The WTO, the EU and Trade and Environmental Policy Integration: A Social Learning Explanation

Melissa Gabler
Department of Political Science
University of Guelph
645 MacKinnon Building
Guelph, Ontario
N1G 2W1
mgabler@uoguelph.ca

Paper prepared for presentation to the Annual Meeting of the Canadian Political Science Association, University of Western Ontario, London, Ontario, 2 June 2005.
First draft. Comments welcome. Please do not cite.

We used to believe that the world's economic and earth's ecological systems were dual systems, with only a marginal impact on each other. We now know that, although they remain distinct in human-constructed institutions, they are totally and irreversibly interlocked in the real world…Their impact on each other is enormous, growing rapidly, and could soon be decisive in defining our future. This is the new reality of the late 20th century. It may well become the dominant reality of the new millennium. Notions of sovereignty and governance will have to be adapted to this reality, as will public and private institutions, where key economic and political decisions are made.

- Jim MacNeill, 1992

List of Acronyms Used in the Article

ASEAN	Association of South East Asian Nations
C/B	(Economic) Cost-Benefit Analysis
CP	Contracting Party
CSD	Commission on Sustainable Development
CTE	Committee on Trade and Environment
DG	Directorate General
DG I	DG Trade
DG XI	DG Environment
DS	Dispute Settlement
DSM	DS Mechanism
EAP	Environmental Action Programme
EC	European Community
ECJ	European Court of Justice
EEC	European Economic Community
EFTA	European Free Trade Association
EIA	Environmental Impact Assessment
EU	European Union
ENGO	Environmental Non-governmental Organization
EP	European Parliament
EPA	Environmental Protection Agency
EPI	Environmental Policy Integration
GATT	General Agreement on Tariffs and Trade
GEMIT	Group on Environmental Measures in International Trade
HLS	High-Level Symposia
IR	International Relations
MEA	Multilateral Environmental Agreement
MS	Member State
OECD	Organization for Economic Cooperation and Development
PI	Policy Integration
PPM	Process and Production Method
NAFTA	North American Free Trade Agreement
NGO	Non-governmental Organization
QMV	Qualified Majority Voting
SEA	Single European Act
UN	United Nations
UNCED	UN Conference on the Environment and Development
UNCHE	UN Conference on the Human Environment
UNEP	UN Environment Programme
US	United States
USTR	US Trade Representative
WCED	World Commission on the Environment and Development
WTO	World Trade Organization

Introduction

The idea of environmental policy integration emerged in response to concerns about the accelerating anthropocentric degradation of the global environment, as well as recognition of the interdependence of the state of the world's ecological and economic systems. In its original formulation, states at the 1972 United Nations Conference on the Human Environment (UNCHE) in Stockholm committed themselves to adopt "an integrated and co-ordinated approach" to their national economic and development planning "so as to ensure that development is compatible with the need to protect and improve the environment" (UNCHE, 1972b: Principle 13). Despite the discourse of compatibility here, states in the 1970s initially perceived a highly antagonistic relationship between the imperatives of economic growth and environmental protection.

Two decades later, at the 1992 United Nations Conference on the Environment and Development (UNCED) in Rio de Janeiro, states reaffirmed their obligations to environmental policy integration, but this time with the rationale to actualize the new concept of 'sustainable development' across all sectors and levels of governance (UNCED, 1992b: Principle 4). Many argue that 'sustainable development' came out of an ideational shift in global environmental governance in the 1980s and 1990s (Sand, 1993; Pallemaerts, 1996; Baker et al., 1997; Lenschow, 2002a, 2000b; Bernstein, 2000, 2001; McKenzie, 2002). It suggests that economic growth and environmental protection can be thought of as mutually compatible, rather than conflicting objectives, with renewed importance on environmental policy integration as a vehicle to this resolution (Lenschow, 2002a:5).

More specifically, in the trade and environment policy spheres, concerns about a lack of policy integration at the international level gained widespread attention at the UNCED in large part due to a 1991 General Agreement on Tariffs and Trade (GATT) dispute panel decision on the United States (US)-Mexico tuna trade. As Esty (1994:29) argues, "this now notorious 'tuna-dolphin' decision seemed to put trade obligations on a higher plane than environmental protection and raised the specter of environmental laws and regulations being routinely challenged by an obscure international trade tribunal with no environmental sensitivity or expertise." Partially in response to such perceptions, governments committed themselves at the 1992 UNCED, to improve or restructure decision-making processes in national and international organizations "so that consideration of socio-economic and environmental issues is fully integrated and a broader range of public participation assured" (UNCED, 1992a: Chapter 8). In their work in relevant multilateral forums, for example, governments agreed to: a) promote dialogue between trade and environmental actors b) "make international trade and environmental policies mutually supportive in favour of sustainable development" and c) "clarify the role of GATT...and other international organizations in dealing with trade-environment-related issues, including where relevant, conciliation procedures and dispute settlement (DS)" (UNCED, 1992a:Chapter 2, Objectives 2.21).

After the Rio Summit, then, environmental policy integration implies the initiation of institutional change in relevant organizations to promote open dialogue across sectors and levels of governance to better reconcile ideas in policy formulation. As Liberatore (1997:119) describes, "the concept of integration assumes a form of reciprocity. It presupposes that the different components [or ideas] have similar importance and weight" in policy making and outcomes. Indeed, in the subsequent Rio+5 and +10 Summits in New York (1997) and Johannesburg (2002) respectively, actors at all levels of governance are called upon to continually strengthen commitments to the integration norm and this notion of reciprocity: "integration of the economic, social and environmental dimensions of sustainable development in a balanced manner" (UNGA, 1997; WSSD, 2002: Para. 139(b)). No new, significant norm development

occurred at the latest Rio +10 Summit, however. As Pallemaerts (2003:2) noted: "The Johannesburg Summit was…a 'summit of implementation', not…a norm setting exercise."

Despite these commitments, historically state, intergovernmental and supranational actors' attempts to integrate environmental concerns in trade policy and institutional development have been uneven, with few leaders and many laggards. Focusing on the GATT-WTO and the EEC-EU at the supranational level, I address the question of why some actors' attempts to integrate environmental norms in trade policies and institutional development have been more successful than others. The comparison of the GATT-WTO and the EEC-EU is fruitful, because actors from both organizations responded to new environmental ideas produced at the UNCHE and the later Rio and Rio+ Summits, albeit with varying degrees of success in terms of integrating them into their extant governance frames or policies and institutions.[1] In Gabler (2005), I argue that trade and environmental governance and policy outcomes in the GATT-WTO evolved from concerns about liberalized trade (no integration:1947-1970) and green protectionism (no integration:1971-1986) to concerns about freeing trade so as to promote sustainable development (weak integration:1987-present). In contrast, in the EEC-EU, concerns about the creation of the common market (no integration:1957-1970) moved to concerns about creating common green standards for growth (weak integration:1971-1986) and then sustaining growth to respect the environment (medium integration:1987-present). I contend, then, that EU actors have achieved moderate to strong degrees of trade and environmental policy integration in outcomes, while comparable attempts by WTO actors have resulted in weakly integrated outcomes.

To explain such variation in the evolution of supranational trade and environmental policy integration, I rely on a social learning explanation. I argue that stronger forms of policy integration in the EU have resulted from higher levels of perceived compatibility between trade and environment principles/norms and higher levels of institutional capacity for more complex and reciprocal styles of learning among actors. In contrast, lower levels of perceived normative compatibility and lower levels of institutional capacity in the WTO have contributed to weaker forms of policy integration.

In contrast to rationalist theories that treat policy outcomes as the result of strategic exchanges among actors with pre-existing material-informed interests, the social learning explanation assumes that outcomes and actors' identities and interests can be shaped by principles/norms in social interaction. Such an approach draws on insights from the mounting work of mainstream social constructivist research in IR and EU studies on the effects of norms, as well as the burgeoning scholarship in comparative public policy on the role of ideas in policy change. Specifically, it specifies and investigates the ideational and institutional conditions that operate to facilitate or obstruct more reflexive and reciprocal styles of communication among actors and hence stronger forms of policy change. In other words, degrees of integration in WTO-EU policy outcomes are conceptualized as resulting from different types of social interaction, which are dependent on particular normative and institutional conditions. In doing so, the approach addresses one of the widely criticized shortcomings of mainstream constructivist/ideational research: its neglect to theorize or empirically explore the conditions and

---

[1] Although there are limits to the historical comparability between the GATT and the EEC, the WTO and the EU are now widely considered to share the supranational governance form. Indeed, member states have bestowed upon these supranational organizations considerable mandates defined in international law and significant capacities to make and enforce legal or policy decisions that give them autonomous roles in the policy process (Zito, 1998:674; Coleman and Perl, 1999:701). Such supranational organizations can be contrasted to their intergovernmental variants, which "…have little or no autonomy in decision-making, because their members make all the key decisions, and they usually have little or no ability to enforce those decisions" (McCormick, 2002:5).

processes of social interaction through which policy change or integration can occur (Checkel, 1998, 2001).

To develop the social learning argument, I first clarify why ideas or norms are important in explanations of supranational policy integration and how I identify those that constitute governance frames. Second, I put forth a framework for how I assess levels of compatibility between normative frames, as well as the levels of institutional capacity for discursive processes in policy environments. Formulating a series of hypotheses, I argue that these conditions can serve to facilitate or obstruct four different types of social learning (simple, complex, reciprocal and conflictual) and policy integration (none, weak, medium and strong). Drawing on the framework and hypotheses, I then summarize the evolution of these normative and institutional conditions in the GATT-WTO and the EEC-EU toward their respective frames of 'trade liberalization sustaining development' (low compatibility) and 'sustainable growth respecting the environment' (high compatibility), as well as low and high levels of institutional capacity. Focusing on the late 1980s and 1990s, I demonstrate that normative and institutional conditions in the EEC-EU were more supportive of complex and reciprocal styles of social learning and stronger forms of policy integration than in the GATT-WTO. To do so, I first crystallize the theoretical argument and hypotheses of the analytical framework with empirical analysis of the 1996 Singapore Ministerial and the WTO-Multilateral Environmental Agreement (MEA) issue. In the conclusion, I highlight the important implications of a mutually constitutive relationship between normative frame compatibility and institutional capacity conditions, as constructed in the idea of environmental policy integration.

Norms and Policy Integration

Rationalist scholars do not care much to describe and explain the normative content of supranational governance arrangements and policy outcomes because they assume in their theories that policy preferences are predetermined. As such, their explanations of supranational institutions and policy outcomes focus on modeling the strategic interaction of actors with pre-existing interests (Bernstein, 2001:9; Checkel, 2001; Checkel and Moravcsik, 2001). Specifically, proponents of these theories treat the identities and interests of actors as relatively stable and exogenous to supranational governance and policy processes. As a result, such scholars neglect to explain the normative content of supranational governance institutions and policy change, for they do not search for the sources of actors' identities and interests or of identity/interest change. In addition, these approaches have a shallow conception of identities, interests and institutions to begin with, largely ignoring their ideational or normative basis (Wendt, 1999; Bernstein, 2001). Supranational governance institutions and norms are viewed as relevant in purely instrumental terms, "…useful (or not) in the pursuit of individual and typically material interests" (Ruggie, 1998a:3). Therefore, rationalist theories are unprepared to account for deliberative processes among actors within supranational governance arenas that could potentially initiate or produce endogenous changes to the normative basis of identities and interests and subsequent institutional and/or policy change (Hasenclever et al., 1997:5).

In contrast, IR/EU constructivist theory and ideational theories of comparative public policy have more to say about these normative properties, discursive processes and institutional/policy change. This is because such approaches are not "premised upon [a material ontology and] a strong form of methodological individualism…[which] reduces interaction to strategic exchange among actors with pre-social givens" (Ruggie, 1998a:9; Wendt, 1999: 23; Checkel and Moravcsik, 2001:220). Social constructivists do not assume *a priori* that the content of actors' identities and interests can be described and explained in a material sense nor that such content is causally shaped (discretely) at the domestic level. Rather, they argue that supranational actors' identities and interests and institutions/policies can be influenced by prevailing social

ideas in both casual and constitutive senses (Wendt, 1999:26; Checkel and Moravcsik, 2001:220). Moreover, they assume that identity/interest change can potentially occur endogenously to processes of social interaction among actors at the supranational level or even across multiple levels of governance (Hooghe and Marks, 2001). The ontology here is social as well as material and one of mutual constitution between agents and structure. As Wendt (1999:134-135) argues: "…if interests are made of ideas, then discursive processes of deliberation, learning and negotiation are potential vehicles of…[supranational] policy and even structural change that would be neglected by…[rationalist and] materialist approaches." Indeed, the study of policy integration necessitates a theory that can describe and explain structural and policy change that results when actors' identities and interests are transformed in policy deliberations.

Despite the emphasis which IR/EU constructivists and their counterparts in comparative public policy place on the mutual constitution between agents (e.g., actors' identities and interests) and structures (e.g., ideas, institutions, policies), many of these scholars neglect processes of social interaction in their theories. As such, they tend to stress the role of ideas or norms in influencing identity/interest, institutional and policy change, and discount the actors who actively interact in the deliberative processes. As Checkel (Checkel and Moravcsik, 2001:220) observes: "[Constructivists] typically argue that fundamental agent properties [and outcomes] have been reshaped by prevailing norms, but fail to theorize or empirically document the process[es] of social interaction through which this occurs." Campbell (1998) has directed the same criticism at historical and sociological institutionalism theories and ideational approaches in comparative public policy. He notes that such scholars "explain how ideas and institutions limit the range of possible solutions that policy makers are likely to consider when trying to solve problems" by reference to arguments about ideational 'fitness' or 'logics of appropriateness' (Campbell, 1998:378). He argues that they have been less helpful in complementing their theories, though, with aspects that address framing and the other roles of active agents in situations of social interaction where ideas are under contest and change. Thus, many scholars note the core challenge for IR constructivists and ideational scholars in public policy is theory development: addressing "when, how and why [social construction] occurs, clearly specifying the actors and mechanisms bringing about change, the…conditions under which they operate, and how they vary across" policy contexts (Checkel, 1998:325).

In carrying out the investigation of policy integration, I build upon constructivist and ideational theory by incorporating a social learning dimension. I focus on social learning as a source of policy change or integration. Social or policy learning is a process whereby actors alter their thought or behavioural intentions to varying extents through social interaction and experience (Heclo, 1974; Sabatier, 1987:672; Hall, 1993; Wendt, 1999; Checkel, 2001). Learning implies improved understanding of alternative ideas on the part of actors, reflected by changes made to the frames of reference that underlie identities, interests, institutions and policies (Rein and Schön, 1991; Schön and Rein, 1994). Schön and Rein (1994) and Levy and Merry (1986:99) call this reframing: "…actors reflect on [and possibly make changes to] their own frame of reference by being made conscious of the existence of alternative frames of reference and other possibilities for giving meaning to reality."

When investigating ideas, I identify and define them as normative frames: the principles, norms and standards of validity that govern behaviour and practices in particular policy or issue areas (Krasner, 1983; Schön and Rein, 1994). For example, when an idea underlying a governance frame takes the form of a belief of fact, causality or rectitude it constitutes a *principle* (Krasner, 1983:2). When an idea is conceived of as a strategy for action or a standard for behaviour it constitutes a *norm*. *Standards of validity* are special normative criteria for evaluating principles and norms, and adjudicating or choosing among them in trade-off situations.

Although the above three categories begin to define normative frame structure, each of these ideational components need to be assessed for their relative degrees of salience. Principles, norms, and standards of validity can be arranged as *central*, *secondary* or *peripheral* in their importance to the underlying purpose of a normative frame. Discovering the degree of salience or relative contribution to the core that actors attribute to particular principles/norms can offer important insight into their levels of susceptibility to change (Sabatier, 1993). Furthermore, their degree of salience over time can be related to the extent to which actors intersubjectively agree on their status and meaning and thus support them. I argue that the status and meaning of institutionalized norms will generally enjoy either lower or more contested acceptance (norm emergence or norm cascades) or higher intersubjective agreement (norm internalization) among critical agents (Finnemore and Sikkink, 1998:895; Coleman and Gabler, 2002:490).

Analytical Framework and Theoretical Approach: Normative Frames, Institutional Capacity and Social Learning

Once identified in governance or policy outcomes at one point in time, then, normative frames can be used to assess the significance of subsequent changes made to frames by actors in deliberative processes, as well as the evolving, perceived levels of intersubjective agreement and compatibility between frames. At one end of the spectrum, the elements of two normative frames are highly compatible if they have been mutually included or overlap as priorities in the frames, and, if actors can convincingly frame mutually beneficial or otherwise harmless connections between them. At the other end of the spectrum, the normative frame components of two frames are highly incompatible if they have been mutually excluded or are in contest in the frames, and, if actors have difficulties establishing mutually supportive or more concrete connections between them. As such, an overall low level of compatibility between two normative frames can be identified when the salient principles/norms fail to promote complementary and comparable claims on reality and action - or, in a worse case scenario, when such principles/norms are mutually exclusive (Rosendal, 2001; Coleman and Gabler, 2002). In contrast, a high level of compatibility between two normative frames occurs when the mutually inclusive principles/norms are more equally prioritized and the connections between them are persuasively framed as synergistic. Such levels of compatibility (and intersubjective agreement) can be classified in various time periods and change according to the scheme presented in Table 1. In particular, the framing of principles and norms, resulting from processes of social learning, can:

- clarify their status and meanings
- include or exclude them to greater degrees
- reorder or reprioritize them
- make connections between them, and
- craft standards of validity to adjudicate among them.

