

# Environmental Clauses in Trade Agreements:

## Empirical evidence for sound policies

The TRade and  
ENvironment Database  
(TREND)

&

The online tool  
TREND-Analytics

Jean-Frédéric Morin

Axel Berger  
Clara Brandi  
Dominique Bruhn

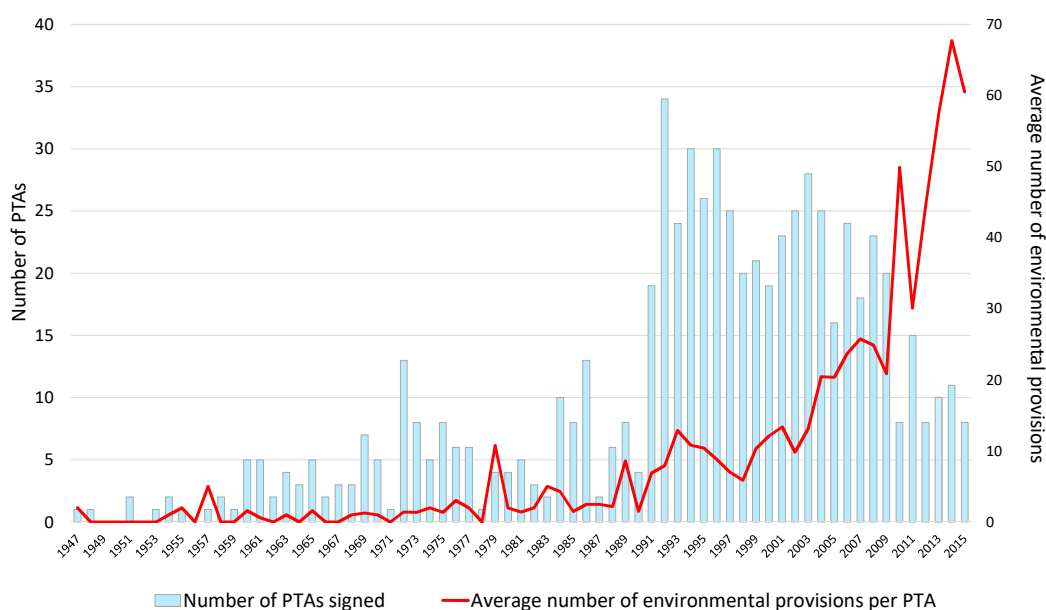


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Deutsches Institut für  
Entwicklungspolitik



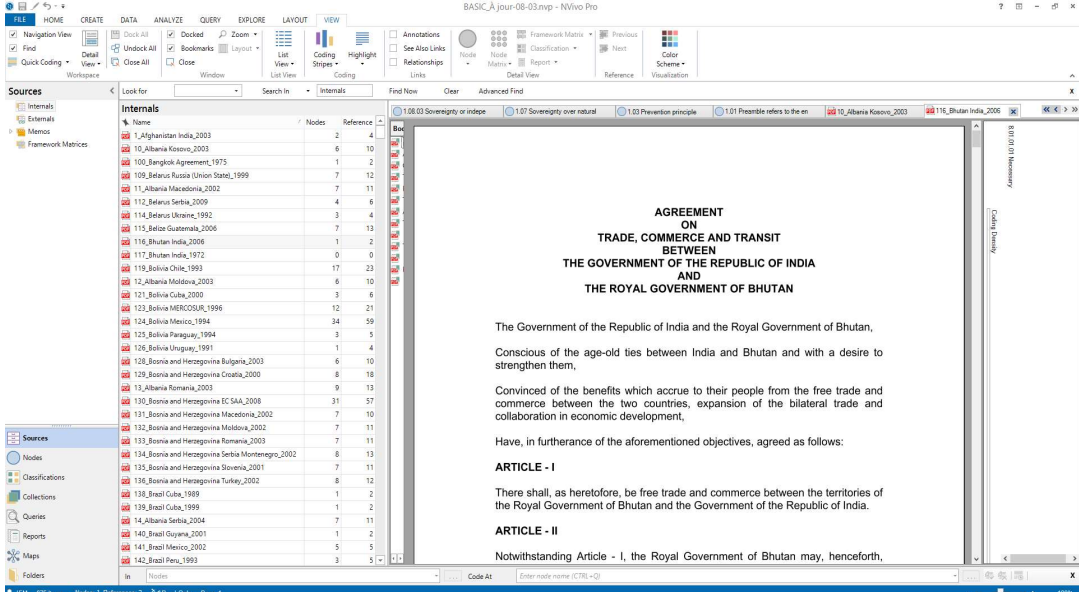
German Development  
Institute





There is a lot of opinions, but few evidence-based analyses :

- **Negotiators** need examples of the types of clauses adopted by other countries.
- **NGOs** need a reliable source of information to hold governments accountable.
- **Entrepreneurs** need an accessible dataset to navigate through overlapping agreements.
- **Lawyers** need to contrast the wording of similar provisions to guide their interpretation.
- **Researchers** need fine-grained data to investigate agreements' drivers and effects.



