

"Globalization" stands in sharp contrast to multi-lateralism and international responses to global environmental threats, such as the Montreal Protocol to reduce ozone-depleting substances, the Kyoto Protocol to combat climate change or the Convention for the Protection of Biological Diversity. The concerns of the environmental movement have been heightened as agreements to protect the environment have been consistently hampered by a regrettable lack of tools and by a reluctance to intrude on domestic decisions (i.e., we'll cut down our forests if we want to). Meanwhile, trade agreements have ploughed ahead, ruthlessly enforcing agreements whose very foundation relies on diminished national sovereignty.

It can be argued that the seriousness of purpose of governmental enterprise has been directly, and inversely, proportional to the extent of NGO participation. While NGOs received credentials and became accepted players in the Rio process, the real action was in negotiations under the General Agreement of Tariffs and Trade (GATT) within the decade-long Uruguay Round. Aggressive trade liberalization was supported by abundant political will. By 1996, the Uruguay Round had succeeded in establishing a powerful, centralized enforcement and governance body -- the World Trade Organization.

The WTO is the world's most powerful, least democratic international institution. Based in Geneva, it has accomplished its goals of efficient dispute resolution. Whenever a country does not like another's domestic laws, it can bring a complaint before the WTO. The disputes are arbitrated through a closed process, with a panel drawn from the ranks of trade experts. The hearings are secret, no environmental group could present information about the scientific justification of a measure to protect the environment. There is an appellate body, but it also operates as a private arbitration process, not an open court. Given that system, it is hardly surprising that, with the exception of Canada's outrageous attempt to attack the French government's asbestos ban, **every environmental regulation ever challenged at the WTO has been ruled GATT-illegal.**

Provisions such as air quality regulations in the US for reformulated gasoline, laws to protect sea turtles from shrimp nets, and the European ban on hormone-treated beef, have been ruled tradeillegal.

To a free-trade ideologue every environmental regulation is protectionism in a green disguise.

The penalties are stiff fines imposed through WTO-approved trade sanctions against any country with the temerity to continue a GATT-illegal practice once the panel has ruled.

The WTO has also noticed the environment and created a Trade and Environment Committee. Unfortunately, but not surprisingly, it has directed its attention not to the environmental destruction brought about by the global trading free-for-all, but rather to whether environmental rules impede trade. It has questioned whether voluntary eco-labelling -- such as certified organic produce or Forest Stewardship Council forest products -- violate the GATT. It has questioned whether the Montreal Protocol violates the GATT because of its effective sanction of trade penalties against any member nation that ignored rules against CFCs.

The most damaging aspect of the WTO so far has been the chilling effect of targeting environmental agreements as potentially GATT-illegal. The first casualty was the Kyoto Protocol, which has NO