With this orientation, I set out to examine the conditions under which different types of social learning about normative frames occur among policy actors in various governance environments to produce different degrees of integration in policies. An examination of such conditions shows two factors to be particularly important in terms of supporting or inhibiting social learning and policy integration:

- perceptions of (in) compatibility between the principles and norms held by actors, and
- the institutional characteristics of the policy environments in which actors operate.

First, I hypothesize that the level of (in)compatibility between two (or more) normative frames is a circumstance that, in part, determines the type of social learning and hence form of policy integration that can occur. More complex types of learning are arguably increasingly likely under conditions of high ideational compatibility because actors with fewer incompatible

cognitive priors will be more amenable and open to arguing and framing (Checkel, 2001). This is because actors with divergent aspects of normative frames ascribe their own selective meanings to the reality in question and thus are (at least temporarily) cognitively closed off from one another. Such cognitive closedness, resulting either from a more subconscious inability to perceive due to selective interpretation based on the frame of reference or from a more conscious unwillingness to perceive, makes initial learning and reframing more difficult (Schaap and van Twist, 1997:64). It also explains the conflict and cognitive dissonance that can often occur among actors with divergent frames in first time encounters. Risse (2000), for example, notes the importance of a substantial 'common lifeworld' as a crucial antecedent condition for 'truth-seeking' behaviour. Scharpf (1989:159; 1997) argues that as divergence between principles and norms declines, the greater the likelihood that the mode of actor interaction will evolve from simple, instrumental bargaining to a more complex, problem-solving style.

At the same time, and second, I suggest that the reality of the relationship between level of normative frame (in)compatibility and type of social learning is influenced by other factors. As such, I recognize the possibility that if other contextual conditions than high ideational compatibility are sufficient to support complex forms of learning, even policy actors with conflicting cognitive priors could potentially argue and reframe principles/norms to be decreasingly divergent and integrated. Indeed, the relationships between normative frame (in)compatibility, contextual factors in the policy environment, and social learning are complex and constantly evolving.

On the one hand, normative frame (in)compatibility and contextual factors can be thought of as crucial background conditions that determine the likelihood for certain types of social learning and integration to take place. For instance, Risse (1996:70) hypothesizes that ideas and "…institutional structures can be more or less conducive to processes of deliberation and communication." On the other hand, certain types of social learning can lead to actions that alter ideational and institutional conditions and change the future possibilities for further interaction and integration. Risse (2000:11), for example, suggests that "…communicative action and its daily practices [create and] reproduce the common lifeworld." March and Olsen (1998:959) add that increasing "…interdependence, interaction, and communication lead to shared experiences and hence to shared meaning, to a convergence of expectations and policies, and to the development of common institutions." In combination, then, normative frame compatibility and institutional capacity characteristics of policy environments seem central to account for how specific styles of social learning among actors are made possible (or impossible) and hence what type of policy change can occur.

As such, the analytical framework necessitates examination of the varying contextual conditions that, in addition to normative factors, shape the possibilities for various styles of learning to occur. In relation, as another challenge for constructivists is to "integrate their insights and assumptions with middle-range theory," I draw upon the concept of the policy community to help describe and explain the characteristics of supranational policy contexts and types of social learning which could potentially shape policy (Checkel, 1998:325; Peterson and Bomberg, 1999:8). I define policy communities broadly as consisting of supranational, state and non-state, societal actors interested in and dealing with particular policy problems (Coleman and Perl, 1999:696). Building upon past institutional literature in IR/EU studies and comparative public policy, I thus advance indicators as part of the analytical framework in Tables 2, 3 and 4 to determine:

- the level of institutional capacity of the characteristics of a single policy community to support more complex forms of social learning among its actors, and

- the level of capacity of the institutional features structuring interaction across two (or more) policy communities to support more reciprocal styles of social learning between their sets of actors.

Specifically, I put forth five contextual conditions under which a single policy community/network should be more open to complex forms of social learning. I argue that the nature of a policy community has a high likelihood to be linked with complex learning and stronger forms of policy integration if:

- the level of openness of the policy community is high,
- the level of density of interactions within the community is high
- the level of informality is high
- the level of non-hierarchical relations among community actors is high, and
- the degree of institutional fragmentation between the two policy communities is high (i.e., arrangements, venues and roles are separate and sector-specific and discourage dense and informal interactions across policy communities).

These are arguably 'ideal type' conditions for more contained, complex learning to occur within a single policy community and I label them 'high institutional capacity for complex learning.' In turn, I offer a set of enabling conditions for more joint learning to occur between two policy communities that I call 'high institutional capacity for reciprocal learning.' I argue that joint learning and stronger forms of policy integration between two communities are most likely if:

- the level of openness of the two policy communities are high
- the level of density of interactions between the two policy communities is high
- linkages between the two policy communities are institutionalized or formalized based on explicit rules, enabling the level of informality in their interactions to be high
- the level of non-hierarchical relations between the two policy communities is high, and
- the degree of institutional fragmentation between the two policy communities is low (i.e., novel institutional arrangements and/or common venues and roles encourage dense and informal cross-community interactions).

To simplify and understand how stronger forms of policy integration could eventually result from more complex and reciprocal forms of learning, I suggest four levels of policy integration associated with four distinct types of policy change. Figure 1 outlines the types of social learning and policy change.[2] I distinguish between two forms of social learning that occur within the context of a single policy community and two forms of social learning that occur across policy communities. In both types of institutional environments, social interactions about new principles and norms might produce significant changes in the content of actors' identities and interests (complex learning, reciprocal learning) - or equally significant, they might not (simple learning, conflictual or shallow learning). Importantly, in complex learning, actors within a policy community interact in response to new ideas to make changes to their identities and interests and preferred policy outcomes. In reciprocal learning, actors interact across policy communities ready to engage new ideas in potentially identity/interest-and-policy-altering discourse. Ultimately, I seek to relate variations in normative and institutional conditions to types of social learning and degrees of policy change: no, weak, medium and strong policy integration. In summary, then, the social learning approach suggests that styles of social learning among/between policy communities (simple, complex, reciprocal and conflictual) – which are

[2] For a more detailed description of this classification, refer to Gabler, 2005.

dependent upon particular normative compatibility and institutional capacity conditions - explain forms of policy integration (none, weak, medium and strong).

Out of the analytical framework, I derive a set of hypotheses that build on IR/EU social constructivist research and comparative public policy literature on the role of norms in influencing policy and institutional change. First, I hypothesize that strong to moderate degrees of policy integration are more likely to result from interactions among/between policy communities when institutional capacity for complex/reciprocal learning is high and perceived normative frame compatibility is low. Second, I suggest that weak degrees of policy integration are more likely to result from more simple forms of communication among policy communities when institutional capacity for complex/reciprocal learning is low and perceived normative frame compatibility is high. Third, I realize there is the likelihood that no real integration in policies could result from conflictual or shallow styles of learning within and between policy communities due to high normative frame conflict, and in the latter reciprocal case, even if institutional capacity for cross-sectoral interaction is rather supportive.

I turn to explore these hypotheses through a comparative study of trade and environmental policy integration in the GATT-WTO and the EEC-EU since the 1992 UNCED, concentrating on the 1996 Singapore Ministerial and the WTO-MEA relationship. In doing so, I make the argument that normative and institutional conditions in the EEC-EU were more supportive of reflexive and reciprocal styles of social learning and stronger forms of policy integration than in the GATT-WTO. Specifically, lower levels of perceived compatibility between trade and environment normative frames and lower levels of institutional capacity in the GATT-WTO for more complex forms of social learning contributed to weaker forms of policy integration. In contrast, stronger forms of policy integration in the EEC-EU resulted from higher levels of perceived compatibility between normative frames and higher levels of institutional capacity for more complex and reciprocal styles of social learning. The main method in this comparative study is 'narrative explanation' (See Ruggie, 1998c:94). I used two techniques to operationalize this method: a) the qualitative analysis of policy documents and b) in-depth, individual interviews with over 30 policy actors in Brussels and Geneva in 2001.

Evolution of Supranational Trade and Environmental Policy Integration
From the UNCHE to the UNCED

Since the 1970s and the UNCHE, the normative frame in international environmental governance has evolved from 'international environmental protection' to 'sustainable development', or more specifically, 'sustainable, equitable growth and fair trade.' The empirical detail of this evolution is presented in Gabler, 2005. Following scholars like Bernstein (2001:47), I argue that the Stockholm frame of environmental protection highlighted the incompatibility of the principles of accelerated economic growth and environmental protection, "not a synthesis". Despite rather high institutional capacity for complex and cross-sectoral communications among policy community actors surrounding this groundbreaking event, perceptions of extreme normative frame conflict acted to impede problem-solving attempts at integrative frame creation. As Bernstein (2001:49) describes, "Stockholm did not work out the environment-development tension under a unifying set of norms. The final documents simply juxtaposed the interest in environmental protection by the North with the development concerns of the South." As such, there was no real attempt by such actors at policy integration, which is reflected in the normative outcomes of this conference (i.e., the Declaration on the Human Environment and the Action Plan for the Human Environment). I call the frame 'international environmental protection' and its principles and norms are summarized in Table 5.

Moreover, as countries, the United Nations (UN), and the Organization for Economic Cooperation and Development (OECD) began to establish separate institutions for the

environment after the UNCHE, institutional capacity for cross-sectoral interactions between policy communities declined to non-existent or low levels as the conventional logics of hierarchical, intergovernmental decision-making and sectoralism took over. For example, subsequent efforts in the 1970s in the UN Environment Programme (UNEP) and the OECD by environmental actors to actualize the new – albeit vague - environmental policy integration norm produced at Stockholm never materialized in meaningful ways (Long, 2000:14). For example, there was no record in the 1970s at the OECD of successful efforts to engage important economic and trade policy actors, as well as environmental non-governmental organizations (NGOs), in the work of the Environment Committee (Long, 2000:14).

In response to Stockholm, the normative frames governing the trade and environmental fields in the GATT-WTO and the EEC-EU evolved in periods of policy integration after the UNCHE from 'liberalized trade' to 'no green protectionism' (no policy integration) and from the 'creation of a common market' to 'green growth' (weak policy integration) respectively (Gabler, 2005). Here, the GATT's response in the 1970s and early 1980s to the 'international environmental protection' frame produced by environmental and other actors at the UNCHE was essentially one of 'no green protectionism' and no policy integration (See Table 6). This response is evident from sources such as the evolving GATT Agreements and policy documents such as the 1971 GATT Secretariat report on Industrial Pollution and International Trade. Contracting parties and Secretariat officials with their identities and interests entrenched in the extant 'liberalized trade' frame did not make substantial deliberative efforts in GATT institutions to include new environmental ideas nor to reprioritize such ideas vis-à-vis trade principles/norms. In addition, trade and environmental institutional development in the GATT following the UNCHE was minimal with the establishment of a standby Group on Environmental Measures and International Trade (GEMIT). Importantly, the GEMIT group was never activated by the contracting parties during this period and thus remained a dormant institutional forum uninvolved in trade and environment debate and policy coordination. GATT actors' perceptions of high levels of perceived conflict between trade and environment normative frames, in combination with no real institutional capacity in their policy environments for complex/reciprocal learning, contributed to an absence of social learning and policy integration.

The EEC had a different experience than the GATT with weak policy integration after the UNCHE. This is because there were some successful efforts in the 1970s and early 1980s by member state representatives in the European Council and the Council of Ministers, as well as by European Commission officials, at incorporating the principles and norms of UNCHE 'international environmental protection' into their identities and interests and the 'common market' frame. I argue that the result of these initial, integrative attempts was the peripheral accommodation of environmental principles and norms that could be instrumentally framed to serve the extant, central purpose of the common market. I categorize the overall governance outcome as 'green growth' and weak policy integration, based on my reading of such sources such as the evolving Treaties, Council acts, communiqué and declarations, and Community policy programmes (See Table 6). I also purport that weak institutional development in the Community in this area in the 1970s and early 1980s reflected the marginalized place and prioritization, as well as informal status, of the environment principles/norms in the EEC governance frame. Under conditions where EEC actors perceived high amounts of tension between trade and environment principles/norms, and where levels of institutional capacity for complex/reciprocal learning were low, initial attempts at policy integration resulted in instrumental identity reflection, simple learning and weak framing.

In comparison in Table 6, then, after the UNCHE, both GATT and EEC actors generally perceived rather high levels of incompatibility between their respective trade and environment

normative frames, which on the whole, operated to hinder more complex/reciprocal forms of learning and stronger forms of policy integration. At the same time, EEC actors after Stockholm were less inhibited than GATT actors in constructing the requisite space for peripheral inclusion of environmental principles/norms in the common market frame, due to a perceived, secondary principled purpose of the Community (quality of life). Moreover, related institutional developments in the EEC, such as the formation of environmental actors and bodies in the Council, Commission and European Parliament (EP), helped to cultivate some minimal capacity for deliberations, which predominantly supported simple learning among policy communities and weak policy integration. In contrast, GATT actors were cognitively constrained by the narrowly perceived purpose of liberalized trade in their governance frame and the non-existent capacity for social learning and policy integration in their institutions. That is, actor interactions in the GATT remained limited to traditional, interested-based trade bargaining or simple learning in Sessions of the contracting parties, Councils and Committees in the absence of an activated trade and environment forum.

However, another set of influential international environmental governance events in the late 1980s and 1990s changed the possibilities for trade and environmental policy integration, most notably the 1987 release of the World Commission on Environment and Development's (WCED) report and the 1992 UNCED in Rio de Janeiro. Importantly, unlike the Stockholm frame, the normative frame articulated by actors in the WCED and Rio outcomes included more of a balance between economic, trade and environmental ideas.[3] Rather than ambiguously label the WCED/UNCED frame 'sustainable development,' I decipher in more detail in Table 5 its specific principles and norms, for example as found in *Our Common Future*, the Rio Declaration on Environment and Development and Agenda 21. In particular, the WCED/UNCED outcomes reflect a framing of 'sustainable, equitable growth and fair trade' and moderate policy integration. This is because they were highly significant for raising policy makers' overall perceptions of the levels of compatibility between trade and environment principles/norms. Following Bernstein (2002:87), I argue that this normative compromise represented two decades of identity-interest-adaptation and complex learning among environmental policy community actors in governmental, non-governmental and international institutions since the UNCHE. Here, levels of institutional capacity for complex learning in the policy environments of the WCED and the UNCED became highly supportive, enabling state and non-state actors to reframe in policy deliberations the basis of their identities and interests and governance structures from a schismatic perception of economic growth and environmental protection to a synthesis. At the same time, the possibilities for regularized, reciprocal learning across trade and environmental policy communities at the domestic and international levels remained rare in the 1980s and early 1990s. Indeed, the hierarchical, state-centred and sectorised approach to policy-making continued to dominate organizations such as the UN and the OECD, with the possible exception of the new Commission on Sustainable Development (CSD) charged with the task of integration.

In particular, the vehicle to ensure the actualization of the UNCED frame became the integration norms: environmental policy integration and socio-economic integration. Sustainable development compelled policy makers in decision-making processes to consider the effects of environmental measures on economics, trade and development (as was the preoccupation in the GATT and in the EEC in the 1970s and 1980s). But the idea also obligated actors to take into account the environmental impacts of economic, trade and development activities and policies. In particular, the new, central linkage of the Rio frame to the environmental policy integration

---

[3] Importantly, the Brundtland Commission-UNCED frame resolved some, but certainly not all, of the challenges and incompatibilities left over from the Stockholm frame.

norm, originally put forth at Stockholm and actively promoted in the OECD in the 1970s and 1980s, offered actors a potential pathway to: a) further institutionalize environmental ideas, b) construct institutional environments amenable to new forms of participatory governance and problem-solving across sectors, and c) potentially reconcile conflicting principles/norms in policy framing. In particular, the UNCED idea implied that when difficult dilemmas or incompatibilities dealing with the economic-trade-environment interface arose, institutional conditions should ensure that decision-makers are broadly representative and can systematically consider multiple points of view and validity criteria in the construction of normative solutions (e.g., economic cost-benefit analysis, science and risk assessment, precaution). As such, environmental policy integration came to be about increasing the capacity of institutions to facilitate a reciprocal dialogue across policy sectors and to reconcile conflicting ideas. It was thus an idea that obligated actors to make significant institutional changes in governance toward higher capacity for reciprocal learning.

Indeed, states and the European Community at the UNCED and in Agenda 21 explicitly committed themselves and relevant supranational governance arrangements such as the GATT to trade and environment dialogue and efforts at policy integration. This meant that national and supranational actors were to open themselves up cognitively to potential change toward higher normative frame compatibility and institutional capacity. However, the successes of supranational trade and environmental policy deliberations and policy integration in the late 1980s and 1990s have been mixed and vary across the GATT-WTO and the EEC-EU. Culminating in the 1996 Singapore Ministerial outcome, the GATT-WTO response to the UNCED frame epitomized weak policy integration, as evidenced in the framing 'trade liberalization sustaining development and environmental protection.' In the GATT-WTO, lower perceptions of normative frame compatibility in combination with low institutional capacity contributed to a dominant style of simple learning or strategic bargaining among most trade representatives in the CTE and weak policy integration. In contrast, the EU had a more moderate contribution and reply to the UNCED and the subsequent Singapore Ministerial in the formulation 'sustainable growth respecting the environment.' Increasingly higher levels of institutional capacity in the Community and Commission for complex and reciprocal learning, coupled with successive higher levels of perceived normative frame compatibility, resulted in actors arriving at more moderate to strong forms of policy accommodation. In the remaining sections, I describe and explain this divergence in policy integration according to the social learning explanation, concentrating on the 1996 Singapore Ministerial and empirical analysis of the WTO-MEA issue.