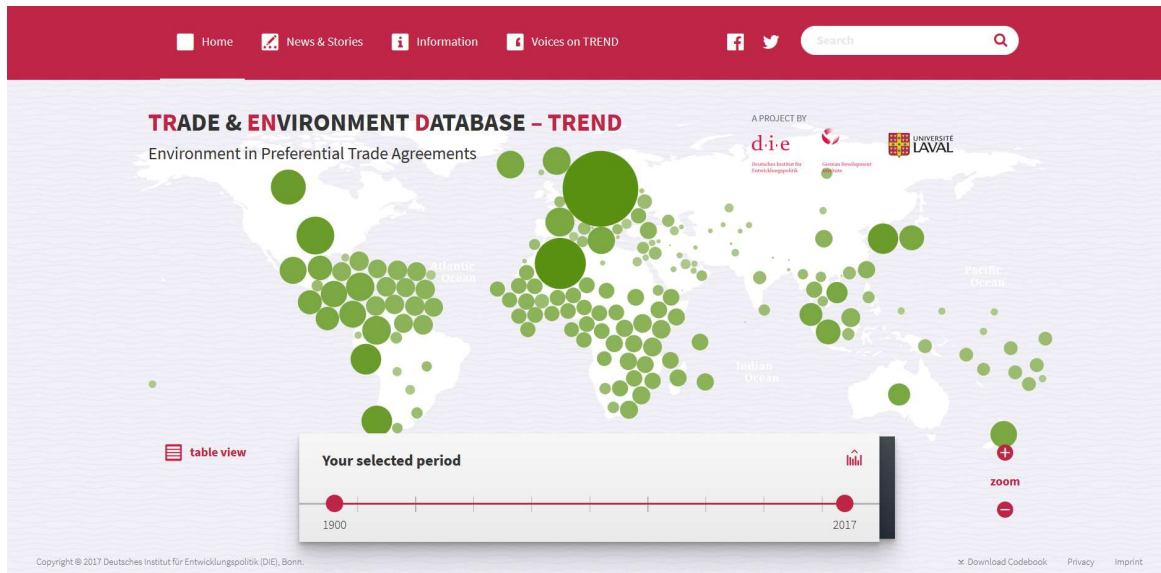
The screenshot displays the NVivo Pro software interface. On the left, a sidebar shows the 'Sources' pane with 'Internals' selected, listing various nodes such as '1\_Afghanistan India\_2003', '10\_Albania Kosovo\_2003', and '142\_Brazil Peru\_1993'. The main window shows a preview of a document titled 'AGREEMENT ON TRADE, COMMERCE AND TRANSIT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE ROYAL GOVERNMENT OF BHUTAN'. The document text includes the title, the governments involved, and the opening paragraphs of the agreement, discussing the age-old ties between India and Bhutan and the desire to strengthen them.

*Jean-Frédéric Morin, Andreas Dür, and Lisa Lechner, "Mapping the Trade and Environment Nexus: Insights from a New Dataset". Global Environmental Politics.*

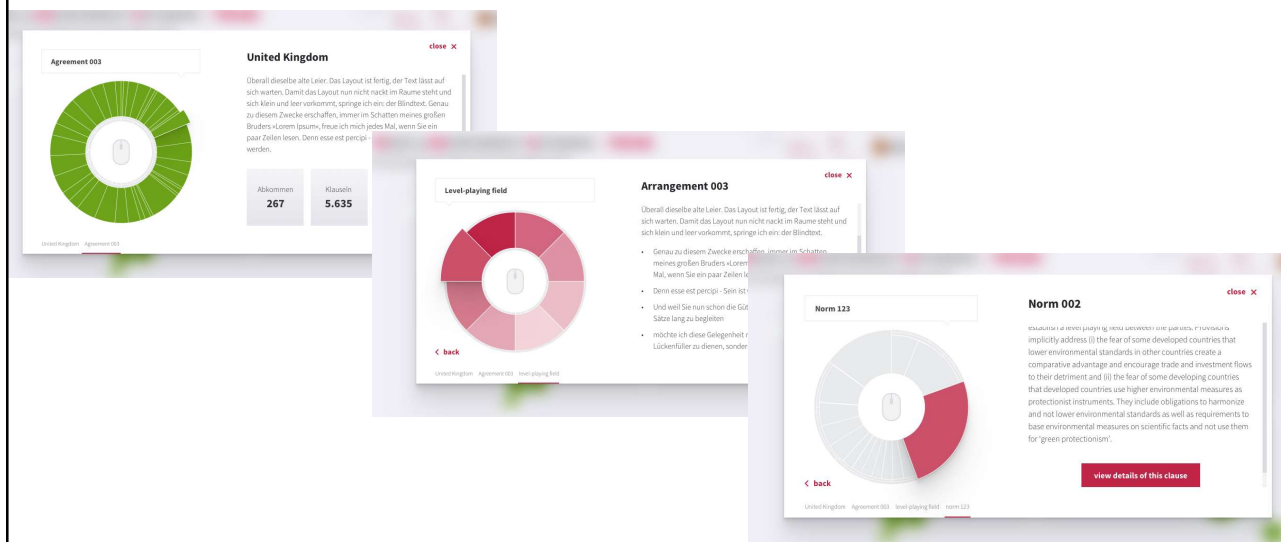
## Various types of environmental provisions

