agreement which are outlined in <b>Article 1</b>:</p> <p>(b) To provide a forum for consultation to promote non-discriminatory timber trade practices;</p> <p>(d) To enhance the capacity of members to implement a strategy for achieving exports of tropical timber and timber products from sustainably managed sources by the year 2000;</p> <p>(e) To promote the expansion and diversification of international trade in tropical timber from sustainable sources by improving the structural conditions in international markets, by taking into account, on the one hand, a long-term increase in consumption and continuity of supplies, and, on</p>	<p>The ITTA, 1994 provides for the establishment of the <b>Bali Partnership Fund</b> for the sustainable management of tropical timber producing forests. The fund is exclusively reserved for producing members to achieve objective (d) of the ITTA, 1994 and is additional to the Special Account.</p> <p><b>Article 20</b></p> <p>It provides for the establishment of the Special Account comprising of the Pre-Project Sub-Account and the Project Sub-Account. The sources of finance for the account may come from the Common Fund for Commodities (UNCTAD), regional and international financial institutions and voluntary contributions. The resources of the account shall be used only for approved ITTO pre-projects and projects.</p> <p>Following the entry into force of the ITTA, 1994, work on finalizing the operation of the Bali Partnership Fund has been completed and Members, as well as the international donor community, are being asked to make pledges and contributions to the fund.</p> <p>Since it became operational in 1987, the ITTO has funded over</p>	<p>No provisions.</p>	<p><b>Article 31</b></p> <p>Any complaint that a member has failed to fulfil its obligations under this Agreement and any dispute concerning the interpretation or application of this Agreement shall be referred to the International Tropical Timber Council for decision. The Council is the highest authority of the ITTO and consists of all members of the Organization. Decisions of the Council on these matters shall be final and binding.</p> <p>No disputes to date.</p>	<p>The Agreement is opened to accession by any country. According to the ITTO Secretariat, all States that are considered key players are members, except the Russian Federation.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
	<p>India Indonesia Ivory Coast Japan Korea, Rep. of Luxembourg Malaysia Myanmar New Zealand Norway Panama Papua New Guinea Peru Philippines Portugal Spain Suriname Sweden Switzerland Thailand The Netherlands Togo Trinidad &amp; Tobago UK USA Venezuela</p>	<p>the other, prices which reflect the costs of sustainable forest management and which are remunerative and equitable for members, and the improvement of market access;</p> <p>(h) To improve market intelligence with a view to ensuring greater transparency in the international timber market, including the gathering, compilation, and dissemination of trade-related data, including data related to species being traded;</p> <p>(k) To improve marketing and distribution of tropical timber exports from sustainably managed sources; and</p> <p>(m) To encourage information sharing on the international timber market.</p> <p>The ITTO <b>Year 2000 Objective</b> is a commitment of all members to attain exports of tropical timber products from sustainably managed sources by the year 2000. The Year 2000 Objective has been incorporated as one of the operative objectives of ITTA, 1994.</p> <p>The status of the objectives of ITTA, 1994 are viewed in the context of <b>Article 32</b>, which stipulates that members shall use their best endeavours and cooperate to promote the attainment of the objectives of the agreement and to avoid any actions contrary thereto.</p>	<p>500 projects for a total cost of over US\$ 200 million.</p>			

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
		Members also undertake to accept and carry out the decisions of the International Tropical Timber Council under the provisions of the Agreement (and in pursuit of its objectives) and shall refrain from implementing measures which would have the effect of limiting or running counter to them. These general obligations are binding on all Members.				

