

groups. The CTE was thus condemned to an open-ended process. The Chair also preferred to retain more control than necessary over the drafting process, rather than let delegations work out the issues themselves. The drafting sessions of October 31 and November 1 indicated how effective such informal processes can be, as did the TRIPs discussions held late in the marathon session. Moreover, earlier use of informal drafting groups might have reduced the need for a virtually full-time three week negotiating process in October.

Personalities of individual delegations also played an important role. In any multilateral process, the ability to draw out the process through procedural or substantive interventions is infinite when there was no real deadline other than the need for a "report" to the Singapore Ministerial Conference. The delegations present in the marathon session largely limited their interventions to substantive drafting suggestions and were clearly all working to see if consensus was possible. It was also clear that some Heads of Delegation had instructed their officials to work towards a result acceptable to all. The absence of one active delegation also facilitated the process, given the tangents that its interventions often produced.

Assessment and future challenges:

Most WTO delegations to the CTE are comprised solely of representatives from trade or economic ministries. The number of delegations that consulted and included environmental officials is limited and thus any outcomes from the WTO are unlikely to have the same balance as achieved by the CSD or the OECD joint-experts process, although from a trade or industry ministry perspective, the results may be largely satisfactory. While the WTO is less of only a trade officials world than the GATT was, given the considerably wider scope of WTO obligations, the development of this wider perspective should be viewed as a medium-term process.

While environmental policy expectations have not been satisfied, the Singapore report does go further than previous GATT reports in acknowledging the legitimacy of environmental policies, at both the multilateral and domestic levels. This is particularly the case in the section on MEAs and ecolabelling. However, the report shies away from the hard issues of defining under what terms and conditions an accommodation for MEAs should be considered and even which approach should be followed, although there is an implicit bias toward an Article XX (General Exceptions) based approach. In this regard, the flexibility in the final stage of negotiations of the proponents of a waiver approach need to be acknowledged. On ecolabelling, while the report identifies the real issue as being non-product related PPMs, and describes this in neutral terms, it does not take the next step and suggest how the WTO might come to terms with this reality of environmental policy and the marketplace.

While Canada was disappointed in the results on ecolabelling and the political messaging on MEAs, in the context of the negotiating dynamic the results are understandable. Again, this was akin to a sectoral negotiation where there was no negotiating "coinage" outside the process or the pressure of non-governmental and intergovernmental environmental bodies to provide balance. Many countries did thus not see any potential for trade-offs. In an organization that is