1. Reaffirming environmental law principles
2. Ensuring a high level of environmental protection
3. Favoring transparency and public participation in policymaking
4. Safeguarding regulatory space
5. Developing environmental cooperation
6. Detailing specific environmental commitments
7. Ensuring policy coherence
8. Promoting development and capacity building
9. Reinforcing MEAs
10. Dispute resolution

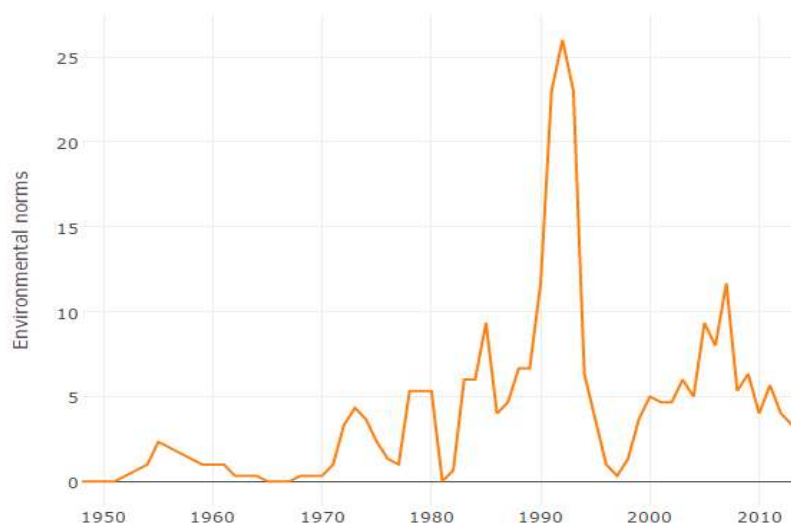
# www.TRENDanalytics.info



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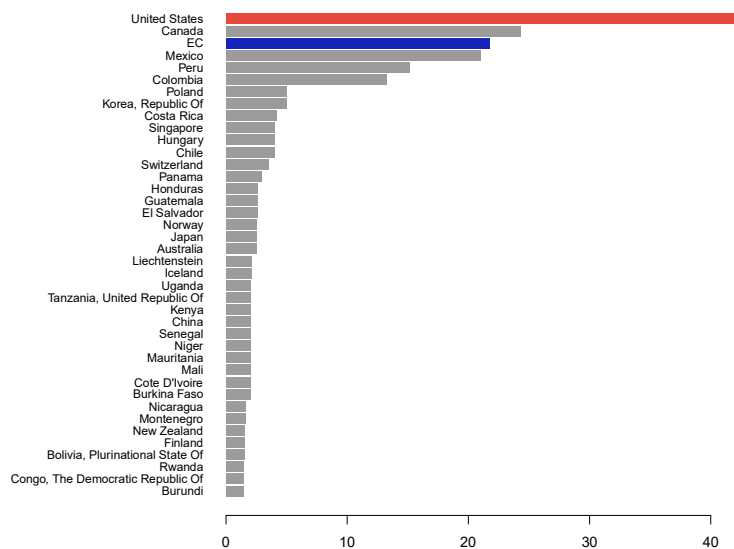