After the UNCED

After the UNCED in the WTO and the EU in the 1990s, there was a further movement in trade and environmental policy integration from 'no green protectionism' (no policy integration) to 'trade liberalization sustaining development and environmental protection' (weak policy integration) and from 'green growth' (weak policy integration) to 'sustainable growth respecting the environment' (medium policy integration) respectively. Again, the empirical detail of this normative evolution is presented in Gabler, 2005. To summarize the findings, the normative frame developed by WTO member state representatives and Secretariat officials in the late 1980s and 1990s exemplified weak policy integration, as found in the new Uruguay Round Agreements and the outcomes of the newly activated GEMIT, the later sub-Committee on Trade and Environment (CTE) and the CTE (See Table 7). For example, in the CTE's report for the 1996 Singapore Ministerial, trade representatives instrumentally acknowledged some of the Rio principles/norms and addressed areas of neutrality/compatibility between the Rio and liberalized trade/no green protectionism frames. However, such actors were collectively unsuccessful at

seriously tackling areas of principle/norm incompatibility and hierarchy, and agreeing upon common standards of validity and DS rules to govern trade offs. In addition, the majority of CTE actors only peripherally accommodated a restricted meaning of environmental policy integration in their identities and interests, with the mandate and structure of trade and environment institutions in the WTO such as the CTE reflecting this marginalization. Here, most CTE trade policy community actors' perceived low levels of normative frame compatibility, which in combination with low institutional capacity, contributed to a dominant style of instrumental identity reflection and simple learning. This ultimately meant weak frame change for Singapore.

In contrast, the normative frame produced by relevant history-making, policy-setting and policy-shaping decisions in EU trade and environmental governance in the late 1980s and 1990s epitomizes moderate policy integration (Peterson and Bomberg, 1999) (See Table 7). For example, these include Treaty changes, Council acts, Environmental Action Programmes (EAPs) and Community communications and positions. In terms of history-making deliberations, the result of consecutive Treaty reforms in the Community in this period was an overall increase in the perceived levels of compatibility between trade and environment principles/norms, and of institutional capacity for complex learning within the trade and environmental policy communities. Such history-making decisions also successively altered the way in which policy-setting occurred between institutions in the Community, with the net result constituting a qualified majority voting (QMV)-co-decision procedure between the Council and the EP that generally empowered environmental actors and encouraged more integrated outcomes. In terms of policy-shaping, most of the important framing originally took place in the Commission, where the relevant actors were generally prone to attempt a balance of trade and environmental principles/norms in regularized, complex and reciprocal inter-service consultations.

So by the 1996 WTO Singapore Ministerial and the 1997 Amsterdam Treaty amendments, the UNCED principles/norms had increased to central or secondary salience in the EU's governance frame, including an UNCED-compatible version of environmental policy integration which became formally institutionalized in the Treaties as a priority for all policy makers. The significance of this development meant that Community actors in their framing of 'sustainability' generally attempted to recognize and frankly address both the compatible and incompatible elements in the relationships between trade and environment principles/norms. Importantly, this also meant that Community actors began to perceive institutional change toward reflexive and reciprocal learning across sectors, levels of governance and private-public partnerships as key to the actualization of environmental policy integration. Hence the discourse 'shared responsibility' in the EU's fifth EAP. Furthermore, some institutions such as the Commission practically took up the challenge of an integrated approach to decision-making with initial changes to institutional venues, arrangements and roles. At the same time, this greater adherence to the norm of environmental policy integration did not entail stronger integrative changes to the standards of validity within the Community. Overall, then, higher levels of perceived normative frame compatibility, coupled with heightened levels of capacity for complex and some reciprocal communications among the relevant policy community actors in EEC-EU institutions, contributed to initial identity adaptation and moderate policy change. For example, this resulted in moderate to strong frame change in the Community's positions in the WTO's CTE in the led up to Singapore.

Preparations for the Singapore Ministerial (1995-1996) and the WTO-MEA issue

For reasons of space, I focus the empirical analysis on the story of policy integration in the WTO after the Uruguay Round (1986-1994) and the establishment of the CTE (1995). I take the reader through the four stages of the CTE negotiations leading up to the 1996 CTE report to the Ministerial meeting in December in Singapore. I rely on the WTO-MEA issue to illustrate the

challenges to social learning and policy integration created by stubborn, normative frame incompatibilities and institutional capacity challenges. I argue that these ideational and institutional factors largely contributed to the dominant simple learning style of negotiations among most CTE delegates and thus weak policy integration at Singapore with regard to the WTO-MEA issue. I also show that some WTO delegations such as the EU, with relatively higher levels of perceived normative frame compatibility and institutional capacity for complex/reciprocal styles of learning in their domestic and supranational policy communities, were able to arrive at more strongly integrated positions.

At the final Ministerial Conference in Marrakesh in April 1994, Trade Ministers adopted the Decision on Trade and Environment, which directed the new WTO General Council in January 1995 to establish a CTE "with the aim of making international trade and environmental policies mutually supportive" (WTO, 1994d). The decision states the desire of WTO members "to better coordinate trade and environmental policies" and "the need for rules to enhance positive interaction" (WTO, 1994d). However, the CTE was required to address its mandate and a 10-point agenda "without exceeding the competence of the multilateral trading system, which is limited to trade policies and those trade-related aspects of environmental policies which may result in significant trade effects for its members" (WTO, 1994d). Specifically, items 1 and 5 of the CTE agenda pertained to the relationship between WTO rules and the trade-related provisions of MEAs. On average, the CTE met twice a year in sessions that lasted two days long.

Compared to its GEMIT predecessor, the 1994 Decision on Trade and Environment significantly extended the mandate of the CTE to include a potential policy-making role. Specifically, the new Committee was empowered to clarify the trade and environment relationship and to seek prescriptive solutions, that is, recommendations on whether any modifications to the trade governance frame were needed, provided they were "…compatible with the open, equitable and non-discriminatory nature of the system" (WTO, 1994d). According to its 1995 rules of procedure, CTE members were to arrive at any recommendations for rule or interpretation changes in accordance with the decision-making provisions of the WTO Agreement (WTO, 1994a: Article IX; WTO, 1995). Although simple and QMV decision-making procedures were formal options, and informal, invisible weighting a definite possibility, consensus was the dominant practice used to arrive at decisions. Furthermore, the Decision on Trade and Environment set up the CTE as an ad hoc body and "…said nothing about whether its life might be prolonged" (WTO, 1999b: 256). Thus, in two years time, the CTE was required to report to the first biennial meeting of the WTO Ministerial Conference in Singapore on the progress of its discussions and any conclusions and recommendations reached on the items of its work programme.

The two main concerns most developed and some developing countries espoused with regard to the MEA issue were that trade measures taken pursuant to MEAs could conceivably conflict with GATT/WTO provisions and that GATT/WTO provisions could work to inhibit if not prevent a desirable conclusion of a future MEA. Essentially, the question to be resolved came to be framed as under what circumstances or conditions can the principles/norms of an MEA prevail over those of the WTO, particularly in the case of a dispute between two WTO members, one of which is a non-party to the MEA (Griffith, 1997:8). Although the CTE itself was open to all WTO members, MEA Secretariats (who did not have observer status at this time) and NGOs did not interact in the CTE with trade representatives to commonly address this issue. The OECD, UNEP and CSD did have ad hoc observer status in the CTE and minimal ties with the WTO Secretariat.

According to a critical remark by the US Environmental Protection Agency (EPA) representative attending an earlier sub-CTE meeting in October of 1994, there also appeared to be

"…a tendency for environmental officials and experts not to be actively engaged in Geneva in the work of the Committee" (WTO, 1994e:Para.160). He implied that the non-participation of environmental officials in many of the CTE delegations demonstrated the low priority these countries and the WTO attached to environmental policy integration. That is, most of the GATT/WTO delegations to the sub-Committee (and later CTE) were composed only of trade officials with limited consultations with their environmental counterparts at the national level (Griffith, 1997:1). Indeed, the practices of certain developed countries' delegations, such as the EU, the US and Canada, who engaged environmental representatives and their expertise in capitals or Geneva during certain stages of the sub-CTE (and CTE) processes, were exceptions to the norm. Notably, with the active engagement of both sets of policy officials in these countries, the EPA representative suggested it had "paid dividends in promoting more integrated polic[ies] in support of sustainable development. [These] experience[s] suggested there was a high value in becoming educated on each other's respective concerns, and consulting experts directly in policy development" (WTO, 1994e:Para.157).

CTE member state representatives began the first phase of their Singapore preparations in early 1995 by communicating their initial views and setting out their positions on the WTO-MEA issue (among other agenda items). As a developed country CTE representative confirmed to me: CTE work on an agenda item begins with "…a process of information provision and positioning…for future generation of a position with some acknowledgement of newly received information" (Confidential interview, 15 June 2001). The former Canadian trade representative to the CTE, Andrew Griffith (1997:6), identified that this first positioning phase, "…however, largely resulted in negotiating markers being laid down rather than undertaking a more objective working through of the issues or better appreciating the real environmental concerns."

In early 1996, a shift from an instrumental, simple learning approach to more a problem-solving phase occurred in the CTE among certain delegations in their formulation of proposals to address specific agenda items. As Griffith (1997:6) described:

> This was perhaps the most creative phase of the CTE when [some] delegations made the serious efforts at policy integration in their domestic policy process, necessary to allow them to table formal or informal proposals. This phase allowed for some real debate (in capitals as well as in the CTE) over various options under each agenda item, although the debate [in the CTE itself] was overly formal and ritualistic.

In comparing the style of communication in the CTE to other Committees/Councils in the WTO, one developed country representative confirmed to me in an interview that a more complex type of interaction among delegates does sometimes take place. She stated: In other "…Committees it is quite a nasty debate. Delegates do not walk away from discussions with a particularly good feeling…You have…an argument and no one is really prepared to give way because people's positions are so uniquely opposed, but that has not been my experience in the CTE. People do not see everything in terms of their interests, so people do engage constructively…even if they do not move away from their national positions" (Confidential interview, 12 June 2001). A US Trade Representative (USTR) official to the CTE put it this way: "The CTE is one opportunity…for countries to express their views and in subsequent meetings change their positions and move toward common ground" (Confidential interview, 12 June 2001). Importantly, the positions put forth in the CTE in this phase varied in the degree to which they were compatible with the sustainable development principles/norms espoused at Rio and thus in the extent to which they integrated trade and environmental considerations.

As evidence, several developed and developing countries' perceptions of their interests and positions changed over the course of the CTE discussions in 1996 from lesser integrated options espoused in former GEMIT and sub-CTE meetings to more integrated ones in the CTE.

In regards to the WTO-MEA issue, for example, many countries put forth various proposals to define the conditions for accommodation and debated the advantages and disadvantages of various approaches to establishing the relationship or hierarchy of MEA principles/norms to those of the multilateral trading system. The most amazing example of such frame change, as presented in Table 8, was the spectrum of EC/EU position changes on the issue of MEA accommodation in the General Council, GEMIT, sub-CTE and in this problem-solving phase of the CTE meetings. To be clear, in all its positions, the Community has consistently expressed its imperative to clarify the relationship between WTO rules and MEA trade provisions in order to provide legal certainty and minimize the risk of conflict. At the same time, as their trade and environmental officials in Brussels and Geneva engaged in attempts at policy integration, the advantages and disadvantages of various approaches to the issue of MEA accommodation became better understood and thus EC/EU interests and positions changed. For example, the content of EC/EU proposals from 1991 to 1996 (and beyond) on the MEA issue evolved from weak to strong to medium integrated approaches: the *ex post*, waiver option (GATT, 1991b:24), the *ex ante*, collective interpretation of Article XX approach (GATT, 1992), the combination *ex ante* and *ex post* amendment to GATT Article XX approaches (WTO, 1996b), the reversal of the burden of proof (WTO, 1996b, 2000d), and a code of good conduct (WTO, 2000d) (See Table 9). This type of identity and interest adaptation reflects a more complex style of communication among domestic and supranational trade and environmental policy communities to better appreciate and accommodate environmental concerns, as well as developing countries' socio-developmental views and fears about eco-protectionism.

In a third phase of the CTE that began in June 1996, however, many delegations that did not have domestic policy coordination counter-reacted to the more strongly integrated proposals with minimally integrated positions based on unchanged interests that reflected a "defensive, largely trade ministry perspective" (Griffith, 1997:6-7). As Griffith (1997:6) described "…the contradictions between the positions taken by the same governments in environmental fora, and by the same governments in the WTO, became even more apparent." With regard to Canadian positions, he further recalled that: "as we prepared our formal CTE…proposal, we internally realized that our position was neither coherent nor consistent with trade and environmental policy integration…The policy challenge was to develop a negotiating position that satisfied both our trade and environmental interests" (Griffith, 1997:12). As a result, some of those countries that had formally changed their positions in the CTE (e.g., from their positions in the GEMIT or sub-CTE) to better accommodate environmental principles/norms had to reduce their goals for more substantive results during this phase (Griffith, 1997:7). Indeed, this period seemed to set the stage for a style of pre-Singapore negotiations among developed and developing CTE members that resembled simple bargaining, and that combined with consensus-based decision-making, seemed unlikely to result in a strong outcome. That is, it became evident that the normative frame compatibility and institutional capacity conditions needed for complex learning and a more integrated outcome were absent in the CTE.

In September 1996, the CTE's members began the final phase of negotiations for its report to the Singapore Ministerial Conference. In contrast to most GATT-WTO negotiations, where exclusive bilateral or small informal drafting groups and invisible weighting procedures dominate early decision-making processes, the CTE had a largely open-ended, consensus-based drafting process (Griffith, 1997:2-3). While the sequence of negotiations in the fall of 1996 commenced with bilateral meetings (between the EU and the US) and the presentation to CTE members of their conclusions by the Chair, there was "…a near revolt by CTE members as they instruct[ed] the Chair to work [more] closely with the Secretariat on a draft" or otherwise risk no outcome rather than a minimalist one (Griffith, 1997:7). After this critical event in September,

the process that CTE members used in October and early November to arrive at the Singapore report was characterized more by informal, open-ended discussions and drafting groups, working on their own, directed by the Chair or assisted by the Trade and Environment Division of the Secretariat. Indeed, as Griffith, recalls (1997:18) "…it was…clear that some Heads of Delegation had instructed their officials to work towards a result acceptable to all…All [were] working to see if consensus was possible."

However, in contrast to the regular formal CTE sessions, where at least UNEP, OECD and CSD observers and the odd environmental expert from developed countries' capitals attended, trade negotiators were the only actors involved in this final phase of the policy formulation process. Griffith (1997:19) characterized the interactions between member state representatives in this pre-Singapore phase as strangely "…akin to…sectoral negotiation [but] where there was no negotiating 'coinage' outside the process or the pressure of non-governmental and intergovernmental environmental bodies to provide balance." [4] As such, many countries' CTE representatives operated in a traditional trade negotiating mindset with interests entrenched in the 'no green protectionism' frame. Thus, they were not prepared to seriously consider rule or interpretation changes to the General Agreements to better balance trade and environment principles/norms or clarify conditions for trade-offs. Here, there were some extreme "differences of views" on the MEA-WTO agenda item among developed and developing countries' trade negotiators that caused "often tumultuous sessions"(Griffith, 1997:17). In an interview with a former developing country representative to the CTE, he recollected the final phase as follows (Confidential interview, 12 June 2001):

> In the negotiation of the Singapore report the whole process was inept. It was not necessarily cooperation. It could be very conflictual in fact. There was one meeting that lasted 24 hours. It was an insane process…What we were discussing were some fundamental views of seeing how trade and environment interact. So can we say that trade and environment are mutually supportive? Some countries rejected the idea…Others were very stubborn in their views in favour…It was very difficult.

In the end, this negotiation process produced a report in November 1996 for Singapore that can only be described as weak environmental policy integration. Although the report acknowledges some of the Rio principles/norms and addresses areas of compatibility between the trade and sustainable developments frames, the report shies away from frankly addressing areas of frame incompatibility, hierarchy, and conditions for trade-offs. Furthermore, in order to reach a consensus among developed and developing countries to approve the report, the Chairman had to stipulate that its findings were legally weak, that is, they "…did not modify the rights and obligations of any WTO Member under the WTO Agreements" (WTO, 1996m; WTO, 1999a:13). In December 1996, the report was presented to the Singapore Ministerial Conference where it was endorsed by Trade Ministers.

In the next section, I describe the weak policy outcome produced by the CTE for Singapore and how this 1996 report reflected the GATT-WTO governance frame of trade liberalization sustaining development. Of course, some of the principles/norms of this frame were previously agreed to by contracting parties/member states, as expressed in earlier GATT and WTO documents (e.g., the UNCED submissions, the Agreement establishing the WTO, and other revised and new Uruguay Round Agreements). Indeed, the general principles and norms of this frame are familiar (See Table 7 and Gabler, 2005). As such, I choose to focus more specifically on principles/norms related to the WTO-MEA relationship to illustrate the normative frame

---

[4] By 'negotiating coinage', Griffith (1997:5) is referring to the traditional incentives of enhanced market access that usually drive negotiations in the GATT-WTO.

incompatibility and institutional capacity difficulties that contributed to the predominant simple learning style of negotiation among many delegates and the weakly integrated compromise.

