

Shedding light on one of environmental policy's most under-the-radar strategies

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In the leadup to this month's presidential inauguration, environmental advocates across the country are theorizing about how a new administration might advance policy on issues like climate change and biodiversity. But UC Santa Cruz associate professor of environmental studies Sikina Jinnah says there's one particular channel that's typically overlooked by both advocates and policymakers alike: trade agreements.

Jinnah studies the environmental provisions contained within [trade](#) agreements, particularly the smaller preferential trade agreements between two or more countries that have proliferated rapidly outside of the World Trade Organization.

"This is important for people who care about environmental policy and social justice because environmental provisions in preferential trade agreements serve as a shadow forum where environmental policy is being diffused across the globe in ways that are unnoticed by most people," Jinnah said.

At their best, these types of agreements foster collaboration, capacity-building and technology

transfer between countries and provide new regulatory tools for implementing existing treaties like the Convention on International Trade in Endangered Species (CITES) or the Paris Agreement on climate change. At their worst, preferential trade agreements can exacerbate power imbalances between countries and even cause serious domestic conflict.

That's why Jinnah's most recent book, written in collaboration with political scientist Jean-Frédéric Morin, endeavors to shed light on the challenges and opportunities presented by preferential trade agreements. The book, titled [Greening through Trade: How American Trade Policy Is Linked To Environmental Protection Abroad](#), is the first to examine the impacts of linkages between preferential trade agreements and environmental policy on a global scale, and it includes recommendations to help policymakers better navigate this space.

Preferential trade agreements reached a new level of global importance in the late 2000s, when a major shift in U.S. trade policy made violation of environmental provisions within trade agreements enforceable under the dispute settlement mechanisms contained within the agreements. That meant a trading partner's failure to meet environmental provisions could potentially result in the United States imposing sanctions or monetary penalties.

These types of strong enforcement measures are not usually contained within environmental treaties, so when stipulations from treaties like CITES are included within U.S. preferential trade agreements, it adds a new level of urgency for trading partners to meet existing international environmental commitments.

Jinnah and her coauthor argue that this influence must be used cautiously and responsibly. To advance environmental goals in equitable ways,

U.S. trade agreements should give international trading partners flexibility to tailor implementation timelines and strategies in ways that appropriately fit their socio-political and economic contexts.

If these conditions are met, preferential trade agreements could be an important tool for U.S. policymakers who are looking to tackle urgent global issues like biodiversity loss or potentially climate change.

"We're really underutilizing trade agreements as a means to address climate change," Jinnah said. "I would encourage any administration that's interested in ensuring we use a full suite of tools for addressing [climate change](#) to think about trade agreements in that light as well."

This approach would require a policy change, since domestic law currently prohibits the inclusion of specific greenhouse gas mitigation provisions in trade agreements. But the Trade Promotion Authority laws that guide implementation of U.S. trade agreements are set to expire on July 1, 2021, and the renewal process could offer Congress an opportunity to chart a new path forward.

Overall, Jinnah said the "fast track" process through which U.S. trade policy is developed and approved makes it an unusually stable avenue for ensuring a baseline set of environmental standards that can weather variance in presidential administrations or the controlling party in Congress.

For this reason and many others, Jinnah hopes policymakers will begin to pay increased attention to these types of agreements in the years to come. With more awareness, environmental provisions in [trade agreements](#) could achieve their highest potential as a policy tool and get the oversight needed to protect the rights of all trading partners in that process.

"We need to be really sensitive to building international environmental [policy](#) in a way that allows countries to take high-level goals and implement them in ways that make sense domestically," she said. "This shouldn't be a one-size-fits-all approach."

More information: Greening through Trade: How American Trade Policy Is Linked to Environmental Protection Abroad:

mitpress.mit.edu/books/greening-through-trade

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