## The early 1990s as a intense period of innovation



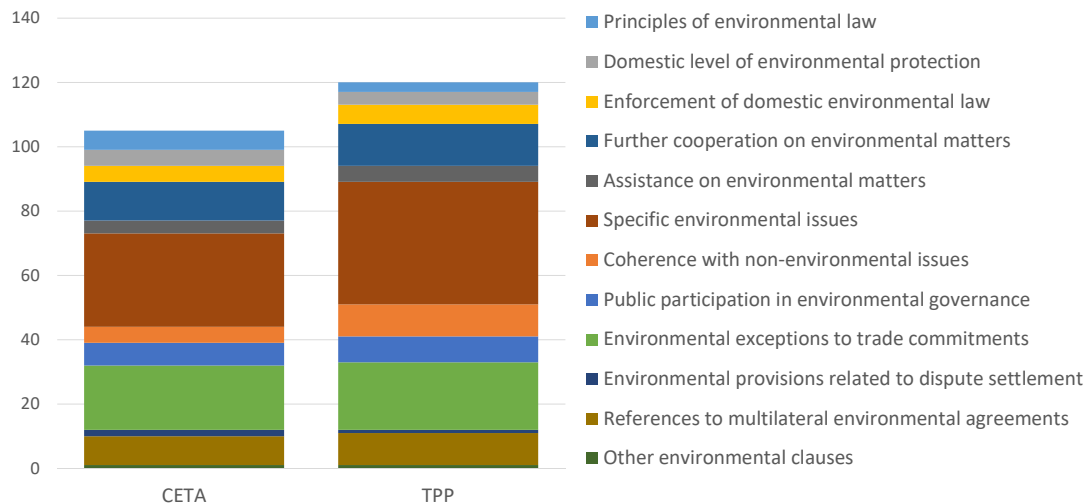
James Hollway, Jean-Frédéric Morin and Joost Pauwelyn, "Endogenous Legal Innovation in the Global Trade Governance Complex." To be published.

## US and EU as two main innovators



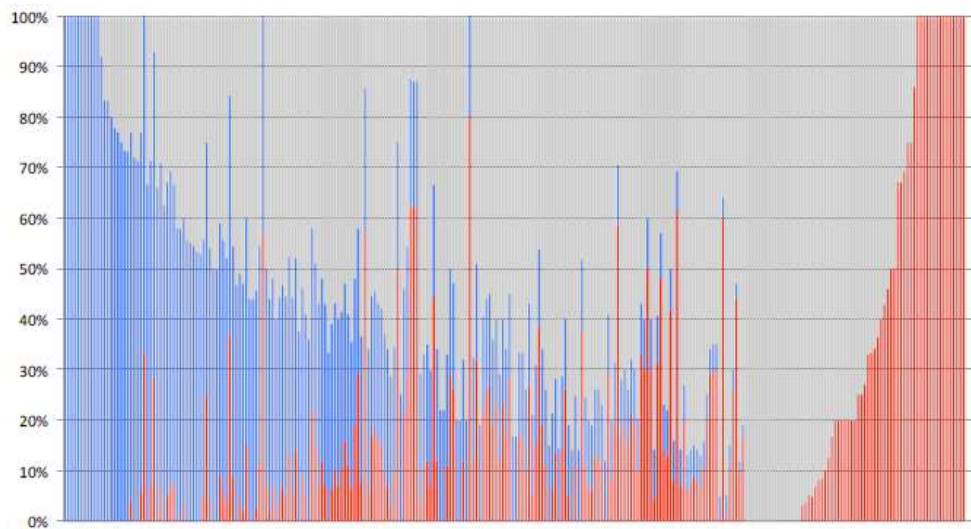
Jean-Frédéric Morin, Joost Pauwelyn, and James Hollway, "The Trade Regime as a Complex Adaptive System", *Journal of International Economic Law*, 20(2): 365-390.

## CETA and TPP compared



Jean-Frédéric Morin, Laura Mordelet, Myriam Rochette, 2017, "The Environment in Canadian Trade Agreements", *Policy Options*.

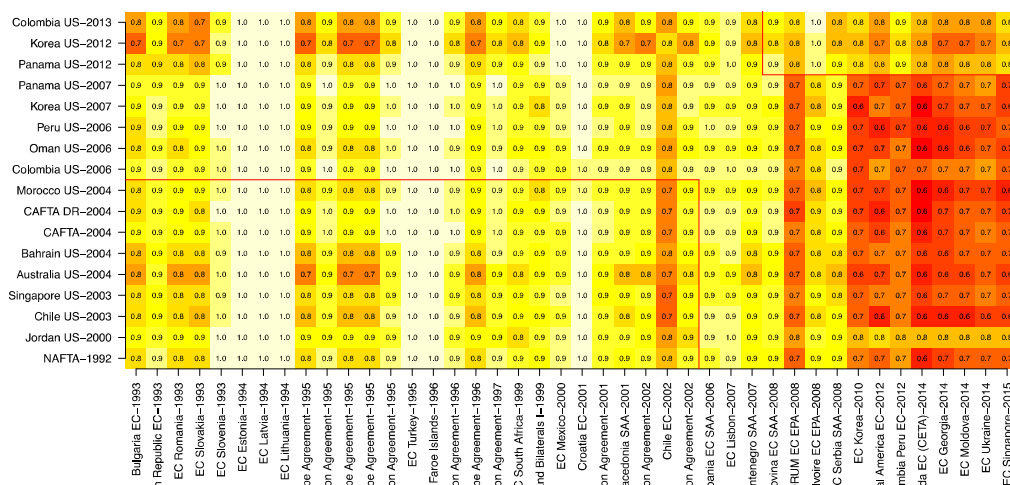
## EU and US models



Jean-Frédéric Morin and Myriam Rochette, "Transatlantic Convergence over Environmental Provisions in Trade Agreements", *Business and Politics*.