The 1996 Singapore Ministerial Report and the WTO-MEA issue: Weak Policy Integration

The norm that unilateral environmental trade measures should be avoided and the central multilateralism principle that were endorsed by Environment Ministers in Principle 12 of the 1992 Rio Declaration were noted by CTE representatives and WTO Trade Ministers in the 1996 Singapore report (WTO, 1996m: Section III, Para.171). Indeed, almost all delegations (including the EU) which intervened in the GEMIT, sub-CTE and CTE on the issue of unilateral trade measures taken in the case of an extra-jurisdictional environmental harm interpreted the GATT-WTO frame (i.e., the text of Article XX and its negotiating history) to exclude such a possibility (WTO, 1999a:15).[5] The notable exception was the US whose trade representatives often argued "nothing in the text of the Article XX indicated that it only applied to protection policies within the territory of the country invoking the provision" (WTO, 1999a:15). Thus, although the unilateral environmental trade measure norm was essentially excluded from the trade frame in the Singapore report, the US continued to contest this frame interpretation of Article XX.

In the case of the multilateralism principle and the transboundary harm prevention norm, the 1996 WTO report (Section III, Para.171) declared that

> There is a clear complementarity between this approach and the work of the WTO in seeking cooperative multilateral solutions to trade concerns…WTO Agreements and MEAs are representative of efforts of the international community to pursue shared goals, and in the development of a mutually supportive relationship between them due respect must be afforded to both.

In response, CTE representatives and Trade Ministers recognized a legitimate need to use trade measures in MEAs to prevent harm to transboundary or global resources, "particularly where trade is related directly to the source of the environmental problem" (WTO, 1996m:Section III, Para.173). However, the Singapore report did not clarify when and how trade measures in MEAs can be used in circumstances of 'multilateral unilateralism' nor did it explicitly interpret Article XX to prohibit unilateral trade measures for the purpose of protecting environmental resources that are outside a country's jurisdiction.[6]

CTE trade officials also essentially attached two central conditions on the use of trade measures in MEAs: minimal impact on trade and specificity (WTO,1996m:Section III, Para.173, 174(ii) and (iii)). The question here is under what terms and conditions an accommodation for MEAs should be considered and what particular approach should be followed. First, the 1996 Singapore report notes that a number of existing provisions in the WTO can accommodate the use of trade-related measures needed for environmental purposes, including measures taken pursuant to MEAs (WTO, 1996m:Section III, Para.174(ii)). Here, it specifically mentions "the defined scope provided by the relevant criteria of the "General Exceptions" provisions of GATT Article XX" (WTO, 1996m:Section III, Para.174(ii)). As such, CTE representatives and Trade Ministers implicitly suggest that the measures of MEAs are subject to the conventional status quo conditions of the Article XX chapeau, that is, they must minimally impact on trade. Second, the inclusion of trade measures pursuant to MEAs is deemed permissible in the context of "specifically agreed-upon provisions" (WTO, 1996m:Section III, Para.173, 174(iii)). In this way,

---

[5] That is, countries "seeking the protection of the environment in a country other than the one imposing the measures, constitute an 'extraterritorial' reach that is…incompatible with free trade principles" and norms (Bryon, 2001:34).

[6] 'Multilateral unilateralism' refers to trade actions that are taken by countries in the context of an MEA, but imposed unilaterally (Esty, 1994:139-142).

trade officials stipulate that only MEAs in which Environment Ministers specify to a high degree how the trade measures are or will be used in the future are permissible under GATT-WTO rules.

Therefore, for the first time in GATT-WTO history, member states legitimized trade measures in MEAs that are GATT-WTO-inconsistent, but meet the central requirements of the Article XX chapeau and specificity. This status quo, Article XX approach to accommodation, however, clearly places the transboundary harm prevention norm in a peripheral position in the trade frame and presumably leaves the questions of 'unilateralism for reasons of extra-jurisdictional environmental harm' and 'multilateral unilateralism' unanswered or in doubt. The Article XX approach and uncertainty surrounding how its chapeau might legally be interpreted in a MEA-related trade dispute also fails to provide environmental actors negotiating MEAs with a necessary, high degree of predictability and security. For instance, trade measures used in MEAs to encourage broad participation potentially could be deemed as discriminatory, non-specific and not primarily directed at conservation. The approach thus remains *ex post* in nature and does not seriously address concerns about potential future conflicts between trade and environment principles/norms under WTO DS or the potential debilitating affects of uncertainty on future MEA negotiations. In contrast, *Agenda 21* and the Rio norm of environmental policy integration, instead, called for GATT contracting parties and WTO member states to take integration efforts to make trade and environment principles/norms as mutually supportive as possible in outcomes in favour of sustainable development (UNCED, 1992a:2.21a).

Furthermore, trade officials in the Singapore report tried to clarify the trade-environment relationship with regard to MEA and WTO conciliation and DS procedures as requested in *Agenda 21* (UNCED, 1992a:2.21b), but notably without any real consultations with UNEP and MEA Secretariats. First, the Singapore report encourages two WTO members who are both parties to an MEA to resolve their disputes through the MEA compliance and DS system (WTO, 1996m: Section III, Para.178). Second, it affirms the right of any WTO member to bring an MEA-related trade dispute to the DS mechanism (DSM), presumably in the scenario between two WTO Members, of which one is a party to an MEA and the other is not (WTO, 1996m:Section III, Para.178). Third, the Singapore report supports the status quo on the issue of who bears the burden of proof. Currently, the onus of proving that an MEA trade measure would be justified as a deviation from trade principles/norms under Article XX remains the responsibility of the defendant or party to the MEA (Esty, 1994:211).[7]

As such, the recommendations in the Singapore report implicitly biases WTO Members who are non-parties to MEAs and provides an incentive for challengers to seek the stronger WTO DSM, with its legalistic approach to binding judicial settlement, including strict timetables and the enforcement of its findings through economic sanctions (WTO, 2001:27). That trade officials collectively realized this is evident in their statement that "improved compliance mechanisms and DSM available in MEAs would encourage resolution of any such disputes in MEAs" (WTO, 1996m:Section III, Para. 178). As Griffith (1997:8) observed "the weakness of MEA compliance and…[DSMs], in sharp contrast to the binding DSM of the WTO, increased the risk that MEA related-disputes would be brought to the WTO given the lack of effective alternatives…This potential remained an issue of concern to many delegations." Through their recommendations on DS and support for an implicit Article XX approach in the Singapore report, therefore, trade officials adopted for a peripheral accommodation where WTO principles/norms and mechanisms prevailed over those of the Rio sustainable development frame and MEAs. This can only be described as a very weak policy integration outcome as outlined in Table 9.

---

[7] A reversal of the burden of proof would place the onus on the country challenging an environmental trade measure (Esty, 1994:212).

In contrast to this status quo approach, other delegates in the GEMIT, sub-CTE and CTE put forth proposals that were based on the premise that there was a need to clarify the relationship between MEAs and the multilateral trading system and that the existing WTO provisions did not have enough scope to accommodate trade measures taken pursuant to MEAs (See Tables 8 and 9). The more strongly integrated proposals from an environmental standpoint suggested an *ex ante* approach to accommodation through a formal amendment or collective interpretation of the applicability of the provisions of Article XX (GATT, 1994:5). Essentially, these approaches attempted to create an 'environmental window' in the GATT-WTO, by clearly defining the conditions for the use of trade measures in the context of an MEA and the transboundary harm prevention norm which, as long as they were met, would guarantee that the multilateral trading system would accommodate the measures (GATT, 1994:5). It was the EC in 1992 that put forth the strongest version of the *ex ante* approach in a submission to the GEMIT that proposed that trade measures in MEAs meeting certain criteria should be perceived as compatible with trade rules and therefore not challengeable in the GATT (GATT, 1992).

Later EC proposals in the CTE could be categorized as combination *ex ante* and *ex post* approaches, recognizing a need to clarify or amend Article XX (with a clarification in the form of a code of conduct or several amendment options) *and* the need to safeguard some limited *ex post* scrutiny of trade measures in MEAs through the WTO DSM (WTO, 1996b; García Burgués and Insausti Muguruza, 1997:166; Schwartz, 2000). In this latter respect, the EC suggested maintaining the right of WTO Members who are non-parties to MEAs to challenge a trade-related MEA provision in the WTO to presumably accommodate the concerns of developing countries about unilateralism, eco-protectionism and socio-development policy integration, but reversing the burden of proof. Shifting this onus would be similar to the provisions of the Technical Barriers to Trade and Sanitary and Phytosanitary Agreements, so that the country challenging the environmental trade measure would have to prove the measure imposed by the other party did not meet the Article XX conditions (WTO, 1996b:Para.15). In the run up to the Singapore Ministerial, other CTE delegates that suggested versions of the combination *ex ante* and *ex post* approaches through the development of informal Understandings or Guidelines were New Zealand, Korea, Japan, Switzerland and the US (WTO, 1996a, 1996c, 1996d, 1996e, 1996l; Schwartz, 2000).

The advantages of the stronger, *ex ante* approaches to accommodation from an environmental perspective were that they could potentially establish clear conditions for hierarchy between trade and environment principles/norms (i.e., the circumstances and criteria under which the provisions of MEAs could prevail over WTO rules). Most clarifications (with the exception of the US proposal) also included the possibility of explicitly resolving scenarios in which unilateralism (and to a lesser extent 'multilateral unilateralism') were deemed acceptable or unacceptable under Article XX. A strong, *ex ante* approach could also potentially provide MEA negotiators with a high degree of predictability and security that there would not be a GATT challenge if they felt the need to use such trade measures in MEAs (GATT, 1994:5). Such an approach also had the potential for establishing clear parameters for trade and environmental policy integration (i.e., how trade considerations could be factored into MEAs from the beginning of negotiations and how environment considerations could be factored into the multilateral trading system and DS). Combination *ex ante* and *ex post* approaches that included a reversal of the burden of proof provision, further, could ensure that non-parties to MEAs would not be biased in WTO DS proceedings. Few delegations, with the notable exception of the EC/EU in their 1996 proposal, however, stipulated that such *ex ante* or combination *ex ante* and *ex post* approaches to accommodation should be jointly developed by GATT/WTO Trade Ministers and

CTE member state representatives, MEA Secretariats, UNEP and Environment Ministers (WTO, 1996b:Para.17).

As the Chairman of the GEMIT noted on behalf of many of the contracting parties (GATT, 1994:5-6), the major disadvantages from a trade perspective of the *ex ante* or combination accommodation approaches were that Members would need to go beyond existing GATT-WTO provisions to make collective interpretations or amendments. Under these approaches, they would also need to alter the existing, status quo hierarchy between trade and environment principles/norms (i.e., WTO rules currently were perceived to prevail over MEA provisions). To do so, trade officials would not only have had to arrive at a common understanding among themselves on an acceptable set of conditions and criteria for when trade measures could be taken pursuant to MEAs, but they would have had to alter the boundaries of their relatively closed policy community to greater secure the involvement and input of environmental experts in making such decisions. Moreover, "although many Europeans and other developed country [m]embers supported the clarification of the relationship, the [*ex ante* and other joint *ex ante* and *ex post*] proposals differed drastically, so there was no common agreement as to which was the preferred method, an amendment or a clarification of the existing rules" (Schwartz, 2000:66).

To complicate matters further was a third, *ex post* waiver option for a weak accommodation of trade measures taken pursuant to MEAs competing for member states' support, which was espoused by some GEMIT, sub-CTE and CTE delegates, such as the ASEAN bloc and Hong Kong in 1996 (WTO, 1996k, 1996i). This approach proposed that in exceptional circumstances and with specified criteria, the trade measures of MEAs could be temporarily waived under the provisions of either Article XXV (of the GATT) or Article IX (of the WTO).[8] Such an approach was *ex post* in nature, however, as "an MEA related trade measure applied pursuant to a waiver could still be challenged in WTO DS on the grounds of non-violation, nullification and impairment of WTO benefits" and there was no reversal of the burden of proof (Schwartz, 2000:66). The onus to demonstrate and convince other WTO member states of the acceptability of an MEA trade measure, moreover, would remain the responsibility of those who were seeking the waiver (i.e., WTO members who were parties to the MEA). Since GATT-WTO waivers are time-limited, the approach also fails to provide the negotiators of MEAs with a high degree of predictability and security in their negotiations. The waiver process also puts Trade Ministers in the WTO in the position of judging on a case-by-case basis the merits of trade measures in MEAs and potentially formally denying a waiver to an MEA that has already gained wide support among Environment Ministers and the international environmental community.

By not electing the *ex post* waiver or the *ex ante* and combination *ex ante* and *ex post* amendment or clarification of the WTO provisions approaches, "the CTE *de facto* chose to take the status quo approach" described above (Schwartz, 2000:66). In part, this weak accommodation occurred because the only real ardent supporter of unilateralism by the time of the Singapore Ministerial (and critic at Rio of Principle 12), the US, would not make an important trade-off. That is, the US refused to explicitly denounce unilateralism after the 1991 Tuna-

---

[8] Waivers in the GATT under Article XXV could be adopted by a minimum of two-thirds of a majority the votes cast by contracting parties, with the added requirement that the majority must comprise more than one half of the contracting parties (GATT, 1991a:25-26). Waivers in the WTO under Article IX are subject to approval by a minimum of three-quarters of the WTO member states (WTO, 1994). For trade measures pursuant to a particular MEA to receive a waiver, then, the MEA would have to have broad support from the international community. Waivers are also only granted exceptionally and for a limited period of time to an individual member or to all members.

Dolphin conflict and in the GEMIT, sub-CTE and CTE meetings in return for developing countries' potential support of stronger *ex ante* (or combination *ex post* and *ex ante*) integrative approaches for trade measures pursuant to MEAs (Griffith, 1997:Endnote 12). As a WTO Secretariat official in the Trade and Environment Division explained to me "the Americans would rather forego the multilateral process and say this is a *fait accompli*, for example in cases like [Tuna-Dolphin and] Shrimp-Turtle. You adopt our measures or we will punish you. So it is more a question of punishing than facilitating. That is why countries have continued to be really suspect. This is one of the main impediments to moving the agenda of the Committee forward" (Confidential interview, 11 June 2001).

In contrast, the EC/EU recognized early on in GEMIT meetings that a 'no unilateralism' stance, and then in sub-CTE and CTE meetings some *ex post* scrutiny, had to be essential parts of its proposals to reconcile the relationship between the principles/norms of MEAs and the multilateral trading system (GATT, 1992; WTO, 1996b). Otherwise, other developed and developing countries would withhold their support for any stronger, *ex ante* proposals of accommodation. Of course, whether developing countries' support for this trade-off, if explicitly offered by the US (and backed by both the US and EU in practice), would have been forthcoming, is a difficult question to answer. What seems clear is the US could be relatively immune to the 'no unilateralism' arguments of the EU and other developed and developing countries in the CTE due to WTO institutional rules that selectively enable powerful players to block or veto otherwise unanimous, intersubjective agreement. Indeed, invisible weighted decision-making rules in trade negotiations and the threat of unilateral trade actions are reasons why developing and other middle power countries attach such importance to the principle of multilateralism and upholding their rights under the WTO DSM.

Moreover, the sheer plethora of proposals, as well as the spectrum of these positions on the issue of MEA accommodation or environmental policy integration, largely mirrored the different degrees to which members' domestic policy communities interacted interdepartmentally and the extent to which national interests on this issue came to be informed by the principles/norms of the Rio frame vis-à-vis the trade frame. Thus, another serious obstacle to a stronger integrative outcome was the opposition of many developing and some developed countries that continually countered - from their largely, instrumental trade perspectives - the more serious, *ex ante* integrative approaches for MEA accommodation put forth by the EC/EU and other OECD developed countries in the GEMIT, sub-CTE and CTE. Due to low levels of institutional capacity for more complex or reciprocal forms of learning about environmental ideas in domestic policy communities and supranationally in the CTE, these countries' representatives' interests remained solely or predominantly informed by the GATT 'no green protectionism' frame. As the CTE representative from Sierra Leone described (Chaytor and Wolkewitz, 1997:160), "the proposal for an 'environment window' which would involve a collective interpretation of GATT Article XX struck terror in the hearts of those who wanted to avoid 'green protectionism.'"

For instance, many developing countries such as Brazil, India, Egypt and Nigeria espoused a no integration approach, citing that they were unconvinced there was a problem. In their view, trade measures taken pursuant to MEAs were not theoretically or actually in conflict with GATT provisions and GATT provisions did not inhibit nor prevent desirable conclusions of MEAs in negotiations (WTO, 1996f, 1996j; Chaytor and Wolkewitz, 1997). As such, stronger, *ex ante* points of view for trade and environment accommodation based on the premise that there was a potential conflict and thus need for reconciliation had to be rejected by these CTE representatives as serious possibilities. They also had to be dismissed for reasons of normative frame incompatibility. Indeed, the advantage of the *ex post* approaches to MEA accommodation

(i.e., the status quo, Article XX approaches or the alternative, waiver approach) is that they were to higher degrees compatible with existing GATT-WTO principles/norms and did not require elaborate changes to the trade governance frame. In the words of both developed and developing countries' representatives, the *ex post* proposals were "more compatible with GATT philosophy" (Griffith, 1997:9; Confidential interview with a developing country representative, 12 June 2001).

