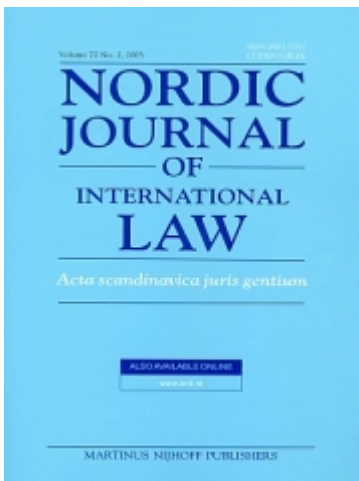


PUBLICATION

Article
Global Environment
Environmental Law
Trade
Ecologic Legal

From Autonomy to Integration?

INTERNATIONAL LAW, FREE TRADE AND THE ENVIRONMENT



[1]

In recent years, the debate on trade and the environment seemed to lose some of its earlier controversy: after a string of highly polarizing cases before the WTO, the Appellate Body's Article 21.5 Implementation Report in the Shrimp/Turtle case appeared to finally herald a period of reconciliation between free trade and environmental concerns. Upon closer analysis, however, this assessment proves to be misleading: as a matter of substantive law, the chasm between both issue areas is still substantial.

Our current understanding of so-called "self-contained regimes" is based on an overly simplistic appreciation of how such regimes interact with each other and with the larger body of international law.

Drawing on an analysis of WTO case law, this article by Anja Lindroos and Michael Mehling highlights two distinct normative relations, addressing the relationship of international trade law vis-

à-vis general international law and international environmental law.

As the analysis reveals, further differentiation of normative relationships is needed to better understand how such seemingly independent regimes operate in a fragmented legal system. It also shows that a recently proposed interpretative tool, systemic integration, raises new questions and challenges traditional conceptions of international treaty law.

Main Link

Journal Article: From Autonomy to Integration?

Citation

Lindroos, Anja and Michael Mehling 2008: "From Autonomy to Integration? International Law, Free Trade and the Environment." *Nordic Journal of International Law*, Vol. 77, No. 3, 253-273.

Language

English

Author(s)

Michael Mehling, LL.M.

Author(s)

Anja Lindroos

Publisher

- Martinus Nijhoff Imprint, Netherlands

Year

2008

Published In

Journal: *Nordic Journal of International Law* , Vol. 77 | No. 3

ISSN

0902-7351, 1571-8107 (E-ISSN)

Dimension

21 pp.

Table of Contents

1. Introduction
2. Beyond "Self-Contained": Special Regimes and International Law
3. Clinching the Relation of Special Regimes and International Law: A Case Study
 - 3.1. General International Law - A Prerequisite for the Operation of WTO Law?
 - 3.2. The WTO and the Environment: Profile of a Troublesome Relation
 - 3.2.1 Process over Substance: Multilateral Environmentalism as Interpretative Fact
 - 3.2.2 Form over Substance: Exclusion of Material Law on Formal Grounds
4. A Challenge from Outside: Moving Towards Systemic Integration?
5. Conclusions

Keywords

environment, trade, WTO, shrimp/turtle, international law, Appellate Body,

Source URL (modified on 12/17/2018 - 19:00): <https://www.ecologic.eu/2459>

Links

[1] https://www.ecologic.eu/sites/files/presentation/2015/cover-nordic-journal-international-law_1.jpg