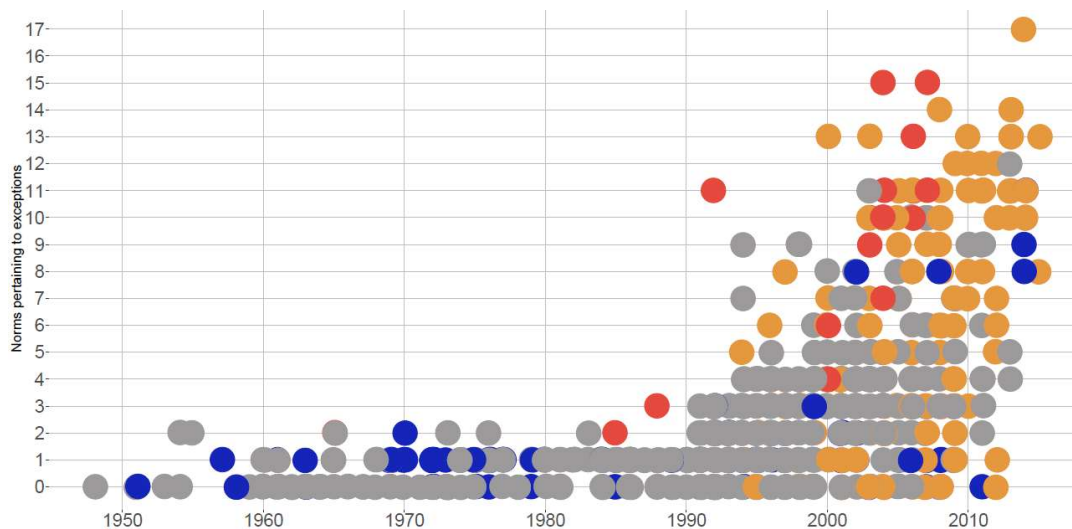


## EU-US Convergence



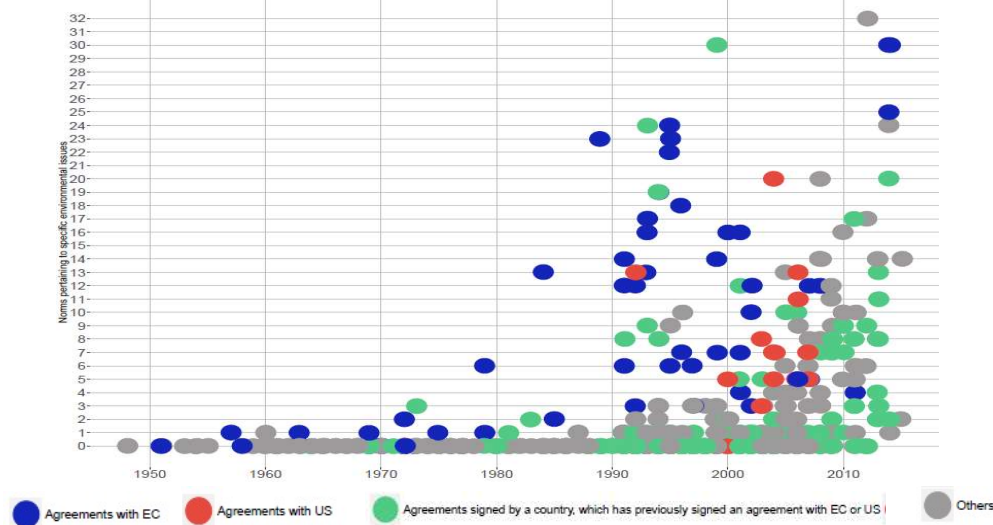
*Jean-Frédéric Morin and Myriam Rochette, "Transatlantic Convergence over Environmental Provisions in Trade Agreements", Business and Politics.*

## Diffusion of US norms on exceptions



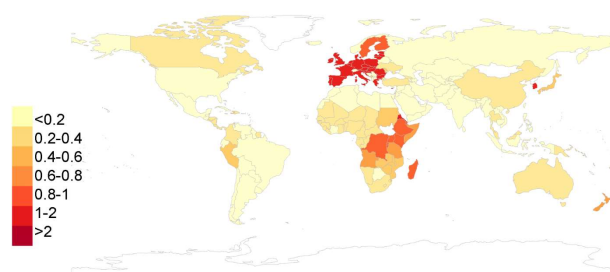
*Dominique Bruhn, Jean-Frédéric Morin, Clara Brandi, and Axel Berger, "Diffusion of Environmental Norms through Trade Agreements". To be published.*

