

not be responsible for environmental judgements.¹⁰

The GEO dispute settlement mechanism would recognize that trade restrictions are not substitutes for sound environmental policies. Environmental objectives would be negotiated in the GEO. The modalities of how this would be done as well as determining the objectives themselves would clearly depend upon the willingness of national governments to give up decision-making powers on certain environment-related issues. A mechanism for formal WTO-GEO coordination would be desirable to determine specifics - such as the type and degree of a trade measure required as sanction, if required at all. Once a measure is imbedded in an IEA, however, WTO participation would not be to determine if trade measures were consistent with the WTO - as mentioned earlier, there would be a carve-out for any trade measure that might be included in a GEO-related IEA. Rather, WTO participation at this later stage would be to assist in determining if trade sanctions would make a positive contribution in a particular case to the environmental objective being compromised by a failure of a country to comply with its environmental obligations. Neither the GEO nor the WTO would be sanctioning unilateral extraterritorial trade measures.

A Role for Science

A fundamental aspect of a GEO, and one implicitly evident throughout this Commentary, is scientific information. Different types of environmental stress have varying "thresholds" when such stress can no longer be assimilated by ecosystems, or the magnitude of environmental degradation greatly increases when a critical threshold is reached. Environmental agreements would require built-in flexibility to respond to new scientific information as it became available. Agreements would need to be dynamic, rather than static. A GEO would need to develop a credible and sound scientific footing on such issues as fisheries, climate change and forestry. This would be of great use to less economically wealthy countries, as few countries have the resources to develop the technical and scientific expertise on every global environmental issue. A GEO structured in this manner would help to ensure that countries would be working from the same data set. A multilateral agency providing such data could reduce the likelihood that countries would resort to their own

¹⁰See K. Anne McCaskill, "Dangerous Liaisons: The World Trade Organization and the Environmental Agenda," Policy Staff Paper 94/14, June 1994, Department of Foreign Affairs and International Trade, p. 5. McCaskill concludes that " ... one thing is clear - the GATT/WTO should not become further entangled in environmental affairs. The international trading system cannot be used to arbitrate environmental policy decisions. Nor should it be called upon to enforce or police environmental standards or programmes that have not been accepted internationally."