

THE STATUS OF TAIWAN IN THE INTERNATIONAL DEBATE OF FREE TRADE V.S. ENVIRONMENTAL PROTECTION

WEN-CHEN SHIH

Abstract

Since the mid 1980s, multilateral environmental agreements (MEAs) began to design novel mechanisms such as trade-related environmental measures (TREMs) and trade restriction against non-Parties in order to attract wider membership as well as assisting the implementation of treaty obligations. Keen debate arose as a result between environmentalists and free traders with regard to the compatibility of these TREMs with obligations under the World Trade Organisation (WTO). Taiwan becomes a Member of the WTO in 2002, whilst it is not a Party to any major MEA due to its status under international law. The circumstances put Taiwan in a very difficult position vis-à-vis those MEAs adopting trade restriction against non-Party as a means to attract wider membership. Will Taiwan bring complaints to the Dispute Settlement Body of the WTO when confronted with TREMs authorized by MEAs? This article seeks to find out the position the government might adopt in the international debate of free trade versus environmental protection.

key words: multilateral environmental agreements, World Trade Organisation, environmental protection and free trade, Taiwan