## Diffusion of EU norms on specific issue-areas

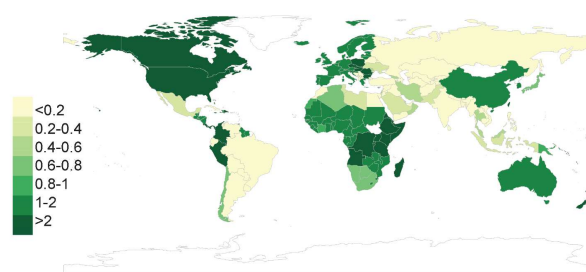


Jean-Frédéric Morin and Guillaume Beaumier, 2016, "TPP Environmental Commitments: Combining the US Legalistic and the EU Sectoral Approaches" *ICTSD BioRes*, April 2016.

## Average number of climate-related provisions



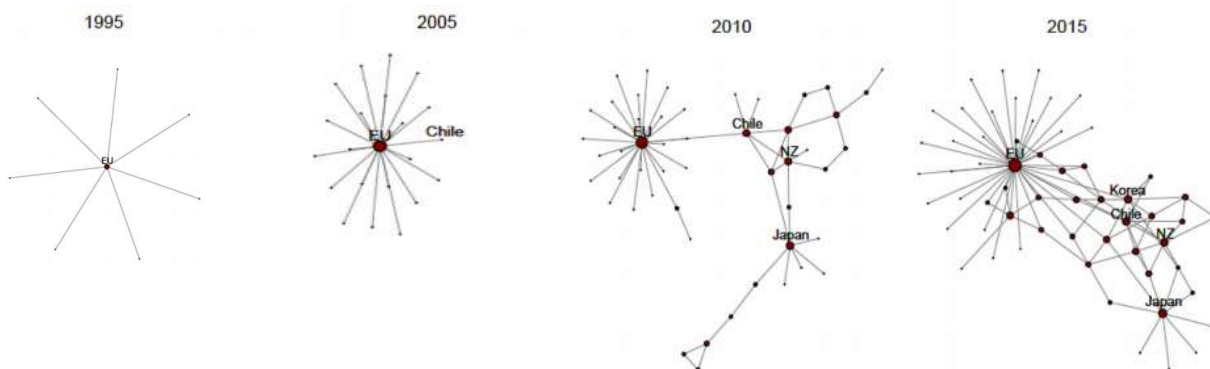
## Average number of biodiversity-related provisions



Jean-Frédéric Morin and Sikina Jinnah, "The Emergence of Climate Change Norms in the International Trade Complex" To be published.

