

PRESENTATION

Speech

Trade

Ecologic Legal

The WTO Judicial Decision-Makers: How Do They Deal with Multilateral Environmental Agreements?

TimeLoc

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Christiane Gerstetter, Fellow at the Ecologic Institute, contributed a paper to and gave a presentation at the Amsterdam Conference on the Human Dimensions on Global Environmental Change. She discussed how the Dispute Settlement Bodies of the World Trade Organization (WTO) deal with international environmental law, thus contributing to the conference's section on actors in international environmental governance. The paper and the presentation are available for download.

The WTO dispute settlement mechanism is commonly regarded as one of the most effective international dispute settlement mechanisms. In combination with the WTO's one-sided focus on trade liberalization this has fuelled fears that the WTO dispute settlement mechanism could influence member's environmental measures unduly and negatively. Against this background, Christiane Gerstetter discusses in her contribution how the WTO dispute settlement bodies have construed the relationship between WTO law and multilateral environmental agreements. Her conclusion is that the WTO dispute settlement bodies avoid taking decision that could be seen as inappropriately influencing international environmental law. Nonetheless, they have, in several instances, considered national environmental measure to be incompatible with WTO law. The judicial style of the dispute settlement bodies may be understood to be geared towards generating consent to the judicial decisions and to be perceived as a legitimate international judicial body.

The [paper](#) [2] [pdf, 196 KB, English] is available for download from the [conference website](#) [3]; the [presentation](#) [4] [pdf, 256 KB, English] is available for download here.

Further Links:

- Ecologic Institute Project: [The World Intellectual Property Organisation - a Model for UN Environmental Reform?](#) [5]
- Ecologic Institute Publication: [Trade and Climate Change – Triggers or Barriers for Climate Friendly Technology Transfer and Development?](#) [6]
- Ecologic Institute Publication: [International trade policy in a world of different carbon prices](#) [7]

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Links

[1] <https://www.ecologic.eu/1815>

[2] <http://www.earthsystemgovernance.org/ac2009/papers/AC2009-0471.pdf>

[3] <http://www.earthsystemgovernance.org/ac2009/?page=papers>

[4] https://www.ecologic.eu/sites/files/presentation/2013/Gerstetter_Amsterdam.pdf

[5] <https://www.ecologic.eu/3094>

[6] <https://www.ecologic.eu/2709>

[7] <https://www.ecologic.eu/2552>