

International Conference



 Auswärtiges Amt



30 – 31
October
2003
Berlin
Germany

Information Exchange and Observer Status: The World Trade Organisation and Multilateral Environmental Agreements

Matthias Buck, University of Hamburg – Germany
(with Konrad von Moltke)

This conference is part of the international research project CAT+E, funded by the 5th Framework Programme of the European Commission - DG Research. In co-operation with the Task Force Global Issues of the German Federal Foreign Office.

Conference organised by Ecologic – Institute for International and European Environmental Policy
Pfalzburger Str. 43/44, 10717 Berlin, Tel.: +49-30-86880-0, www.ecologic.de.

Konrad von Moltke/ Matthias Buck

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Paragraph 31 (ii) of the Doha Ministerial Declaration

ABSTRACT

The Doha Ministerial Declaration (DMD) devotes a good deal of attention to environmental issues. Environment and sustainable development are addressed in DMD paragraphs 6, 19, 28, 31, 32, 33, and 51. The institutional dimension is covered in DMD paragraphs 6, 31 (ii), and 51—but only paragraph 31 involves the need for negotiations.

There are a range of reasons why the relationship between the World Trade Organization (WTO) and multilateral environmental agreements (MEAs) cannot be handled in the same manner that information exchange and observer status are handled by the WTO in general. These relate to structural differences in trade and environmental regimes and differences in organizational status between the WTO and MEA secretariats.

DMD paragraph 31 (ii) calls for negotiations on procedures for regular information exchange between MEA Secretariats and the relevant WTO committees, and the criteria for the granting of observer status. This establishes a two-part negotiating agenda: on information exchange—which is presumed to occur—and observer status—which is recognized as desirable, provided it can be based on criteria.

Since the establishment of the Committee on Trade and Environment (CTE) at the time of the Marrakesh Conference that concluded the Uruguay Round, these matters have been discussed quite extensively in the CTE. Over time, a variety of forms of information exchange have been developed and observer status has been granted to a limited number of MEA secretariats—and the United Nations Environment Programme (UNEP)—on an ad hoc basis. Negotiations in the CTE Special Session have proceeded on this basis.

DMD paragraph 31 (ii) has attracted only three submissions from Member states—the United States, the European Union, and Switzerland. This is an indication that the topic is not as controversial as, for example, DMD paragraph 31 (i) and (iii). It has even been suggested that these are matters that are suitable for early action, that is a decision prior to completion of the entire DMD agenda.

It would appear that no strong disagreements exist with respect to information exchange. The principal goal is to ensure that it is sufficiently comprehensive to be useful yet not so cumbersome as to impose significant additional burdens on the secretariats involved or the Member states of both the WTO and MEAs.

The issue of observer status is more complex, largely because no clear criteria have thus far emerged. There are essentially two approaches: the desire to limit observer status to certain “major” or “core” MEAs and the desire to ensure that all MEAs with a trade interest are involved. In the former case, some 6-8 secretariats are liable to be involved, in the latter 13.