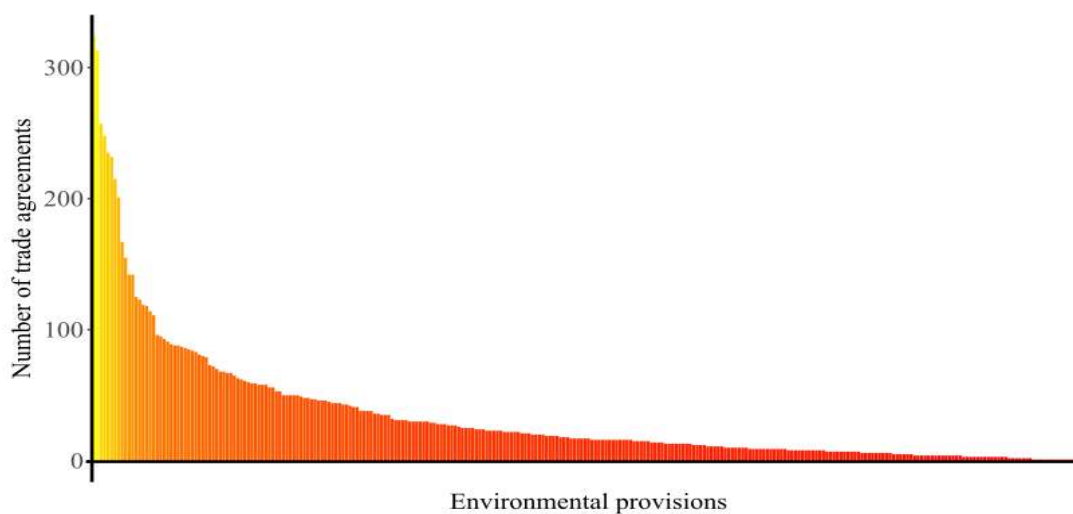


## Agreements with climate-related provisions



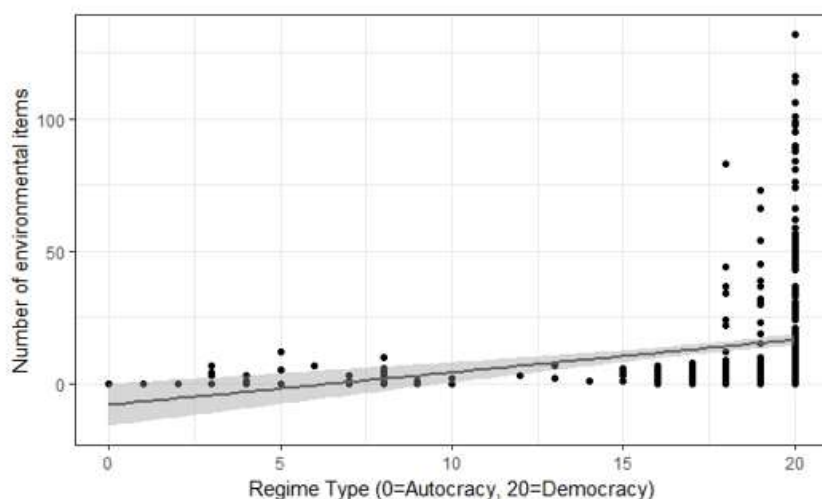
Jean-Frédéric Morin, Nicolas Michaud and Corentin Bialais, 2016, "Trade Negotiations and Climate Governance: The EU as a pioneer, but not (yet) a leader", *IDDRI Issue Brief*, no 10/16, 4 p.

## Number of trade agreements per type of clause



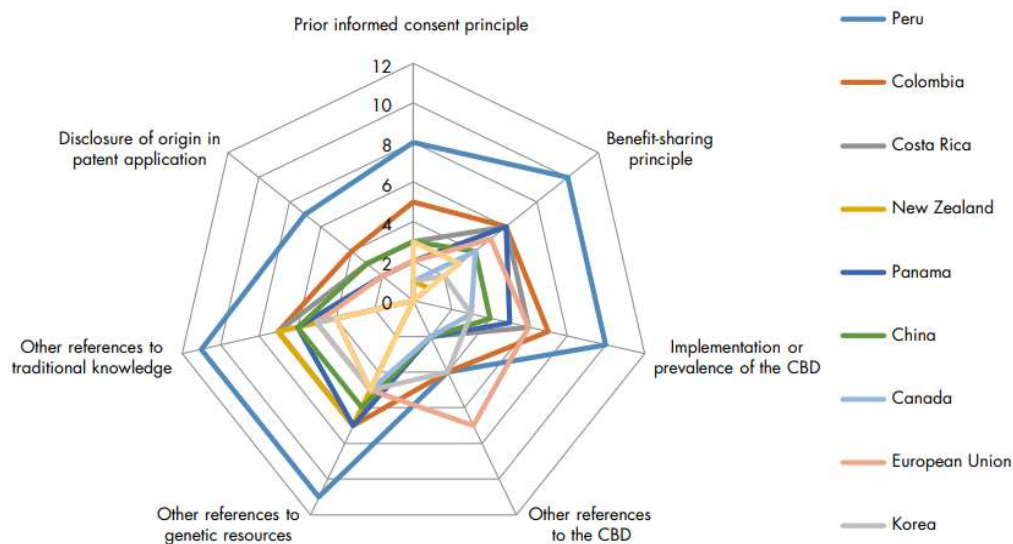
Jean-Frédéric Morin and Rosalie Gauthier Nadeau, "Environmental GEMs in Trade Agreements: Little Known Clauses for Progressive Trade Agreements" To be published

## The democratic factor



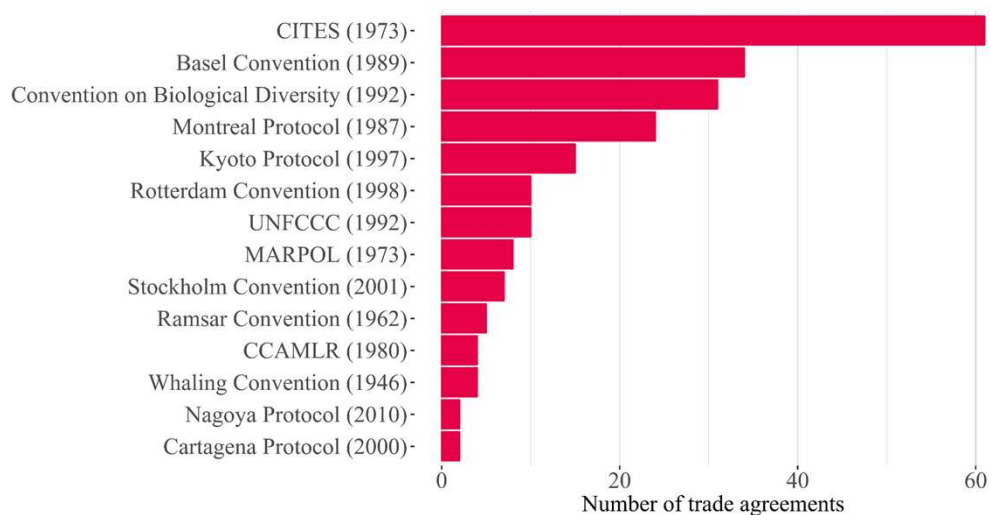
Jean-Frédéric Morin, Andreas Dür, and Lisa Lechner, "Mapping the Trade and Environment Nexus: Insights from a New Dataset". *Global Environmental Politics*.