In contrast, many of the *ex ante* (and combination *ex ante* and *ex post*) approaches would have required trade officials to better include the Rio principles/norms and to alter their interpretations and hierarchical rankings. Some of the strong, *ex ante* proposals would have also required boundary rule changes and other institutional adjustments to the CTE to better include environmental actors in decision-making processes and to enable joint ownership of any agreed-to conditions or criteria establishing principle/norm hierarchies. Specifically, in 1995/1996, the institutional ties between the WTO Secretariat/CTE and the UNEP and MEA Secretariats were not formalized, infrequent and uneasy. In addition to these normative frame difficulties, then, the rather low institutional capacity of the WTO/CTE to support more complex and reciprocal forms of learning among trade officials, and between trade and environmental policy communities, inhibited the endorsement of a stronger, *ex ante* integrated approach to MEA accommodation.

Explaining Policy Integration: A Social Learning Explanation

The first theoretical point is that supranational trade and environmental actors' interpretations of the new UNCED principles/norms, as well as perceptions of their compatibility with the extant and evolving GATT and EEC governance frames, shaped the possibilities for their accommodation and institutionalization. In the WTO, perceptions of low levels of normative frame compatibility remaining from the 'no green protectionism' frame prevented many trade actors in the CTE in the 1990s from adopting a problem-solving interaction style. Consequently, many trade actors did not make serious efforts to accommodate the new ideas in their identities/interests, nor develop more supportive policy outcomes and institutions at the domestic and supranational levels. More specifically, the narrow meanings ascribed to the WTO's competence in the environmental area and policy integration, as well as the limited mandate for policy integration given to the CTE (i.e., any modifications or changes to the trade frame had to be compatible with existing principles/norms), prevented many trade representatives from addressing directly and perhaps finding stronger solutions to the perceived incompatibilities. [9] As such, weakly integrated policy outcomes collectively arrived at by trade actors in the CTE for Singapore only addressed and accommodated the UNCED principles/norms that had neutral or compatible connections with trade rules. Other more, challenging environmental ideas were marginalized in the frame, producing gaps in the logic of the WTO's story of 'sustainable development.' The soft law Singapore report thus did not seriously speak to areas of normative frame incompatibility, make adjustments to principle/norm hierarchy or establish rules governing trade-offs. Of particular importance was that the newly included, but narrowly interpreted, integration norm was marginalized in the 'trade liberalization sustaining development' frame, which limited the perceived possibilities for more significant institutional change and cross-sectoral dialogue.

---

[9] For example, when CTE delegates were asked in interviews, "what does the term policy integration mean to you?" a typical response was the following. "I think of the word sustainable development, which at its heart has the idea of integrating different policies within decision-making and government, and that is something that shouldn't be ignored…both nationally and internationally. I think people are still trying to come to grips with what it actually all means…It is not easy because the phrase or concept can be used quite subjectively. In the context of the WTO, like in the legal Agreements, we try to avoid it as much as possible and not run the risk of clarification which could lead to trade restrictions" (Developed country CTE representative, 12 June 2001).

In contrast, by the mid 1980s, the EEC had already experienced a period of weak policy integration where Community actors had initially institutionalized, albeit peripherally and in soft law, some of the principles/norms from the Stockholm frame. As noted above, and similar to the recent period of weak policy integration in the GATT-WTO, original acceptance of most environmental ideas was contingent on interpreting and implementing them in compatible ways that served the primary rationale of the Community – thus, the 'green growth' framing. At the same time, after Stockholm, Community actors came to interpret the central common market purpose and accelerated growth or standard of living norm in the Treaty of Rome more broadly to entail qualitative improvements in life, including environmental protection. This window created a small opening for Community actors to construct a competence in the environmental area, as well as marginal spaces in the EEC's frame for the more challenging, Stockholm ideas, such as environmental policy integration.

Further, as the ideational legacy from Stockholm became more formally institutionalized as hard law in successive EAPs, policies, European Court of Justice (ECJ) decisions and Treaty changes in the Community throughout the 1980s and early 1990s, the salience of environmental ideas increased to a secondary status. Here, increasing convergence between economic, trade and environment principles/norms in the 'ecological modernization' aspect of the Community's 'sustainability' framing acted to raise perceptions of normative frame compatibility to a much higher level. In part, the puzzles of reconciling the single market project with environmental concern and of avoiding the environmental policy failures of the past became sources that promoted a more, problem-solving mode of interaction among many Community members, for example in formulating the 5th EAP and in preparation for the UNCED.

At the same time, Community actors generally adopted a definition of 'sustainability' that equally recognized the incompatibilities between economic, trade and environment principles/norms (originally stressed at Stockholm) and did not take for granted that the mutually supportive 'win-win-win' scenarios would occur automatically. Instead, normative solutions or trade-offs would have to be carefully constructed involving new, central adherence to the environmental policy integration norm. Emphasis on environmental policy integration by the Brundtland Commission and by states at the UNCED reiterated this primary linkage to the core purpose of 'sustainable development.' As such, moderately integrated policy outcomes articulated by Community actors after the UNCED, such as Singapore Communications and positions and the Amsterdam Treaty, did frankly address areas of both compatibility and conflict between trade and environmental principles/norms, as well as challenge principle/norm hierarchy. Here, Community policy makers adopted a wider interpretation of integration than WTO actors: more in line with the formulations of the OECD, the Brundtland Commission and the UNCED and with a meaning that carried an obligation across sectors to better actualize environmental principles/norms and to participate in reflexive and reciprocal forms of problem-solving.[10] Importantly, such an understanding meant that institutional change to facilitate cross-sectoral dialogue and more participatory governance arrangements were perceived as integral to the success of policy integration.

---

[10] For example, when Commission or European member state delegates to the CTE were asked in interviews, "what does the term policy integration mean to you?" they generally responded as follows. "It means that…all trade policy personnel, all Ministries involved, should take into account environmental considerations when preparing decisions. All the decisions that we prepare for our trade Ministerials, we send them to all Ministries…so that people at all levels can consider…[environmental] questions. Can this decision have any environmental implications?...From the trade and environment angle, there is an awareness now of how intermingled the areas are" (European member state CTE representative, 13 June 2001).

The second theoretical point is that the possibilities to frame higher levels of normative frame compatibility were intimately tied to the capacity of their institutional environments. Accordingly, the success or failure of policy integration in the GATT-WTO was equally contingent on the contextual conditions that were, in large part, antithetical to more complex/reciprocal forms of learning and identity-interest change. First, the WTO as a sovereignty-based, state-centered organization had rather strict and formal boundary rules that resulted in a highly closed policy community in the CTE consisting of delegations primarily made up of trade officials. With significant exceptions, these trade delegations had no to minimal consultations with their environmental counterparts at the national or international levels. Although certain environmental international organizations were granted ad hoc, informal observer status in the CTE, their roles in policy deliberations, and especially in formal trade negotiations, were strictly limited and differentiated from the member state representatives. Moreover, NGOs (and the Secretariats of MEAs) were prohibited from the CTE and there were no formal provisions for NGO-Secretariat-member state consultations at the WTO level. Member state trade representatives in the General Council also had the ultimate discretion to block the derestriction of documents and discipline the use of ENGO submissions by DS panels.

Second, within the WTO policy community, closure meant that dialogue about trade and environment principles/norms was essentially limited to its trade representatives interacting in the rather infrequent, formal sessions of the CTE. However, at times, for example, in the phases of preparations for the Singapore Ministerial, the levels of density and informality surrounding interactions among CTE actors could be quite high. Here, some member states – typically those with higher levels of coordination among domestic interdepartmental communities and exposure to more balanced trade and environment ideas - were able to adopt a problem-solving mode and consider more serious changes to the 'no green protectionism' frame. At the same time, many trade representatives that were highly insulated from their domestic and international environmental colleagues remained defensive and steadfast to their 'no green protectionism' identities and interests. Further, informal and formal interactions between the two groups above did not seem to build high enough levels of trust (i.e., quell fears of trade protectionism) for such actors to collectively puzzle about the problematic areas of principle/norm divergence. As such, in the final and more formal phase of negotiations for Singapore an odd form of interested-based, trade bargaining or simple learning dominated interactions in the CTE (albeit without the traditional incentives of enhanced market access).

Third, serious deliberative arguments were further impeded by the consensus-based decision-making rules of the WTO. In theory, rules of unanimity typically prescribe non-hierarchical relations among actors (each actor has an equal say or veto in decision-making), which presumably can facilitate more open forms of arguing about principles/norms and constructive, compromise agreements. In practice, however, unanimity in the WTO's CTE did not mean that every delegation was equal or could oppose consensus. In fact, consensus implied hierarchical relations among actors in the sense that – as one developing country CTE representative put it – "obviously there is a difference of weight, irrespective of the rules of procedure…The point is how sustainable is the opposition of a small, developing country to block the consensus on an issue" (Confidential interview, 12 June 2001). In the CTE, there was also not really a 'shadow' of QMV (and definitely not of an 'environmental vote') to facilitate more balanced compromises. Thus, consensus-based, but invisible-weighted, decision-making procedures in the CTE, coupled with a dominant simple learning style of interaction, worked to: a) produce lowest common denominator outcomes (where everybody could agree) and/or b) provide potential vetoes for powerful member states to block such weak, compromise outcomes. Of course, both the boundary and decision rules of the CTE also promoted hierarchical relations

between trade representatives and international and national environmental actors which further made the possibilities for balanced outcomes to arrive out of discourses highly improbable.

Last, the place of the CTE in the architectural structure of the WTO was designed as separate and subordinate to the other Councils and Committees according to conventional sectoral or instrumental-analytic logic. In the absence of a central or secondary commitment to the UNCED norm of integration, trade actors marginalized the environment into a body removed from the important decision-making processes of the WTO. Changes to institutional arrangements, venues and roles to encourage more reflexive/reciprocal forms of learning beyond this environment unit were not considered given the narrow meaning attributed to 'policy coordination or integration' by most WTO trade actors. As such, the CTE can really only achieve the first part of its mandate, i.e., to identify and analyze the trade and environment relationship in order to promote its narrow definition of sustainable development. The second part of the CTE's mandate – 'to make recommendations on whether any modifications of the provisions of the multilateral trading system are required' – is thus misplaced given the Committee's disconnect from the relevant WTO Agreements and Councils/Committees or high degree of institutional fragmentation. Moreover, the language in the CTE's mandate stating that any changes to WTO rules have to be 'compatible with the open, equitable and non-discriminatory nature of the system' discouraged: a) more complex forms of problem-solving among trade actors (i.e., deliberation outside of the boundaries demarcated by existing trade principles/norms) and b) the adoption of stronger, frame changes or solutions to normative conflicts. The weak outcome produced by CTE members for Singapore on the MEA issue is a case in point.

In contrast to the WTO, the important 'policy-shaping' trade and environmental decisions in the EU took place in the Commission. Here, there were more complex and reciprocal inter-service consultations between the relevant Directorate Generals (DGs), as well as consultations between the Commission, national representatives and experts, the EP and non-state policy stakeholders such as international organizations and NGOs. Specifically, DG Trade has the mandate to initiate and propose trade policy – collaborating closely with senior and deputy member state trade officials in the Council's (Article 133) Trade Committee in Brussels (Coordination Surplus). Of course, the General Affairs Council acting by QMV ultimately has the right to approve or disapprove of Commission trade proposals and negotiating mandates for the WTO and CTE. The Presidency and member states in Council meetings in Geneva (Community Coordinations) might also oblige the Commission to change some aspect of a Community position or the negotiating tactics for the WTO. But at such formal, legislative decision-making or negotiation stages – as a Commission official observed - "the scope for changing proposals exists only at the margins, involving about 20 per cent of the total proposal" (Hull, 1993:83 cited in Peterson and Bomberg, 1999: 21). Thus, with regard to its role as policy initiator/formulator, the Commission – and with DG Trade in the lead - played a significant role and often exhibited a high degree of autonomy from the member states.

Moreover, since the European Community embraced the principles/norms of 'sustainable growth respecting the environment' and environmental policy integration through the series of 'history-making' Treaty changes, the mandate of DG Trade became less insular and discourse with trade and environmental colleagues in the Commission more regular and reciprocal. According to a European Commission trade representative to the WTO (Confidential interview, 11 June 2001):

> Our mandate is not just a trade mandate, even in DG Trade. We are completely bound by our Treaties which makes sure…the environment is reflected throughout all the policies of the Community. Certainly I have strong contacts with DG Environment…Often it is a deliberate decision to go one way or the other, but that doesn't mean that we don't know

> what they think, we don't know what they want, and we try to reconcile some of the conflicts…We never argue that trade rules dominate, we try to balance things.

Similarly, the following statement from a Commission official from DG Environment confirms his trade colleague's statement about the evolution of the trade policy community during this time (Confidential interview, 21 June 2001):

> The presence of the principles of integration built into the Treaties has increased the sensitivity of our colleagues from DG Trade. Because of their work…they do have a different mentality. And because they now work with the environmental community…I have to say that the positions and mentality over time have evolved because of the presence of the integration principles. So I see practical effects there…In other DGs it might be different, but I think in general there is some truth to that with DG Trade.

These important observations suggest that the success or failure of policy integration in the EU, similar to the WTO, was dependent upon the opening up of both normative and institutional boundaries that facilitated learning among and between trade and environmental actors. In contrast to the WTO, however, the normative frame that evolved in the EU encouraged greater consideration of the perceived conflicts or incompatibilities between trade and environment principles/norms through central adherence to the environmental policy integration norm. In addition, successive Treaty and other changes to institutional practices and conditions in the Community encouraged cognitive openness and more complex and reciprocal styles of communication among trade and environment actors. Thus, more moderate to strong forms of integration in the trade and environmental positions of the EU for the WTO and Singapore Ministerial resulted, as evidenced in the 1996 Communication on Trade and Environment and the 1996 Community submissions to the CTE on the WTO-MEA relationship.

First, although the organizational structure of the EU, like the WTO, is based on state sovereignty, sovereignty has been eroded to a greater degree in the EU over time. Consequently, European member states did not have a monopoly in Community policy-making processes in the late 1980s and 1990s. Decision-making power in external trade and WTO affairs was primarily shared between member states and the Commission with an increasing consultative role for the EP. The Commission, as the drafter of policy proposals and positions to be taken in international fora, tended to be the main focus of EC lobbying by state and non-state actors. After the adoption of the Single European Act (SEA) and Maastricht-Amsterdam Treaties, the EP became a secondary point of access. In particular, DG XI (Environment) had loose and informal boundary rules that resulted in a highly open and inclusive environmental policy community, with ENGOs enjoying mostly, informal consultative status. Indeed, contacts between ENGOs and DG XI were close or highly dense. Compared to DG XI, the boundary rules of DG I (Trade) were rather strict toward NGOs, although informal, which on the whole made the trade community rather closed to civil society. Also, the meetings of DG I and member states' representatives in the Article 113 (133) meetings were restricted to members of the trade policy community, although additional ad hoc meetings between DG I and national experts on particular issues could be more inclusive of the relevant environmental actors (Confidential interview, DG Trade official, 20 June 2001). In particular, deliberations in the Article 113 (133) Committee and the Council on the adoption of legislation or negotiating proposals/positions for international fora were closed to the public with no requirement for documents to be de-restricted or votes to be published. The same closed proceedings were true of policy deliberations and voting in the College of Commissioners.

However, Commission officials in the different trade and environment units in DG I and DG XI had open, regularized interactions with one another in early policy formulation stages (inter-service consultation) before the secondary College of Commissioners (intra-Commission coordination) and tertiary Committee/Council decision-making phases (Commission coordination

with member states). As such, the level of openness in the Commission in policy-shaping stages was rather high, even though proceedings became more closed in the Article 133 Committee-Council decision-making phases. For example, there was direct access for DG XI to DG Trade and indirect access for ENGOs to DG Trade through DGXI. In the Commission, some officials from DG I-DG XI even moved from one DG to another and brought along alternative ideas or dual perspectives. As one DG Trade official stated: "It is quite common after you finish working on a file with people in other DGs to be asked to join that DG if you have been appreciated. So we have plenty of people here that have been working in the past for other DGs, which is not always the case for government departments" or other supranational organizations (Confidential interview, 20 June 2001).

In this way, officials in the respective units in DG I and DG XI – and in Community delegations to the WTO's CTE (made up of actors from both DGs) - gained an appreciation of multiple perspectives and roles that were seen as supportive or complementary to one another and to arriving at a common Commission position. In such instances, the identities of some officials came to incorporate and even internalize the alternative trade or environmental perspective. For instance, a DG Trade official commented that (Confidential interview, 20 June 2001): "Here in the DGs people tend to move quite a bit…The advantage is that…you get to see different perspectives. You don't just get a blink at another point of view if you are in the green field and the trade field." The formal designation of integration correspondents in the DGs in 1994 as part of the Commission's internal environmental policy integration process built upon further these informal integration practices. In addition, several European member states began their own formal, domestic environmental policy integration processes. Their delegations to the CTE (that accompany the Commission's delegation) started to consult with or include representatives of the domestic (and ENGO) environmental community, on an ad-hoc basis. Another avenue of integration was that the ECJ was authorized by member states to accept amicus curiae briefs from any person or organization with an interest in a trade and environmental case and frequently did so.