## XII. UN FISH STOCKS AGREEMENT

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement), 1995.</p> <p>The Agreement seeks to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks by requiring coastal States and States fishing on the</p>	<p>The Agreement has been signed by 59 and ratified by 28 States.</p> <p>The Convention requires 30 ratifications to enter into force.</p> <p>18 WTO Members are party to the Agreement:</p> <p>Australia Barbados Brazil Canada Fiji Iceland Maldives Mauritius Namibia New Zealand Norway Papua New Guinea Saint Lucia Senegal Solomon Islands Sri Lanka Uruguay US</p>	<p>The Agreement requires States Parties to the Agreement or States which are members of RFMOs or participants in subregional or regional fisheries management arrangements, to take measures consistent with the Agreement and in conformity with international law, to deter activities of fishing vessels that undermine the effectiveness of subregional, regional or global conservation and management measures for straddling fish stocks and highly migratory fish stocks.</p> <p><b>Article 17.4</b> Mandates States, which are members of RFMOs or participants in subregional or regional fisheries management arrangements to take measures to deter activities of fishing vessels flying the flags of non-member States or non-participating States engaged in fishing operations for the relevant stocks, and which undermine the effectiveness of subregional or regional conservation and management measures.</p> <p><b>Article 23.1 and 21.3</b> Provides that a port State has the right and duty to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures. To this end, it may, <i>inter</i></p>	<p><b>Part VII</b> provides for special assistance in favour of developing States in the implementation of the Agreement in recognition of their special requirements in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks. Such assistance applies also in respect of the conservation and management of straddling fish stocks and highly migratory fish stocks in areas under national jurisdiction of developing coastal States (<b>Part I, Article 3.3</b>).</p> <p><b>Article 25</b> Requires States Parties to cooperate, either directly or through subregional, regional or global organizations to provide technical and financial assistance to developing States, in particular the least-developed States and small island developing States (SIDS) in respect of: (i) capacity-building in the conservation and management of straddling fish stocks and highly migratory fish stocks; (ii) participation of these States in high seas fisheries for the two stocks; (iii) and facilitation of their participation in RFMOs and</p>	<p><b>Part VI</b> contains several provisions on compliance and enforcement, which involve compliance and enforcement by the flag State, the port State, as well as a subregional and regional cooperative enforcement schemes that may involve non-flag State enforcement.</p> <p><b>Article 18</b> Requires the flag State to ensure that vessels flying its flag comply with subregional and regional conservation and management measures. It shall authorize vessels flying its flag to fish on the high seas only where it is able to exercise effective control over such vessels. To this end, a flag State is obligated to take measures <i>vis-à-vis</i> fishing vessels flying its flag that can ensure such control, including the establishment of a national record of fishing vessels authorized to fish on the high seas; prohibition of high seas fishing without the necessary authorization; requirement of permits for high seas fishing; prohibition of unauthorized fishing in areas under the national jurisdiction of other States; requirements for marking of fishing vessels and fishing gear in accordance with FAO Standard Specifications for the Marking and Identification of Fishing Vessels; obligation of reporting relevant fisheries data; implementation of observer programmes and national inspection</p>	<p><b>Part VIII</b> contains provisions for the peaceful settlement of disputes arising out of the implementation of the Agreement.</p> <p><b>Article 27</b> Provides that all disputes shall be settled by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means chosen by the parties to such disputes.</p> <p><b>Article 28</b> Mandates States to cooperate in order to prevent disputes. To this end, they are required to agree on efficient and expeditious decision-making procedures within RFMOs and arrangements and strengthen existing ones as necessary.</p>	<p>The Agreement provides, as a general rule, that a State which is not a member of a RFMO or is not a participant in a subregional or regional fisheries management arrangement, shall not authorize a vessel flying its flag to engage in fishing operations for the straddling fish stocks and highly migratory fish stocks, which are subject to the conservation and management measures of such organization or arrangement.</p> <p>It therefore requests, on the one hand, member States of RFMOs and arrangements to deter the activities of vessels of non-member States or non-participants in their regulatory areas, which undermine conservation and management measures. On the other hand, it requests States Parties to deter the activities of vessels flying the flag of non-parties which undermine the implementation of the</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
high seas to cooperate for these purposes, either directly or through appropriate subregional or Regional Fisheries Management Organizations (RFMOs) or arrangements.		<p><i>alia</i>, adopt regulations empowering the relevant national authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of subregional, regional or global conservation and management measures on the high seas.</p> <p><b>Article 33.2</b> Requires States Parties to take measures consistent with the Agreement and international law to deter the activities of vessels flying the flag of non-parties which undermine the effective implementation of the Agreement.</p>	<p>arrangements.</p> <p><b>Article 26</b> Mandates States Parties to provide special assistance to developing States in the implementation of the Agreement. Such assistance includes: (i) the establishment of special funds to assist developing States in the implementation of the Agreement, including assistance aimed at meeting the costs involved in any proceedings for the settlement of disputes to which they may be parties and (ii) assistance to developing States in establishing new RFMOs or arrangements, or in strengthening existing ones for the conservation and management of straddling fish stocks and highly migratory fish stocks.</p>	<p>schemes; implementation of vessel monitoring systems; regulation of transshipment; and obligation for the flag State to ensure compatibility of national monitoring, control and surveillance system with existing subregional, regional or global systems.</p> <p><b>Article 19</b> Requires a flag State to ensure compliance by vessels flying its flag with subregional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks. To this end, it is obligated to: (i) enforce these measures wherever violations occur; (ii) investigate any alleged violation and report to the State alleging the violation and to the relevant RFMO; (iii) require any vessel flying its flag to give all information to the investigating authority concerning the alleged violation; (iv) institute proceedings and, where appropriate, detain the vessel concerned; and (v) ensure that a vessel which was found to have been involved in serious violation of conservation and management measures, does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State are complied with.</p> <p><b>Article 21</b> Provides a subregional and regional cooperative scheme in enforcement that may involve boarding and inspection by non-flag State inspectors within the framework of a</p>	<p><b>Article 29</b> Provides that disputes of a technical nature may be referred to an <i>ad hoc</i> expert panel established by the States concerned, without resorting to binding procedures for the settlement of disputes.</p> <p><b>Article 30</b> Stipulates that the procedures for the settlement of dispute set out in the UN Convention of the Law of the Sea (UNCLOS) applies <i>mutatis mutandis</i> to any dispute between State Parties to the Agreement concerning the interpretation or application of the Agreement, whether or not they are also Parties to UNCLOS.</p> <p><b>Article 31</b> Provides that pending the settlement of a dispute, the parties to the dispute shall make every effort</p>	<p>Agreement.</p> <p><b>Article 8(4)</b> Stresses that only those States which are members of a RFMO or a subregional or regional fisheries management arrangement, or which agree to apply the conservation and management measures established by such organization or arrangement, shall have access to the fishery resources to which those measures apply.</p> <p><b>Article 17</b> Provides that: 1. A State which is not a member of a subregional or regional fisheries management organization or is not a participant in a subregional or regional fisheries management arrangement, and which does not otherwise agree to apply the conservation and management measures established by such organization or arrangement, is not discharged from the obligation to cooperate, in accordance with the Convention and this Agreement, in the conservation and</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
				<p>RFMO or arrangement.</p> <p><b>Article 22</b> Provides for the basic procedures to be followed by duly authorized inspectors from an inspecting State in case of boarding and inspection.</p> <p><b>Article 23</b> Provides for enforcement measures, which may be taken by a port State, whenever fishing vessels are voluntarily in its ports or at its offshore terminals. Such measures may include inspection of documents, fishing gear and catch on board fishing vessels, and prohibition of landings and transshipments if national regulations exist to this effect.</p>	<p>to enter into provisional arrangements of a practical nature. In addition, the Court or tribunal to which the dispute has been submitted may prescribe provisional measures in order to preserve the respective rights of the parties concerned or prevent damage to the stocks in question. However, the Agreement points out that a State Party to the Agreement, which is not a Party to UNCLOS is allowed to make a declaration indicating that the International Tribunal on the Law of the Sea (ITLOS) shall not be entitled to prescribe, modify or revoke provisional measures without its agreement.</p> <p><b>The relevant provisions of UNCLOS</b></p>	<p>management of the relevant straddling fish stocks and highly migratory fish stocks.</p> <p>2. Such State shall not authorize vessels flying its flag to engage in fishing operations for the straddling fish stocks or highly migratory fish stocks which are subject to the conservation and management measures established by such organization or arrangement.</p> <p>3. States which are members of a subregional or regional fisheries management organization or participants in a subregional or regional fisheries management arrangement shall, individually or jointly, request the fishing entities referred to in Article 1, paragraph 3, which have fishing vessels in the relevant area to cooperate fully with such organization or arrangement in implementing the conservation and management measures it has established, with a view to having such</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
					<p>Part XV of UNCLOS requires that States Parties to the Convention settle any dispute between them concerning the interpretation or application of the Convention by all peaceful means referred to in the UN Charter. Where no settlement has been reached by recourse to procedures entailing non-binding decisions under Part XV, Section 1, the dispute shall be submitted at the request of any party to the compulsory procedures entailing binding decisions provided for in Section 2 of Part XV.</p> <p><b>Article 287</b> lists the following courts or tribunals as means for the settlement of disputes under Section 2:</p> <p>(a) ITLOS (established in accordance with Annex VI of the Convention) including the</p>	<p>measures applied de facto as extensively as possible to fishing activities in the relevant area. Such fishing entities shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with conservation and management measures in respect of the stocks.</p> <p>4. States which are members of such organization or participants in such arrangement shall exchange information with respect to the activities of fishing vessels flying the flags of States which are neither members of the organization nor participants in the arrangement and which are engaged in fishing operations for the relevant stocks. They shall take measures consistent with the Agreement and international law to deter activities of such vessels, which undermine the effectiveness of subregional or regional conservation and management measures.</p>



Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
					<p>Seabed Disputes Chamber;  (b) The ICJ;  (c) an arbitral tribunal constituted in accordance with Annex VII of the Convention;  (d) a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein.</p> <p>The jurisdiction of ITLOS comprises all disputes and all applications submitted to it in accordance with UNCLOS and all matters specifically provided for in any other agreement, which confers jurisdiction on the Tribunal.</p> <p><b>Part XV, Section 3</b> on limitations and exceptions to applicability of Section 2 stipulates in <b>Article 297</b>, para.3 that disputes relating to the sovereign rights of the coastal State relating to the</p>	<p><b>Article 33</b>  This Article stipulates that:  1. States Parties shall encourage non-parties to the Agreement to become parties thereto and to adopt laws and regulations consistent with its provisions.  2. States Parties shall take measures consistent with the Agreement and international law to deter the activities of vessels flying the flag of non-parties, which undermine the effective implementation of the Agreement.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
					<p>living resources in the EEZ, or the exercise of such rights in that zone, are excluded from the compulsory procedures entailing binding decisions provided for in <b>Part XV, Section 2.</b></p> <p>Where no settlement has been reached by recourse to <b>Part XV, Section 1</b>, such disputes shall be submitted to the compulsory submission to conciliation procedure established under Annex V, Section 2 of UNCLOS. Under such a procedure, only the submission to the proceedings is compulsory since the report of the commission of conciliation, including its conclusions or recommendations, remains non-binding upon the Parties to the dispute.</p>	