## Provisions on genetic resources per country



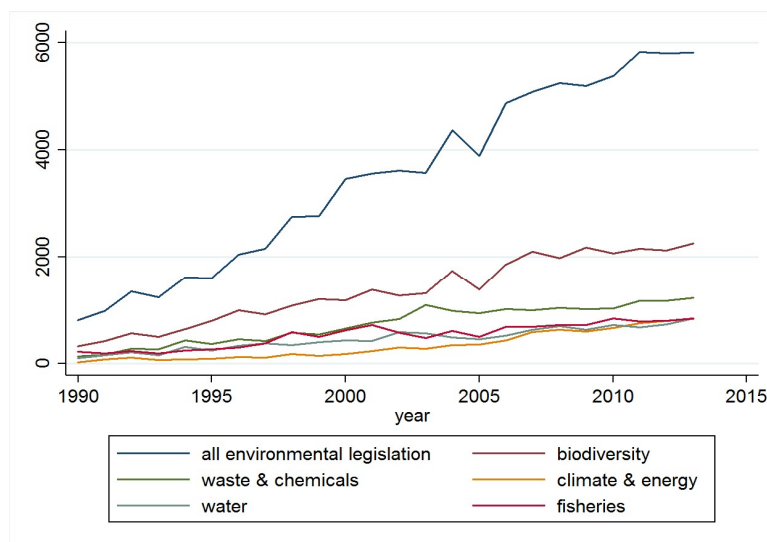
Jean-Frédéric Morin and Mathilde Gauquelin, 2016, "Trade Agreements as Vectors for the Nagoya Protocol's Implementation", CIGI Papers no 115.

## Reference MEAs in trade agreements



Jean-Frédéric Morin and Corentin Bialais, *“Strengthening Multilateral Environmental Governance Through Bilateral Trade Deals”*. To be published

## Number of domestic environmental laws, 1990-2013



Clara Brandi, Dominique Bruhn, and Jean-Frédéric Morin, *“The implementation of PTAs’ environmental provisions: Cheap talk or costly commitments?”* To be published.

## Good candidates for multilateralization

The parties shall cooperate in the field of environmental protection.	0.02
Cooperation shall include systems of information on the state of the environment;	0.08
Cooperation shall include coordination with respect to multilateral negotiations on environmental issues.	0.18
Developed country parties shall provide capacity building to developing countries parties.	0.26
Cooperation shall focus on the management of hazardous waste.	0.40
Cooperation shall include development of strategies to execute environmental impact assessment;	0.44
Each Party shall promote the development of voluntary environmental measures;	0.48
Cooperation shall focus on the promotion of renewable production of energy;	0.55
Each Party shall promote public awareness by ensuring the availability of information to stakeholders;	0.59
Parties shall incorporate environmental considerations in any policy measure.	0.61
Cooperation shall focus on the promotion of energy efficiency;	0.63
Cooperation shall focus on the control and prevention of marine pollution;	0.70
Cooperation shall focus on the conservation of the fisheries resources;	0.70
To achieve this cooperation, representatives of the Parties may meet regulatory.	0.78
Each Party shall promote trade of environmental goods and services.	0.82
The Parties shall resolve their dispute through consultations.	0.88
The Parties shall engage the public in activities undertaken to implement this Agreement.	0.89
The Parties has the right to establish their own levels of environmental protection.	0.94
Each Party shall endeavor to improve coherence between environmental policies and energy policy	0.96
Parties shall not encourage investment by reducing the levels of environmental protection.	1.01
Cooperation shall focus on the protection of forests;	1.04
Each Party shall strive to continue to improve their environmental laws.	1.05
Cooperation shall include process for harmonizing environmental technical regulations;	1.09
Each Party shall endeavor to improve coherence between environmental and transportation policy	1.10
A Party shall not fail to effectively enforce its environmental laws.	1.13
Each Party shall designate a contact point for the implementation of this agreement.	1.30

Jean-Frédéric Morin, Clara Brandi and Axel Berger, "Scenarios for a Multilateralization of PTAs' Environmental Clauses" To be published

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