Second, the high level of openness of DG I to informal, consultations with their environmental colleagues occurred, in part, because the 'policy-shaping' processes of inter-service consultation were highly formalized or institutionalized in the Commission. Consultation was structured in the Commission so that DG Trade could not go ahead with a trade and environment position for the WTO or CTE without the agreement of the relevant DGs and Commissioners.[11] As one DG Trade official remarked (Confidential interview, 20 June 2001):

> It is not just picking up the phone informally and saying what do you think about this, it is also formal…If you didn't have their approval, the Secretariat General would say you cannot decide on something with environmental implications without consulting DG Environment…[Thus] if we have draft legislation, coming from DG Trade, there should be a link where all the services are formally consulted. So that everybody gives an opinion and everything is taken into account…This process is not just needed for

---

[11] Likewise, DG Environment could not proceed with a trade-related environment position when it takes the lead, for example in MEA negotiations, without similar support from DG Trade and the other services/Commissioners. As an official from DG Environment stated (Confidential interview, 19 June 2001), "we are consulted on every proposal made to the 133 Committee. [Similarly,] we always have to go through an inter-service consultation process for a policy measure with implications for trade policy which has to involve or include DG Trade. So I cannot think of any policy measure in the field of the environment with trade implications for which DG Trade has not been consulted [and vice versa]…This is a permanent policy consultation process."

> legislation, but for most kinds of actions…So we have to listen to everybody and we do so."

Such highly institutionalized, dense interactions between the Commission services, in turn, promoted high levels of regularity and flexibility in informal interchanges among Commission actors (Confidential interview, DG Trade official, 20 June 2001). As a DG Trade official (Confidential interview, 20 June 2001) commented: "We work very closely with DG Environment…We have a twin unit in DG Environment in International Affairs and Trade and we work with them on a personal level, but also on a policy level we are fairly close to each other." As an official from DG Environment confirmed (Confidential interview, 19 June 2001), "an increase in commonality of views has surfaced out of the discussions of our DGs over the years," for example on the WTO-MEA issue. Moreover, these formal and informal interactions between DG I-DG XI officials have not only facilitated greater normative frame convergence, but also rather high levels of mutual trust and respect (Confidential interview with a DG Environment official formerly from the International Affairs Unit, 21 June 2001).

As such, the processes for agreeing to Community positions for the WTO and CTE were generally characterized by DG I and DG XI officials as complex, problem-solving or reciprocal learning.

This approach did not mean that arriving at normative compromises or trade-offs was easy or entirely free of conflict, however (Confidential interview, DG Environment official, 21 June 2001). For example, a DG Trade official described cross-community interactions in the Commission with regard to formulating the Community's 1996 stance on eco-labeling in the CTE as follows (Confidential interview, 20 June 2001):

> We were not really at the conflictual end of the scale. We work well and on a substantive and personal basis with members working in the DG Environment unit...And generally, I think people are looking for solutions…People are actually interested in trying to find a coherent [policy] response.

In regards to the preparation of a more recent, trade and environment-related Communication from the EC to the WTO by DG Trade, an official from DG Environment put it this way (Confidential interview, 21 June 2001):

> When I saw the first draft I was surprised by the fact that already DG Trade took on board many things that I would have put in myself. So this was not always so in the past, but I think there has been an evolution in the trade community…There wasn't much to trade off. It was an agreeable process. So there were not major negotiations…You don't need to go up the hierarchy to sort out problematic issues. Not at all…At the Commission level you can sort them out.

As such, negotiations in the Commission with regard to proposals made to the 133 Committee for the CTE and Singapore Ministerial often went beyond simple or conflictual styles of learning to produce problem-solving and more moderate to strong forms of policy integration.

Third, although DG Trade takes the lead on trade and environment issues for the WTO/CTE, and DG Environment takes the lead on many trade-related environment matters (e.g., MEA negotiations), some Commission officials (but certainly not all) minimized this hierarchy in their descriptions of their respective policy-making responsibilities/competences and roles. For example, a Head of Unit in DG Environment (Confidential interview, 19 June 2001) explained that:

> [When] we take the lead, it is still an equal partnership. We will come forward with a proposal, but all decisions are taken on the basis of equality so when it eventually goes up to the decision-making body which is the Commissioners themselves, then each one has one voice, one vote.

Specifically, formal voting among the Commissioners is on a consensus or simple majority basis, but consensus-based agreement is strongly encouraged at the level of the services. Ideally, left-over conflict is not to permeate decision-making at higher levels (i.e., in the meetings of the cabinets and subsequently the College of Commissioners). If genuine, inter-service compromise results on a policy proposal, there is also less likelihood that the services' opinions will be ignored if certain cabinet staff or Commissioners disagree with them. Moreover, in horizontal consultation, the services, if they are interested in a proposal, have equal rights to participate in the policy discourse, i.e., to respond and react to the draft. As one DG Environment official explained (Confidential interview, 21 June 2001), "we have to include their [other services'] comments otherwise we cannot go ahead. We have to reach an agreement."

Of course, the Environment DG is just one voice and it is by no means automatic that a trade-related, environmentally-integrated proposal coming from DG XI after inter-service consultations will be accepted by the College of Commissioners (Confidential interview, ENGO advocate, 20 June 2001). Similarly, alone, DG Trade cannot achieve much with the College of Commissioners if an important trade and environmental proposal did not have acceptance from other key services like DG Environment (Confidential interview, DG Trade, 20 June 2001).[12] As an official in the Trade DG observed (Confidential interview, 20 June 2001):

> I think awareness within DG Trade has become greater: a realization that environment and sustainable development are in there, whether people like it or not. They are not going to get around trade without environmental and sustainable development issues. It is sort of a train coming towards them basically. The train stops a little bit here and there, and runs off its course, but it is coming…

From the view of a DG Environment official (who was also one of the Commission's CTE representatives), this means that DG environment "has some weight in terms of defining the trade and environmental agenda, and trade and environment priorities" (Confidential interview, DG Environment official, 19 June 2001). Indeed, it is necessary for both of these DGs to build coalitions of support for particular policy proposals in the Commission. Even the so-called, 'political heavyweights' of the Commission (such as Industry, Internal Market and Agriculture), acting on their own, would have a difficult time blocking integrated, trade and environment policy proposals that otherwise enjoyed broad support.

Thus, the institutional rules structuring policy deliberation and consultation among the services, as well as the decision-making organ of the College of Commissioners, did not accentuate high levels of hierarchy among trade and environment actors within the policy-shaping community. In turn, less hierarchical rules and relations between trade and environmental actors in the Commission facilitated: a) more complex and reciprocal forms of learning, and b) the formulation of more moderate to strongly integrated frame changes. Furthermore, institutions structuring interactions between Environment Ministries/Departments and their trade counterparts among some of the European member states were undergoing similar informal/formal processes of integration. These changes too encouraged less hierarchy and more problem-solving in policy development (Confidential interview, DG Environment official, 19 June 2001).

In terms of trade and environment 'policy-setting,' trade and environment decisions for the WTO and CTE were taken by QMV in the Article 133 Committee and General Affairs Council, where member states' votes and vetoes were weighted explicitly (and not invisibly), according to the Treaties. Similarly, trade-related environmental policy decisions in the Community were adopted by QMV in the Environment Council (with the exceptions of the

---

[12] Here, one exception is the informal discussion paper. When a DG prepares a discussion paper it is not obligated to consult with the other services.

exempted areas specified by the Treaties). In the former instance the EP enjoyed consultative status, and in the latter case, the EP was co-operator and co-decision maker after the historical Treaty changes at Maastricht and Amsterdam. In practice, however, QMV was often a 'shadow' that encouraged compromise in the Councils, but at the same time made it more difficult for one or two powerful countries to informally/formally 'veto' more balanced outcomes. Moreover, after 1995, and the accession of Austria, Finland and Sweden, the 'shadow' developed to include the risk of a 'green' member states blocking minority in the respective Councils of Ministers. (The 'Denmark dynamic' also emerged in the European Council (which takes decisions on the basis of unanimity)). Thus, unlike invisible weighted, unanimity decision-making rules in the WTO, weighted QMV operated in Community policy-setting to encourage changes to the margins of policy proposals that were more integrated.

Finally, after other significant, 'history-making' Treaty changes and the fifth EAP, including the new, strong emphasis on the environmental policy integration norm, the Commission introduced some changes to institutional arrangements, venues and roles in 1994 that were aimed at furthering dialogue and reciprocal learning between the sectorally-defined, DGs. As highlights of the administrative reform, a new integration unit in DG XI was created, correspondents with novel, integration roles were nominated in the other DGs (including from the twin unit in DG I), and a 'green star' program for new policy proposals was initiated. Thus, although the Commission was initially highly sectorised in its organization, the reforms constituted first attempts by DG XI, DGIX and the Secretariat General to actualize the integration norm and reduce the degree of institutional fragmentation among policy communities in 'policy-shaping' processes.

At the same time, in the absence of changes to the formal power or hierarchy of DG XI in relation to other DGs, the trade and environment integration process in the Commission relied more on persuasion via the conventional informal/formal linkages in inter-service consultation, rather than on the new, integration mechanisms, such as the correspondent exercise or green star program. Importantly, the integration mechanisms in the DGs' decision-making processes were not formally monitored by a high-level body in the Commission, such as the Secretariat-General or President of the Commission, but instead were overseen by officials from the new, integration unit in DG XI. Of course, the implementation and impact of the integration procedures differed across the DGs: As trade and environment actors in the twin units in DG I and DG XI admitted, the Commission's initial internal integration process was not followed that closely, given the resource pressures of working in their small DGs and with one another (Confidential interview, Trade DG, 20 June 2001). (The Commission itself is very small; it has fewer officials than the government of the city of Paris.) Nonetheless, the extant, institutional arrangements between these two DGs (as noted above) already favoured rather high levels of institutional capacity in the Commission for complex and reciprocal learning, and hence, more moderate to strong policy integration. In contrast to the Commission, however, the degrees of institutional fragmentation in the Councils and EP Committees were typically too high at this time to support regularized, reflexive and reciprocal interactions across policy communities.

Conclusion

I have argued that the trade and environmental policy outcomes of the GATT-WTO and the EEC-EU developed differently since the 1970s because their initial governance frames and institutional arrangements varied in important respects, and also changed in varying ways over time. By concentrating on the period of policy integration in the late 1980s and 1990s, I showed that different meanings and levels of compatibility attributed to trade and environmental ideas by GATT/WTO and EEC/EU actors affected the possibilities for different styles of learning in these organizations and thus for varying forms of policy integration. In the WTO, the perceived level

of trade and environmental normative frame incompatibility among its actors was generally higher than perceived by actors in the EU. This contributed to dominant styles of policy making that were more conflictual or based on interest-based bargaining around trade-centered perspectives. In contrast, in the EU's Commission, the prevailing view changed in that economic-trade-environment relationships were seen as more multi-dimensional in terms of compatibility and incompatibility. As such, there was a greater sense in the European Community and Commission among actors that 'win-win' scenarios were not automatic and thus would need to be creatively constructed. This environment spurred on attempts among and between trade and environmental actors at problem-solving in policy development.

Here, telling ideational differences in the WTO's and EU's governance frames influenced the degree to which actors in the EU and the WTO would consider identity/interest change and look beyond the initial, simplistic 'win-win' logic of sustainable development. That is, differences existed in the extent to which the actors of these supranational organizations would tackle ideational incompatibilities through efforts at more balanced, compromises as opposed to remaining satisfied with status quo, non-outcomes or trade-offs. As such, general and specific efforts at policy integration by actors in the EU were more successful than in the WTO, as evidenced in weak and moderate outcomes for the WTO's Singapore Ministerial, respectively, and especially pertaining to the WTO-MEA issue.

But different degrees of policy change or integration in the WTO and the EU in the late 1980s and 1990s did not result solely from divergent perceived levels of normative frame compatibility on the part of their respective trade and environmental actors. As I also demonstrated, institutional barriers and bridges to more complex/reciprocal forms of learning among/between trade and environmental policy communities were major factors that determined relative successes or failures in policy integration. Lower levels of institutional capacity in the WTO's CTE obstructed more complex forms of learning about alternative ideas among trade actors, as well as prevented more reciprocal styles of communication and policy accommodation between the supranational trade and environmental communities. In contrast, successive higher levels of institutional capacity in the EU, and in particular the Commission, facilitated problem solving and cross-sectoral communication among/between trade and environmental actors to a much greater degree in policy-shaping processes than the WTO. As a result, the European Community became somewhat of a forerunner in environmental policy integration, including the trade and environmental solutions it constructed for Singapore. Conversely, the WTO's CTE collectively lagged behind, and arrived at weak policy outcomes for the Ministerial.

Most importantly, the ideational and institutional conditions supporting or preventing policy integration operated in mutually constitutive ways, as demonstrated in the idea of environmental policy integration. For example, acceptance and actualization of a strong version of environmental policy integration mandated cognitive openness on the part of actors to embark on changes toward higher normative frame compatibility and higher institutional capacity for reciprocal learning. Here, EU actors adopted a version of environmental policy integration in the Treaties that was consistent with the UNCED frame, and Commission actors took initial steps to make changes to institutional venues, arrangements and roles to implement the idea. In contrast, WTO and CTE actors did not take significant cognitive or institutional action toward environmental policy integration.

Bibliography

Baker, Susan, Maria Kousis, Dick Richardson and Stephen Young (1997) 'The theory and practice of sustainable development in EU perspective' in Baker et al. (eds) *The Politics of Sustainable Development: Theory and Practice within the European Union*, pp.1-39. London and New York: Routledge.

Bernstein, Steven F. (2000a) 'Ideas, Social Structure, and the Compromise of Liberal Environmentalism.' *European Journal of International Relations* 6:4, 464-512.

Berstein, Steven F. (2001b) *The Compromise of Liberal Environmentalism*. New York: Columbia University Press.

Bryon, Neil (2001) 'Risk, the environment and MEAs' In David Robertson and Aynsley Kellow (eds) *Globalization and the Environment: Risk Assessment and the WTO*, pp. 27-40. Cheltenham, U.K.: Edward Elgar Publishing Ltd.

Campbell, John L. (1998) 'Institutional analysis and the role of ideas in political economy' *Theory and Society* 27, 377-409.

Chaytor, Beatrice and Mathias Wolkewitz (1997) 'Participation and Priorities: An Assessment of Developing Countries Concerns in the Trade/Environment Interface' *RECIEL* 6:2, 157-162.

Checkel, Jeffrey T. (1998) 'The Constructivist Turn in International Relations Theory' *World Politics* 50 January, 324-348.

Checkel, J.T. (1999) 'Why Comply? Constructivism, Social Norms and the Study of International Institutions' *ARENA Working Paper* WP 99/24.

Checkel, J.T. (2001) 'Why Comply? Social Learning and European Identity Change' *International Organization* 55:3 Summer, 553-588.

Checkel, J.T. and Andrew Moravcsik (2001) 'A Constructivist Research Program in EU Studies?' *European Union Politics* 2:2, 219-249.

Coleman, William D. and Anthony Perl (1999) 'Internationalized Policy Environments and Policy Network Analysis' *Political Studies* 47:4 September, 691-709.

Coleman, William D. and Melissa Gabler (2002) 'Agricultural Biotechnology and Regime Formation: A Constructivist Assessment of the Prospects' *International Studies Quarterly* 46:4, 481-506.

European Economic Community (EEC) (1957) *Treaty Establishing the European Economic Community*.

EEC (1987) *Single European Act*. Official Journal of the European Communities. L169. 26 June.

EEC (1992) Submission to EMIT Group. *Unpublished GATT Submission to the EMIT Group*. GATT Doc. TRE/W/5 (17 November). Geneva: EU GATT Mission.

European Union (1992) *Treaty on European Union*. Luxembourg: Office for Official Publications of the European Communities.

EU (1993) *5th EAP 1993-2000*. OJ C 138, 17.5.93.

EU (1997a) *Treaty of Amsterdam*. Luxembourg: Office for Official Publications of the European Communities.

EU (1997b) *Consolidated Treaties*. Luxembourg: Office for Official Publications of the European Communities.

Esty, Daniel C. (1994) *Greening the GATT: Trade, Environment and the Future*. Washington, D.C.: Institute for International Economics.

Finnemore, Martha and Kathryn Sikkink (1998) 'International Norm Dynamics and Political Change' *International Organization* 52:4 Autumn, 887-917.

