

## Reconciling Trade and Environment: GATT Article XX Exceptions, the Chapeau, and the JPEPA

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When conflicts between and among sub-systems of law under international law are examined, one of the most commonly thought of is that between trade, particularly WTO law and International Environmental Law. In this Article, the Author discusses the existence of the possible conflict between WTO Law and international law as can be seen from the decisions of the Appellate Body of the organization.

In addition, the Article will also visit the recent developments that have started the road towards reconciliation by utilizing the environmental exception found in the GATT as qualified by the chapeau. In a world where free trade is regarded as one of the main avenues of open international relations, trade is to be unhampered. This much has been agreed upon. Anything that hinders trade, therefore, must be struck down or disallowed. The exception, however, is the existence of an environmental necessity that then justifies the imposition of an import ban to ensure the protection of the environment. For an import ban to be allowed, however, the same must first satisfy certain qualifications that will likewise help ensure the simultaneous protection of free trade.

Taken from this discussion, the Author then endeavors to apply these principles by characterizing trade bans that may be imposed on the entry of hazardous wastes, the trade of which are deemed allowable under the Japan-Philippines Economic Partnership Agreement. By complying with the standards of the Article XX exceptions and the qualifications of the chapeau, it is asserted that such import bans cannot be struck down and the Philippines will likewise not be deemed as having breached its obligations under the treaty.