### XIII. ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1998.</p> <p><b>Article 1</b> The objective of the Convention is to promote shared responsibility and cooperative effort among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmental sound use, by facilitating</p>	<p>The Rotterdam Convention has been ratified by 14 Parties and needs 50 ratifications to come into force.</p> <p>The Convention was signed by 73 countries.</p> <p>13 WTO Members are party to the Convention:</p> <p>Bulgaria Czech Republic El Salvador Germany Guinea Hungary Kyrgyz Republic Mongolia Oman Panama Slovenia Suriname The Netherlands</p>	<p>In the <b>preamble</b> Parties recognize that trade and environmental policies should be mutually supportive with a view to achieving sustainable development and emphasize that the rights and obligations of a Party under any existing international agreement applying to chemicals in international trade or to environmental protection are not changed by this agreement.</p> <p><b>Articles 5, 6, 7 and 8</b> Set out the procedure to list chemicals that are subject to the prior informed consent procedure in Annex III.</p> <p><b>Article 9</b> Contains the procedure for de-listing a chemical from Annex III.</p> <p><b>Article 10.4</b> A Party is to inform other Parties through the Secretariat whether it is allowing the import (either an interim or final decision) of a chemical listed in a decision guidance document (DGD),</p> <p><b>Article 10.9</b> If a Party takes a decision not to consent to import of a chemical or to consent to its import only under specified conditions it shall, simultaneously prohibit or make subject to the same conditions: the</p>	<p><b>Article 16</b> Provides for technical assistance.</p>	<p><b>Article 17</b> The COP shall develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of the Convention and for treatment of Parties found to be in non-compliance.</p>	<p><b>Article 20</b> Provides that Parties shall settle disputes through negotiation or by other peaceful means. Upon ratification (or accession) to the Convention, a Party may declare in writing that it recognizes Arbitration (procedures to be adopted in an annex) or the ICJ, or both; as compulsory in relation to any Party that has accepted the same obligation. If the Parties to a dispute have not accepted the same or any procedure and if they have not been able to settle their dispute within a set period of time, the dispute shall be submitted by request of any Party to a conciliation commission. The conciliation commission shall render a report with recommendations.</p>	<p><b>Article 10.9(a)</b> A Party that takes a decision not to consent to import of a chemical or to consent to this import only under specified conditions shall prohibit its import or make subject to the same conditions the import of the chemical from any source.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.</p> <p>The Convention provides that chemicals subject to the Convention are exported only in accordance with an informed decision by importing Parties.</p>		<p>import of the chemical from any source; and the domestic production of the chemical for domestic use.</p> <p><b>Article 11.2</b> Each Party shall ensure that a chemical listed in Annex III is not exported from its territory to any importing Party that, in exceptional circumstances, has failed to transmit a response or has transmitted an interim response that does not contain an interim decision unless the chemical is listed by the Party for import, or there is prior informed consent.</p> <p><b>Article 12.1</b> Where a chemical that is banned or severely restricted by a Party is exported, that Party shall provide an export notification to the importing Party.</p> <p><b>Article 13.2 and 3</b> Information, health and safety labelling requirements for chemicals listed in Annex III.</p> <p><b>Article 15.4</b> Parties are allowed to take action that is more stringently protective of human health and the environment than is called for in the Convention, provided that such action is consistent with its provisions and is in accordance with international law.</p>			<p>Additional conciliation commission procedures shall be adopted in an annex no later than at COP II.</p>	