Gabler, Melissa (2005) *Norms, Institutions and Social Learning: Trade and Environmental Policy Integration in the WTO and the EU*. Ph.D. Dissertation, McMaster University, Hamilton, Ontario.
The General Agreement on Tariffs and Trade (GATT) (1947)
GATT (1971) *Industrial Pollution Control and International Trade.* Note by the Secretariat. Restricted L/3538. 9 June. Limited Distribution. Geneva.
GATT (1991a) 'Chapter Two: International Trade 1990-1991, Part III: Trade and the Environment' in *GATT Secretariat Annual Report* Volume I, pp. 19-47. Geneva.
GATT (1991b) *GATT Council Meeting* 6 February 1991. C/M/247.
GATT (1992) *GEMIT. The GATT and the Trade Provisions of MEAs*. Submission from the European Community. 17 November 1992. TRE/W/5.
GATT (1994) *Report by Ambassador H. Ukawa (Japan), Chairman of the Group on Environmental Measures and International Trade, to the 49th Session of the Contracting Parties.* 2 February 1994. L/7402.
García Burgués, Julio and Mikel Insausti Muguruza (1997) 'Trade and Environment in the WTO: the European Community's Participation in the Committee on Trade and Environment' *RECIEL* 6:2, 163-170.
Griffith, Andrew (1997) *Market Access and Environmental Protection: A Negotiator's Point of View.* Reference Document No. 3. October. Ottawa: Department of Foreign Affairs and International Trade.
Hall, Peter A. (1993) 'Policy paradigms, social learning and the state: the case of economic policymaking in Britain' *Comparative Politics* 25, 275-96.
Heclo, Hugh (1974) *Modern Social Politics in Britain and Sweden*. New Haven: Yale University Press.
Hasenclever, Andreas, Peter Mayer, and Volker Rittberger (1997) *Theories of International Regimes*. Cambridge: Cambridge University Press.
Hooghe, Liesbet and Gary Marks (2001) *Multi-Level Governance and European Integration*. Lanham: Rowman and Littlefield Publishers, Inc.
Krasner, S.D. (1983) 'Structural causes and regime consequences: regimes as intervening variables', in S.D. Krasner (ed) *International Regimes*, pp.1-21. Ithaca and London: Cornell University Press.
Lenschow, Andrea (2002a) 'Greening the European Union: An Introduction' in A. Lenschow (ed.) *Environmental Policy Integration: Greening Sectoral Policies in Europe.* London and Sterling, VA: Earthscan Publications Ltd., 3-21.
Lenschow, Andrea (2002b) 'New Regulatory Approaches in 'Greening' EU Policies' *European Law Journal* 8:1 March, 19-37.
Levy, A. and U. Merry (1986) *Organizational Transformation: Approaches, Strategies, Theories.* New York: Praeger.
Liberatore, Angela (1997) 'The integration of sustainable development objectives in EU policy-making: Barriers and prospects' in S. Baker et al. (eds.) *The Politics of Sustainable Development: Theory, Policy and Practice within the European Union.* London and New York: Routledge, 107-126.
Long, Bill L. (2000) *International Environmental Issues and the OECD 1950-2000: An Historical Perspective.* Paris: OECD.
March, J.G. and J.P.Olsen (1998) 'The Institutional Dynamics of International Political Orders' *International Organization* 52:4 Autumn, 943-969.
McCormick, John (2002) *Understanding the European Union: A Concise Introduction.* 2nd ed. Houndsmills, Basingstoke, Hampshire: Palgrave.

McKenzie, Judith I. (2002) *Environmental Politics in Canada: Managing the Commons into the Twenty First Century*. Don Mills, Ontario: Oxford University Press.
Pallemaerts, Marc (1996) 'International Environmental Law in the Age of Sustainable Development: A Critical Assessment of the UNCED Process.' *Journal of Law and Commerce* 15, 623-676.
Pallemaerts, Marc (2003) 'International Law and Sustainable Development: Any Progress in Johannesburg?' *RECIEL* 12:1, 1-11.
Peterson, John and Elizabeth Bomberg (1999) *Decision-making in the European Union*. New York: St. Martin's Press.
Rein, Martin and Donald Schön (1991) 'Frame-reflective policy discourse' in P. Wagner (ed) *Social Sciences and Modern States: National Experiences and Theoretical Crossroads*, pp.262-89. Cambridge: Cambridge University Press.
Risse, Thomas (1999) 'International Norms and Domestic Change: Arguing and Communicative Behaviour in the Human Rights Area' *Politics and Society* 27:4 December, 529-559.
Risse, Thomas (2000) '"Let's Argue!": Communicative Action in World Politics' *International Organization* 54:1 Winter, 1-39.
Rosendal, G. Kristin (2001) 'Impacts of Overlapping International Regimes: The Case of Biodiversity' *Global Governance* 7:1 January/March, 95-117.
Ruggie, J.G. (1998a) 'Introduction: What makes the world hang together? Neo-utilitarianism and the social constructivist challenge' in J.G. Ruggie (ed) *Constructing the World Polity: Essays on International Institutionalization*, pp.1-39. Routledge: London and New York.
Ruggie, J.G. (1998b) 'Embedded Liberalism and the postwar economic regimes', in J.G. Ruggie (ed) *Constructing the World Polity: Essays on International Institutionalization*, pp.62-84. Routledge: London and New York.
Ruggie, J.G. (1998c) 'Epistemology, ontology, and the study of international regimes' in J.G. Ruggie (ed) *Constructing the World Polity: Essays on International Institutionalization*, pp.85-101. Routledge: London and New York.
Sabatier, Paul A. (1987) 'Knowledge, policy-oriented learning, and policy change' *Knowledge: Creation, Diffusion, Utilization* 8, 649-692.
Sabatier, Paul A. and Hank C. Jenkins-Smith (eds) (1993) *Policy Change and Learning: An Advocacy Coalition Approach*. Boulder, CO: Westview.
Schaap, L. and M.J.W. van Twist (1997) 'The Dynamics of Closedness in Networks' in Walter J.M. Kickert, Erik-Hans Klijn, and Joop F.M. Koppenjan (eds) *Managing Complex Networks: Strategies for the Public Sector*. London: Sage Publications, 62-78.
Scharpf, Fritz W. (1989) 'Decision Rules, Decision Styles and Policy Choices' *Journal of Theoretical Politics* 1:2, 149-76.
Scharpf, Fritz W. (1997) *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research*. Boulder, Colorado: Westview Press.
Schön, Donald A. and Martin Rein (1994) *Frame Reflection: Toward the Resolution of Intractable Policy Controversies.* New York: Basic Books.
Schwartz, Risa (2000) 'Trade Measures Pursuant to Multilateral Environmental Agreements – Developments from Singapore to Seattle' *RECIEL* 9:1, 63-70.
United Nations Conference on the Environment and Development (UNCED) (1992a) *Agenda 21*.
UNCED (1992b) *The Rio Declaration*.
United Nations Conference on the Human Environment (UNCHE) (1972a) *Action Plan for the Human Environment.*
UNCHE (1972b) *Declaration of the United Nations Conference on the Human Environment*. Stockholm.

UNGA Resolution S/19-2 (1997) *Programme for the Further Implementation of Agenda 21* adopted by the General Assembly at its 19th Special Session. 28 June.
Wendt, Alexander (1999) *Social Theory of International Politics.* Cambridge: Cambridge University Press.
World Commission on Environment and Development (WCED) (1987) *Our Common Future*. Oxford and New York: Oxford University Press.
WSSD (2002) *Report of the World Summit on Sustainable Development. Plan of Implementation of the World Summit on Sustainable Development*. Johannesburg, South Africa, 26 August-4 September. United Nations. A/CONF.199/20.
WTO (1994a) *Agreement Establishing the World Trade Organization*. 15 April 1994.
WTO (1994b) *Agreement on Technical Barriers to Trade*.
WTO (1994c) *Agreement on the Application of Sanitary and PhytoSanitary Measures*.
WTO (1994d) *Trade and Environment. Decision* of 14 April 1994.
WTO (1994e) Preparatory Committee for the Sub-Committee on Trade and Environment. *Report of the Meeting Held on 15-16 September 1994* (distributed 10 October 1994) PC/SCTE/M/3.
WTO (1995) *Draft Rules of Procedures for the Meetings of the Committee on Trade and Environment.* Note by the Secretariat. 6 November 1995. WT/CTE/W/13.
WTO (1996a) *The Relationship between the Provisions of the Multilateral Trading System and Trade Measures for Environmental Purposes, including those Pursuant to MEAs – Submission by New Zealand*. 15 February 1996. WT/CTE/W/20.
WTO (1996b) *Non-Paper by the European Community*. Item 1. 19 February 1996. http://europa.eu.int/comm/trade/miti/envir/envinpi1.htm
WTO (1996c) *Non–paper. Submission by Switzerland on Item 1*. 20 May 1996.
WTO (1996d) *The Relationship between Trade Measures Pursuant to MEAs and the WTO Agreement. Proposal by Japan*. 30 May 1996 WT/CTE/W/31.
WTO (1996e) *Non-paper. Submission by Korea on Item 1*. 12 June 1996.
WTO (1996f) *Non-paper. Submission by The Arab Republic of Egypt on Item 1*. 18 June 1996.
WTO (1996g) *Procedures for the Circulation and Derestriction of WTO Documents*. 22 July 1996. WT/L/160/Rev.1.
WTO (1996h) *Guidelines for Arrangements on Relations with Non-Governmental Organizations*. 23 July 1996. WT/L/162.
WTO (1996i) *Non-paper. Submission by Hong Kong on Item 1*. 23 July 1996.
WTO (1996j) *Non-paper. Submission by India on Items 1 and 5*. 23 July 1996.
WTO (1996k) *The Relationship between the Provisions of the Multilateral Trading System and Trade Measures for Environmental, Purposes, Including Those Pursuant to MEAs. Proposal from ASEAN*. 24 July 1996.
WTO (1996l) *Non-Paper. Submission by the United States on MEAs.* 11 September 1996.
WTO (1996m) *Report of the Committee on Trade and Environment*. 12 November 1996. WT/CTE/1.
WTO (1996n) *Singapore Ministerial Declaration*, adopted 13 December 1996 (dated 18 December 1996) WT/MIN(96)/DEC.
WTO (1999a) *Background Document. High Level Symposium on Trade and Environment*. 15-16 March. Geneva: Trade and Environment Division, WTO.
WTO (1999b) *Guide to the Uruguay Round Agreements*. Hague: Kluwer Law International.
WTO (1999c) *Summary of the Statements of Egypt, Brazil, India and Malaysia for Panel One, High Level Symposium on Trade and Environment* 15 March 1999
WTO (1999d) *Statements for Korea for Panel One, High Level Symposium on Trade and Environment* 15 March 1999

WTO (1999e) *Statements of Japan for Panel One, High Level Symposium on Trade and Environment* 15 March 1999.
WTO (2000a) *The Relationship between the Provisions of the Multilateral Trading System and MEAs – Submission by Switzerland*. 8 June 2000. WT/CTE/W/139.
WTO (2000b) *Item 1: The Relationship between the Provisions of the Multilateral Trading System and Trade Measures for Environmental Purposes, Including Those Pursuant to MEAs. Communication from New Zealand*. 10 October 2000. WT/CTE/W/162.
WTO (2000c) *Clarification of the Relationship between the WTO and MEAs. Submission by Switzerland*. 19 October 2000. WT/CTE/W/168.
WTO (2000d) *Resolving the Relationship between WTO Rules and MEAs. Submission by the European Community*. 19 October 2000. WT/CTE/W/170.
WTO CTE (2001) *Compliance and Dispute Settlement Provisions in the WTO and in MEAs. Note by the WTO and UNEP Secretariats*. 6 June 2001. WT/CTE/W/191.
Zito, Anthony (1998) 'Comparing environmental policy-making in transnational institutions' *Journal of European Public Policy* 5:4 December, 671-90.

Table 1 Levels of Compatibility between Two Normative Frames and Possible Scenarios of Normative Frame Change or Policy Integration

Normative Frame Characteristics (at Time 1)	**Low Compatibility between Two Normative Frames**	**High Compatibility between Two Normative Frames**	**Possible Scenarios of Normative Frame Change (at Times 2, 3, 4 etc.) from a Starting Point of Low Compatibility (at Time 1)**	
			Evidence of No Integration between Two Normative Frames	**Evidence of Policy Integration between Two Normative Frames**
Inclusiveness/ Exclusiveness of Normative Frame Components	The salient components of one frame are primarily excluded or absent in the other	The salient components of one frame are primarily included in the other	Continued or increased exclusiveness	Greater inclusiveness; compatible connections stressed between certain frame components *(weak policy integration)*
Causal Connections between Normative Frame Components	The salient components of one frame appear to have primarily adverse or uncertain affects on the other's (i.e., the components are in conflict or in question)	The salient components of one frame appear to have primarily beneficial or no affects on the other's (i.e., the components are compatible or supportive)	Connections between certain normative frame components remain incompatible or uncertain	Connections between frame components that previously appeared incompatible are convincingly framed to be more compatible or harmless; stubborn contradictions are frankly recognized *(medium policy integration)*
Priority or Hierarchical Rankings of Normative Frame Components	Rankings of components in one frame do not accurately reflect or primarily marginalize the priorities of the other	Rankings of components in one frame closely reflect or primarily accommodate the priorities of the other	Continued or increased marginalization in priority rankings	Rankings of frame components change to accommodate alternative priorities better (*medium/strong policy integration*)
Standards of Validity	The standards of validity of one frame are excluded or included and marginalized in the other	The standards of validity of one frame are included and more equally prioritized in the other	Ongoing exclusion or continued marginalization of standards of validity	Increased inclusiveness/ acceptance of standards of validity *(strong policy integration)*
Levels of Intersubjective Agreement among and between Policy Community Participants about Normative Frame Components	Salient components from the two frames that are in conflict enjoy high levels of intersubjective agreement among one or both sets of policy proponents	Salient components from the two frames that are compatible enjoy high levels of intersubjective agreement among both sets of policy proponents	No real change in levels of intersubjective agreement on certain components in conflict or contest among one or both sets of policy proponents	There are changes in the levels of intersubjective agreement on certain frame components that were previously in conflict or contest among one or both sets of policy proponents

Table 2 Summary of Policy Community Characteristics

Characteristic	Description of Characteristic or Indicators	Operationalization
Level of Openness	• The degree of strictness and formality in the boundary rules of the policy community	• Do actors/coalitions have equal access to the discussions? Does the policy community exhibit high or low degrees of openness in deliberations? • Are the boundary rules of the policy community more rigid or relaxed? Formal or informal?
Level of Density in Interactions	• The interconnectedness of a policy community, the extent to which all possible relations are actually present • The regularized nature of frame exchange exercises between actors/ coalitions within the policy community	• Are the possible links between actors/coalitions within a policy community highly connected or dispersed? • Are frame exchange exercises among these actors/coalitions more frequent or infrequent?
Level of Informality in Interactions	• The degree to which interactions in the policy community are formal or informal	• Do interactions among actors/ coalitions in the community predominantly occur in highly institutionalized or formal settings or more informal settings?
Level of Hierarchy	• The degree to which relations between actors/coalitions in the policy community are hierarchical or non-hierarchical • Specifically, what are the power relations between the member states? • What are the power relations between the composite actors or institutional bodies? • What are the power relations between the institutional bodies and the member states? • What are the power relations between the member states or institutional bodies and other non-state actors?	• Do the formal institutional rules predominantly prescribe hierarchical or non-hierarchical relations among actors? • Specifically, are the formal powers or authoritative competences of actors in the policy process determined by the institutional rules more balanced or unequal? • Do the formal rules governing deliberative and decision-making processes generally accentuate or diminish hierarchical relations between actors? • Do actors take these formal rules seriously or not? How do actors actually behave in practice under them? Is there evidence of organized hypocrisy or not?

Table 3 Summary of the Institutional Features Characterizing Interaction across Two Policy Communities

Characteristic	Description	Operationalization
Level of Openness	• The degree of strictness and formality in the boundary rules of the two policy communities	• Do actors/coalitions from the two policy communities have equal access to each other's discussions? • Do the two policy communities exhibit high or low degrees of openness in their deliberations? • Are the boundary rules of each policy community more rigid or relaxed? Formal or informal?
Level of Informality in Interactions	• The degree to which contact between the two policy communities is informal or formal	• Are linkages between the two policy communities formalized (based on explicit rules) enabling high informality in cross-community interactions? Or, are linkages between the two policy communities more informal (based on informal arrangements or no arrangements at all) inhibiting high informality in cross-community interactions?
Level of Density in Interactions	• The extent to which the two policy communities are interconnected through actual linkages (compared to potential ties) • The regularized nature of frame exchange exercises between the two policy communities	• Are the actual ties between the two policy communities more inclusive or exclusive of all potential actors/coalitions? • Are frame exchange exercises among the actors/coalitions of the two policy communities more frequent or infrequent?
Level of Hierarchy	• The degree to which relations between the two policy communities are hierarchical or non-hierarchical	• Do the institutional rules (and practices) governing cross-community interaction predominantly prescribe hierarchical or non-hierarchical relations among the actors of the two policy communities? • Specifically, what is the degree of formal power or authority of one policy community in relation to the other? • Do the formal rules (and practices) governing deliberative and decision-making generally accentuate or diminish hierarchical relations between the actors of the two policy communities?
Degree of Institutional Fragmentation	• The degree to which the institutional arrangements and settings of the two policy communities are fragmented or disintegrated from each other • The degree to which the roles of the policy communities' actors are sector specific	• Are institutional arrangements with an integration/ cross-sectoral remit absent to minimally present or more prevalent? • Are the institutional venues in which the actors of the two policy communities operate in more separate/sector specific or common/mixed? • Are the institutional roles or responsibilities of the actors from the two policy communities more sector specific or cross-sectoral?

