

More is now expected of such IEAs. Negotiators carry a heavier burden and must be aware of and endeavour to reconcile a broader range of interests. For example, there are powerful voices that emphasize the need to discipline states that are not signatories of certain IEAs, especially those dealing with issues affecting the global commons. Indeed, a strong case can be made about the importance of disciplining "rogue" States, whose activity might otherwise undermine the efforts of the international community. In this regard, the denial of certain benefits (e.g., technical assistance) might be sufficient. In other instances, trade measures have been suggested. Only approximately 20 existing IEAs include trade provisions, about half related directly to the protection of flora and fauna.³ Of these, only three provide for differences in the trade measures affecting Parties and non-Parties (more restrictive measures against the latter are found in the Montreal Protocol on Ozone Depleting Substances and the Basel Convention on the Transboundary Movement of Hazardous Wastes, as well as pursuant to several Resolutions adopted by members of the Endangered Species Convention - CITES). Nonetheless, there is increasing pressure to incorporate trade measures into more IEAs as a primary means of making the environmental commitments operational and to provide discipline on signatories and non-signatories alike.

Yet, there is presently enough experience with this particular trade and environment linkage to permit us to stand back for a moment and take stock. It would be useful to reflect on the key issues in play. First, it is worthwhile to underline again that, for a trading nation such as Canada that depends much more on our major markets than they depend on ours, the use of trade measures to achieve other ends must be carefully weighed in the balance of overall Canadian interests.

Second, a country may not associate itself with a particular IEA for any number of reasons: there may be an intent to "free-ride" off the commitment of others for commercial or economic advantage; there may be a sincere disagreement as to the proposed allocation of responsibilities for fixing a specific problem; the issue in play might legitimately be a lower priority for some countries than for others; and/or a non-signatory may find the scientific evidence in play to be unconvincing.⁴ Although this range of reasons need not freeze the international community (or a significant proportion thereof) into obligatory passivity, it should, at least, make us cautious about rushing off too quickly to discipline non-signatories on issues for which the driving force may be as much political as environmental/technical.

³ GATT, International Trade 90-91, Vol. I (Geneva 1992), pp. 24-5.

⁴ Ibid., p. 35.