#### XIV. STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
<p>Stockholm Convention on Persistent Organic Pollutants (POPs), 2001.</p> <p><b>Article 1</b> Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration the objective of the Convention is to protect human health and the environment from POPs.</p> <p>The Convention is aimed at the reduction or elimination of releases of POPs into the environment.</p>	<p>The Convention was signed on 23 May 2001 in Stockholm by 91 States and the EU.</p> <p>The Convention will enter into force following the 50<sup>th</sup> ratification.</p>	<p>The <b>preamble</b> recognizes that this Convention and other international agreements in the field of trade and environment are mutually supportive.</p> <p><b>Article 3.1</b> Parties shall prohibit or eliminate the production, use, import and export of the POPs listed in Annex A (Elimination) and restrict the production and use of the POPs listed in Annex B (Restriction).</p> <p><b>Article 3.2</b> POPs listed in Annexes A and B are imported or exported only for the purpose of environmental sound disposal or for a use permitted for the importing Party as a specific exemption.</p> <p><b>Article 4</b> Establishes a register of specific exemptions for Parties for production or use of POPs listed in Annexes A or B.</p> <p><b>Article 8</b> Sets out the procedures for listing POPs in Annexes.</p>	<p><b>Article 7</b> Calls for the development of national plans to implement the agreement.</p> <p><b>Article 12</b> Provides for technical assistance.</p> <p><b>Article 13</b> Parties undertake to provide financial support and incentives to achieve the objective of the Convention. Developed country Parties shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under the Convention.</p> <p>Establishes a mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition on a grant or concessional basis to assist in their implementation of the Convention.</p> <p>Calls upon the first meeting of the COP to develop appropriate guidance to be provided to the mechanism. At its second meeting and on a regular basis</p>	<p><b>Article 17</b> Instructs the COP to develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for the treatment of Parties found to be in non-compliance.</p>	<p><b>Article 18</b> Parties shall settle disputes through negotiation or by other peaceful means.</p> <p>Upon ratification (or accession) of the Convention, a Party may declare in writing that it recognizes arbitration (procedures to be adopted in an annex) or the ICJ, or both, as compulsory in relation to any Party that has accepted the same obligation.</p> <p>If the Parties to a dispute have not accepted the same or any procedure and if they have not been able to settle their dispute within a set period of time, the dispute shall be submitted by request of any Party to a conciliation commission which shall render a report with recommendations.</p>	<p><b>Article 3.2. (b)(i)</b> A POP in Annex A is exported only to a non-party which has provided an annual certification to the exporting Party.</p>

Name of MEA, date of adoption and objective	Information on MEA/WTO membership	Trade-related measures	Supportive measures	Non-compliance mechanism	Disputes	Provisions for non-parties
			<p>the COP shall review the effectiveness of the mechanism.</p> <p><b>Article 14</b> Entrust the GEF, on an interim basis, to be the principal entity operating the financial mechanism referred to in Article 13.</p> <p><b>Article 15</b> Sets out a reporting mechanisms on the implementation of the Convention</p> <p><b>Article 16</b> Requests the COP to evaluate the effectiveness of the Convention.</p>		Additional conciliation commission procedures will be adopted in an annex no later than at COP II.	

## ANNEX

### LIST OF MEAS CONTAINING POTENTIAL TRADE MEASURES

1. The following list has been compiled from a UNEP document which enumerates all "International Treaties and Other Agreements in the Field of the Environment", of which there are 238.<sup>4</sup> This list covers those international treaties that contain trade-related measures, or whose Parties have adopted trade provisions in Resolutions or Conservation Measures in furtherance of the objectives of the Agreement. Also included in the list are Agreements which do not contain trade measures as such, but do contain provisions that may have possible consequences for trade during their implementation by Parties. This Annex revises WT/CTE/W/160 and updates previous documents, including a GATT document issued in 1992 that listed MEAs which contained trade measures as of mid-1991<sup>5</sup> and a document issued in 1994 for the Sub-Committee on Trade and Environment.<sup>6</sup>

2. Some of the Agreements listed are regional Agreements that are open to Members from a regional group<sup>7</sup> while other Agreements cover specific species that are limited to a region.<sup>8</sup> Agreements that are included in the Matrix are marked in bold. Agreements that are not yet in force are marked with an asterix\*.