Table 4 Levels of Institutional Capacity for Complex and Reciprocal Learning

Policy Community/ Network Characteristics	**Low Institutional Capacity for Reciprocal Learning between Two Policy Communities**			**High Institutional Capacity for Reciprocal Learning between Two Policy Communities**
	Low Institutional Capacity for Complex Learning within a Policy Community	**High Institutional Capacity for Complex Learning within a Policy Community**	**Cross-Community Interaction Characteristics**	
1. Level of Openness	Low	High	One or both communities exhibit low openness	Both communities exhibit high openness
2. Level of Density in Interactions	Low	High	Linkages between the two communities exhibit low density	Linkages between the two communities exhibit high density
3. Level of Informality in Interactions	Low	High	Linkages between the two communities are absent or based on informal arrangements (not formalized), inhibiting high informality in cross-community interactions	Linkages between the two communities are formalized or heavily institutionalized, enabling high informality in cross-community interactions
4. Level of Hierarchy	High level of hierarchy among policy participants	Low level of hierarchy among policy participants	High level of hierarchy between communities or regimes/directorates/ committees/councils/ departments/ ministries	Low level of hierarchy between communities or regimes/directorates/ committees/councils/ departments/ ministries/
5. Degree of Institutional Fragmentation *5a. Type of Institutional Arrangement(s* *5b. Type of Institutional Venue(s)*	Separate and sector specific	Separate and sector specific	Novel institutional arrangements with an integration/cross-sectoral remit and/or common venues are absent to minimal	Novel institutional arrangements with an integration/cross-sectoral remit and/or common venues are prevalent
5c. Type of Institutional Role(s)	Policy participants hold separate/sector specific responsibilities	Policy participants hold separate/ sector specific responsibilities	Policy participants holding cross-sectoral or integration remits/responsibilities are absent to minimal; different statuses designated to policy participants depending on which community they belong to	Policy participants holding cross-sectoral or integration remits/responsibilities are prevalent; similar statuses designated to policy participants regardless of community membership

Table 5 International Environmental Governance: Normative Frame Change 1972-1992

Normative Frame Components	Stockholm Frame (UNHCE, 1972): Environmental Protection	Rio Frame (WCED, 1987 and UNCED, 1992): Sustainable, Equitable Growth and Fair Trade
Principles		
1. Multilateralism	1. Central	1. Central
2. Intergenerational Equity	2. Central	2. Central
3. Intragenerational Equity	**3. Secondary**	**3. Central**
4. Ecological Interdependence	4. Central	4. Central
5. Ecological and Economic Interdependence	**5. Peripheral**	**5. Central**
6. Economic/Trade-Environment Incompatible	**6. Central**	**6. Peripheral** (In contest)
7. Eco-development (Economic/Trade-Environment Compatible)	**7. Peripheral** (In contest)	**7. Central**
8. Environmental Protection	8. Central	8. Central
9. Sustainable, Equitable Growth	9. *	**9. Central**
10. Sustainable, Fair Trade	10. *	**10. Central**
11. Transparency	11. *	**11. Secondary**
12. Reciprocity	12. *	**12. Secondary**
13. Common and Differentiated Responsibilities	13. *	**13. Secondary**
Norms		
1. Restrain Growth	**1. Central**	1. **
2. Accelerated Development (or Revive Growth)	**2. Secondary** (In contest)	**2. Central**
3. Preventive Action	3. Central	3. Central
4. Transboundary Harm Prevention	4. Central	4. Central
4a. MEA Trade Measures	4a. Central	4a. Central
4b. Unilateral Trade Measures	4b. **Peripheral**(Unclear)	4b. **
5. EPI (incl. EIA, C/B analysis)	5. Central (Unclear)	5. Central
6. Socio-Economic/Trade PI	6. *	**6. Peripheral**
7. Resource and Technology Transfer	**7. Peripheral**	**7. Secondary**
8. Minimal Impacts on Trade	8. Peripheral	8. Peripheral
9. Harmonization	9. Peripheral	9. Peripheral
10. Polluter Pays	10. *	**10. Secondary**
10a. Non-subsidisation	10a. *	**10a. Secondary**
10b. Internalisation of Costs	10b. Secondary (Unclear)	10b. Secondary
11. Science-based Risk Assessment***	11. Secondary	11. Secondary
12. Cost-Effective Precaution in Risk Management***	12. *	**12. Secondary** (Unclear, In contest)

* The principle/norm was absent from the frame * * The principle/norm has been excluded from the frame
***Standards of validity

Table 6 Normative Frame Compatibility: 1972-1986

Normative Frame Components Stockholm Frame (UNCHE, 1972): Environmental Protection	GATT Frame (1971-1986): No Green Protectionism	EEC Frame (1971-1986): Green Growth
Principles		
1. Multilateralism	1. Central	1. Central
2. Intergenerational Equity	**2. ***	**2. Peripheral**
3. Intragenerational Equity	**3. Peripheral**	**3. Peripheral**
4. Ecological Interdependence	**4. ***	**4. Peripheral**
5. Ecological and Economic Interdependence	**5. ***	**5. Peripheral**
6. Economic/Trade-Environment Incompatible	6. Central	6. Central
7. Eco-development (Economic/Trade-Environment Compatible)	7. *	7. *
8. Environmental Protection	8.	8.
8a. Product-related measures	8a. Peripheral	8a. Peripheral
8b. Non-product related PPMs	**8b. ***	**8b. Peripheral**
Norms		
1. Restrain Growth	**1. ***	**1. Peripheral**
2. Accelerated Development (or Revive Growth)	2. Central	2. Central
3. Preventive Action	**3. ***	3. **Peripheral**
4. Transboundary Harm Prevention	**4. ***	4. **Peripheral**
4a. MEA Trade Measures	4a. * or Peripheral	4a. Peripheral
4b. Unilateral Trade Measures	**4b. ***	**4b. Peripheral**
5. EPI	**5. ***	**5. Peripheral**
6. Resource and Technology Transfer	6. Peripheral	6. Peripheral
7. Minimal Impacts on Trade	7. Central	7. Central
8. Harmonization	8.	8.
8a. Product standards	8a. Secondary	8a. Secondary
8b. Process standards	**8b. ***	**8b. Secondary**
9. Polluter Pays (Internalization of Costs)	**9. ***	**9. Peripheral**
10. Science-based Risk Assessment***	10. Secondary	10. Secondary
11. Economic Cost-benefit Analysis	11. Secondary	11. Secondary

* The principle/norm was absent from the frame * * The principle/norm has been excluded from the frame
***Standards of validity

Table 7 Normative Frame Compatibility: 1987-1997 (and beyond)

Normative Frame Components Rio Frame (UNCED, 1992): Sustainable, Equitable Growth and Fair Trade	GATT-WTO Frame: Free Trade Sustaining Development and Environmental Protection	EEC-EU Frame: Sustainable Growth Respecting the Environment
Principles		
1. Multilateralism	1. Central	1. Central
2. Intergenerational Equity	**2. Peripheral**	2. **Secondary**
3. Intragenerational Equity	**3. Secondary**	**3. Secondary**
4. Ecological Interdependence	**4. Peripheral**	**4. Secondary**
5. Ecological and Economic Interdependence	**5. Peripheral**	**5. Secondary**
6. Economic/Trade-Environment Incompatible	**6. Peripheral (In contest)**	**6. Secondary**
7. Eco-development (Economic/Trade-Environment Compatible)	7. Central	7. Central
8. Environmental Protection	**8. Peripheral**	**8. Secondary**
9. Sustainable, Equitable Growth	9. Central	9. Central
10. Sustainable, Free Trade	10. Central	10. Central
11. Transparency	11. Secondary	11. Secondary
12. Reciprocity	12. Secondary (In contest)	12. Secondary
13. Common and Differentiated Responsibilities	**13. Peripheral**	**13. Secondary**
Norms		
1. Restrain Growth	1. **	1. **
2. Accelerated Development (or Revive Growth)	2. Central	2. Central
3. Preventive Action	**3. Peripheral**	**3. Secondary**
4. Transboundary Harm Prevention	**4. Peripheral**	**4. Secondary**
4a. MEA Trade Measures	**4a. Peripheral**	**4a. Secondary**
4b. Unilateral Trade Measures	**4b. ****	**4b. ** or Peripheral**
5. EPI (incl. EIA, C/B analysis)	**3. Peripheral**	**5. Central**
6. Socio-Economic/Trade PI	4. Central	6. Central
7. Resource and Technology Transfer	**5. Peripheral (In contest)**	**7. Secondary**
8. Minimal Impacts on Trade (and/or proportionality)	8. Central	8. Central **(New meaning)**
9. Harmonization (at a high level of protection)	9. Secondary	9. Secondary **(New meaning)**
10. Polluter Pays	10.	10.
10a. Non-subsidisation	**10a. Secondary**	**10a. Peripheral**
10b. Internalisation of Costs	**10b. Peripheral**	**10b. Secondary**
11. Science-based Risk Assessment***	11. Secondary	11. Secondary
12. Cost-Effective Precaution in Risk Management***	12. Peripheral (Unclear, In contest)	12. Peripheral (Unclear, In contest)

* The principle/norm was absent from the frame * * The principle/norm has been excluded from the frame
***Standards of validity

Table 8 **WTO Members' Positions on Agenda Item 1 of the GEMIT and Items 1 and 5 of the CTE: The Relationship between the Multilateral Trading System and MEAs**

GATT CP or WTO Member	Dec1991-Feb1993 GEMIT	May1994-Dec1996 Sub-CTE/CTE	Jan1997-Dec2000 CTE	Sources of Statements*
Austria (on behalf of EFTA)	Collective interpretation of Article XX; Inclusion of 'environment' in Article XX(b) (1993)	1995 – EU enlarged with Austria, Finland and Sweden		TRE/8 TRE/13 TRE/19
Switzerland (took an independent stance from EFTA)	Multilaterally agreed rules which would serve for a common approach (1993)	Listing approach, analogous to NAFTA (1996)	Clarification of WTO provisions by principles, rules or procedures (1999, 2000)	TRE/8 Non-paper (20 May 1996) WT/GC/W/265 WT/CTE/W/139 WT/CTE/W/168
Sweden (on behalf of the Nordic countries)	Sweden: Collective interpretation of Article XX (1993)	1995 – EU enlarged with Austria, Finland and Sweden	Norway: Clarification of WTO provisions (1999)	TRE/9 TRE/11 TRE/13 WT/GC/W/176
EC-EU	Waiver (1991) Collective interpretation of Article XX (1992)	Amendment to GATT Article XX; Inclusion of 'environment' in Article XX(b) (1996)	Clarification of WTO provisions (1999) Reversal of the burden of proof and code of good conduct (2000)	C/M/247 TRE/W/5 Non-paper (19 Feb 1996) WT/GC/W/194 WT/GC/W/394 WT/CTE/W/170
US	Too early for a prescriptive solution; problems must be understood first (1993)	Status Quo and disengagement on the MEA issue (1996)	Status Quo (1999)	TRE/12 Non-paper (11 Sept 1996) Griffith, 1997 WT/GC/W/304
Canada	Article XXV, waiver approach (1993)	Vague, guidelines-based approach (1996)	Clarification of WTO provisions by principles and criteria (1999)	TRE/12 Griffith, 1997 WT/GC/W/358
New Zealand	Too early for a prescriptive solution; problems must be understood first (1993)	Differentiated approach based on a global understanding (1996)	Status quo, plus consultative approach (2000)	TRE/13 WT/CTE/W/20 WT/CTE/W/162
Brazil	Collective interpretation of Article XX (1993)	Status Quo (1996)	Status Quo (1999)	TRE/12 WTO, 1999
Japan	Article XXV, waiver approach (1993)	Guidelines-based approach (1996)	Clarification of WTO provisions (1999)	TRE/12 WT/CTE/W/31 WTO, 1999
Republic of Korea	Article XXV, waiver approach (1993)	Differentiated approach for guidelines (1996)	Differentiated approach for guidelines (1999)	TRE/13 Non-paper (12 June 1996) WTO, 1999

ASEAN	Not yet concluded what approach should be taken (1993)	Article XXV, waiver approach (1996)	Article XXV, waiver approach (1999)	TRE/13 WT/CTE/W/39
Hong Kong	Article XXV, waiver approach (1993)	Article XXV, waiver approach (1996)		TRE/12 Non-paper (23 July 1996)
India	Not convinced that trade measures in MEAs "were necessary to address environmental problems" (1993)	Status Quo (1996)	Status Quo (1999)	TRE/12 Non-paper (23 July 1996) WTO, 1999
The Arab Republic of Egypt	No identifiable position	Status Quo (1996)	Status Quo (1999)	Non-paper (18 June 1996) WTO, 1999
Nigeria and Kenya	No identifiable position	Nigeria: Status Quo (1996)	Kenya: Status Quo (1999)	Griffith, 1997 WT/GC/W/233
Least Developed Countries	No identifiable position	No identifiable position	Bangladesh: Status Quo (1999), plus financial assistance and tech transfer	WT/GC/W/251

* The statements countries made about this agenda item were in the General Council, GEMIT, Sub-CTE, CTE and High-Level Symposia (HLS), with the earliest documents listed first. Although some statements made during debates in Council/Committees and HLS were not official Contracting Party or Member Ministerial proposals (i.e. papers or non-papers), they clearly revealed the views of these countries.

Table 9
The Relationship between the Multilateral Trading System and Trade Measures Pursuant to MEAs (Items 1 and 5 of the CTE Agenda)

Degree of Policy Integration	Policy Proposal or Outcome	CTE Policy Proponents in the Run up to Singapore (1995-1996)
The Status Quo Approach: No Integration	R*elationship between the WTO and MEAs* • WTO rules override the provisions of MEAs *Measures of Accommodation* • No need to clarify relationship: Implicit, status quo Article XX-based approach to determining when and how trade measures should be used • MS always have right to resort to DS at WTO • WTO MS defending an environmental measure under Article XX bears the burden of proof	Many developing countries (e.g., Brazil, Egypt, India, Nigeria)
An Explicit Article XX-based Approach: Weak integration (1996 Singapore report)	*Relationship between the WTO and MEAs* • WTO rules override the provisions of MEAs *Measures of Accommodation* • Need to clarify relationship: Explicit, status quo Article XX-based approach to accommodation of WTO-inconsistent trade measures in MEAs • This accommodation is limited to specific trades measures taken pursuant to MEAs • 2 WTO MS that are both Parties to an MEA and in conflict are encouraged to use the MEA DSM • Otherwise, MS always have right to resort to DS at WTO • WTO MS defending an environmental measure under Article XX bears the burden of proof	In some aspects the US, Korea and Japan
The Waiver Approach: Weak integration	*Relationship between the WTO and MEAs* • Under special circumstances and with specific criteria, MEA provisions are not subordinate/subject to WTO rules (for a limited period of time) *Measures of Accommodation* • Article XXV (of the GATT) or Article IX (of the WTO)-based waiver approach to accommodation of specific, WTO-inconsistent trade measures in MEAs; waiver ultimately subject to approval by two-thirds of WTO Members • The criteria to determine which trade measures pursuant to MEAs can be waived under GATT/WTO rules are developed by trade officials • 2 WTO MS that are both Parties to an MEA and in conflict are encouraged to use the MEA DSM • Waiver proposal still recognizes the need for *ex post* scrutiny of MEAs through the WTO DSM, i.e., an MEA-related trade measure is still subject to challenge in WTO DS on the grounds of non-violation, nullification and impairment of WTO benefits (GATT, 1994:Article XXIII(b)) • MS defending an environmental measure under Article XX bears the burden of proof	ASEAN, Hong Kong

The Environment Window Approaches: Medium to Strong integration	*Relationship between the WTO and MEAs* • Under certain circumstances and with specific criteria, the provisions of MEAs are equal to or prevail over those of the WTO (and vice versa) *Measures of Accommodation* • *Ex ante* or combination *ex ante* and *ex post* approaches to accommodation through the development of informal Understandings or Guidelines on Article XX (medium) or a formal amendment to Article XX creating an environmental window (strong) • The method to clarify or amend Article XX is developed by both trade and environmental officials (strong) • Such a method includes a formula with resource and technology transfer to help developing countries meet the provisions of MEAs (strong) Dispute Settlement • Some proposals still recognize the need for some *ex post* scrutiny of MEAs through the WTO DSM (medium) • Some proposals call for a reversal of the burden of proof in DS, i.e., a MS challenging a trade measure pursuant to an MEA has to prove Article XX inconsistency (strong) • Some proposals call for the *a priori* assumption that MEA trade measures meeting certain criteria are compatible with trade rules and not challengeable in the WTO DSM (strong)	EU, Norway, Canada, Switzerland, New Zealand; In some aspects the US, Korea and Japan

Figure 1 Type of Social Learning and Policy Change

Agents and Direction of Learning (Subjects)	Policy Community Actors: Learning Within a Single Community	Policy Communities' Actors ⇔ Learning Within and Across Communities		
Type of Social Learning	Simple	Complex	Reciprocal	Conflictual Interaction – Shallow Learning
Main Foci of Learning and (Re)framing (Objects)	Connections between (b/n) Compatible Principles/Norms	Connections between (b/n) Compatible and Incompatible Principles/Norms	Hierarchy of Principles/Norms & Standards of Validity	Intractability or Ambiguity between Principles/Norms
Possible Learning Activity Indicators Among Critical Agents in the Policy Community/ Communities	<u>Instrumental Identity Reflection</u>: - Who actors are (identities) and what they want (interests) come to mirror appraisals of the 'other' for instrumental reasons - Role-related claims/grants by the self/ 'other' emphasize 'difference' - Content of actors' interests does not change	<u>Initial Identity Adaptation</u>: - Who actors are (identities) and what they want (interests) change to reflect and initially incorporate the perspective of the 'other' - Role-related claims/grants by the 'self'/'other' begin to emphasize 'sameness' - Content of actors' interests changes	<u>Identity Internalization</u>: - Actors' identities change to internalize the perspective of the 'other' into their understanding of themselves and their interests - Roles come to be stressed as integrated or supportive - Content of actors' interests changes	<u>Identity Differentiation</u>: - Actors' cast the 'other' in adversarial terms and differentiate between their own identities/interests and those of others - Roles are stressed as separate or conflicting - Content of actors' interests does not change
Possible Scope Conditions	Low Normative Frame Compatibility; Low Institutional Capacity for Complex and Reciprocal Learning	High Normative Frame Compatibility; High Institutional Capacity for Complex Learning; Low Institutional Capacity for Reciprocal Learning	High Normative Frame Compatibility; High Institutional Capacity for Reciprocal Learning	Low Normative Frame Compatibility; High Institutional Capacity for Reciprocal Learning
Learning Outcome (Policy Change)	No → Weak Policy Integration	Weak → Medium Policy Integration	Medium → Strong Policy Integration	No Policy Integration