- Convention Relative to the Preservation of Fauna and Flora in their Natural State, 1933, which was superseded by the African Convention on the Conservation of Nature and Natural Resources, 1968;
- Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere, 1940;<sup>9</sup>
- International Convention for the Protection of Birds, 1950;
- **International Plant Protection Convention, 1951;**
- Plant Protection Agreement for the South-East Asia and Pacific Region, 1956;
- Agreement Concerning the Cooperation in the Quarantine of Plants and their Protection against Pests and Diseases, 1959;<sup>10</sup>
- **International Commission for the Conservation of Atlantic Tunas (ICCAT), 1966;<sup>11</sup>**

---

<sup>4</sup> UNEP (1999), *Register of International Treaties and Other Agreements in the Field of Environment*, Nairobi. For ease of reference, the agreements that have been deposited with the UN Secretary-General can be found at: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXXVII/chapterXXVII.asp> and at: <http://sedac.ciesin.org/pidb/guides/guide-hp.html>, which provides an overview of treaties including information on the negotiation, structure, and status of legal instruments in the environmental context.

<sup>5</sup> Appendix I of GATT *International Trade 1990-91*, (Volume 1, pages 45-47).

<sup>6</sup> PC/SCTE/W/3, 13 October 1994.

<sup>7</sup> For example the Phyto-Sanitary Convention for Africa, 1967 is open to Members of the Organization for African Unity or the Benelux Convention Concerning Hunting and the Protection of Birds, 1970, which is open to the three Benelux Member States.

<sup>8</sup> Convention for the Conservation and Management of the Vicuña, 1979, and Agreement on the Conservation of Polar Bear, 1973.

<sup>9</sup> Article 9 of the Agreement, which contains trade-related measures, is *de facto* superseded by CITES.

<sup>10</sup> This Agreement was administered by the Council for Mutual Economic Assistance, which no longer exists. The status of this Agreement is therefore unclear.

<sup>11</sup> The Convention does not contain trade measures, but trade-related measures have been adopted in conservation measures which are binding on Contracting Parties.

- Phyto-Sanitary Convention for Africa, 1967;
- African Convention on the Conservation of Natural Resources, 1968;
- European Convention for the Protection of Animals during International Transport, 1968;
- Benelux Convention Concerning Hunting and the Protection of Birds, 1970;
- Agreement on the Conservation of Polar Bear, 1973;<sup>12</sup>
- **Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973;**
- Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries, 1978;
- Convention for the Conservation and Management of the Vicuña, 1979;<sup>13</sup>
- **Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), 1980;**
- \*ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985;
- **Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 and its amendments;**
- Wellington Convention for the Prohibition of Fishing with Long Drift Nets in the South Pacific, 1989;
- **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989;**<sup>14</sup>
  - Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, 1991;
  - Regional Agreement on the Transboundary Movement of Hazardous Wastes, 1992;
  - \*Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, 1995 (Waigani Convention);
  - \*Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal, 1996 (Izmir Protocol).
- Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Protocol of the Cartagena Convention), 1990;
- **Convention on Biological Diversity, 1992, and the \*Cartagena Protocol on Biosafety, 2000;**

---

<sup>12</sup> The polar bear has been included in Appendix II of CITES.

<sup>13</sup> The vicuña has been included in Appendix II of CITES.

<sup>14</sup> The four agreements with bullet points are regional agreements relevant to articles of the Basel convention that allow for the establishment of regional agreements that may be equal to, or stronger than the provisions of the Basel Convention.



- **United Nations Framework Convention on Climate Change (UNFCCC), 1992 and the \*Kyoto Protocol, 1997;**
  - **Convention for the Conservation of Southern Bluefin Tuna, 1993;**
  - **International Tropical Timber Agreement (ITTA), 1994;**
  - **\*United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks: Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982, Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement), 1995;**
  - **\*Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for Certain Hazardous Chemicals and Pesticides in International Trade, 1998; and**
  - **\*Stockholm Convention on Persistent Organic Pollutants (POPs), 2001.**
-