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REPORT

EXPERT GROUP MEETING ON ENVIRONMENT AND TRADE ISSUES: THE IMPACT OF WTO ENVIRONMENT COMMITTEE DECISIONS ON THE ESCWA MEMBER STATES 2-4 NOVEMBER 1999

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I. ORGANIZATION OF WORK

1. The Expert Group Meeting on Environment and Trade Issues: the Impact of WTO Environment Committee Decisions on the ESCWA Member States, which was held in Beirut, 2-4 November 1999, provided a forum for discussions on the issue of trade and environment as related to the concept of sustainable development advanced by the 1992 Earth Summit in Rio de Janeiro.
2. The Meeting was organized by ESCWA in cooperation with the MedPolicies Initiative of the Mediterranean Environmental Technical Assistance Programme (METAP), the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Environment Programme (UNEP). A total of 55 participants attended the Meeting (see annex I), including representatives from the ministries of environment, ministries of trade, chambers of commerce and the private sectors in the ESCWA region, as well as representatives of METAP, UNCTAD, UNEP, the World Trade Organization (WTO) and the International Chamber of Commerce (ICC).
3. The Meeting focused on specific issues under negotiation by the WTO Committee on Trade and Environment (CTE) (see annexes II and III). It studied their impact on trade in the member countries of the ESCWA region, drew conclusions and made recommendations. Seven case studies that contained implications similar to those inherent in the issues being negotiated by the CTE were presented. They included the mining sector in Jordan, the leather industry in the Syrian Arab Republic, the oil industry in the ESCWA region, packaging in Egypt, textiles in the Syrian Arab Republic, the agro-food industry in Lebanon and a three-part study on Egypt, Jordan and Lebanon. The Meeting also reviewed three case studies prepared by the MedPolicies Initiative, which identified the trade risks and opportunities caused by the application of new environmental standards on certain production sectors of ESCWA member countries. The sectors investigated in this respect were textiles in Egypt and fertilizers in Jordan. The third case presented was a multi-sector sensitivity analysis on trade and environment as related to national economy.
4. Two sets of recommendations, which included a number of policy statements, were presented at the conclusion of the Meeting. One set, which complemented the recommendations made at the League of Arab States Symposium on Trade and Environment held in September 1999 in Cairo, was prepared for the information of the Arab delegates who would be participating in the WTO Third Ministerial Conference to be held in Seattle, Washington, at the end of November 1999. The other set of recommendations and policy statements was directed to the Governments of the ESCWA member countries for their consideration and possible implementation.
5. The main issues and case studies discussed at the Meeting are presented below, along with the recommendations and policy statements formulated by the participants.

II. ACCOUNT OF PROCEEDINGS

A. GENERIC ISSUES

6. The generic issues addressed in the Meeting encompassed the generalities of the trade and environment issue. The representative of UNCTAD presented the trade and environment debate and elaborated on the North and the South viewpoints. He outlined the environmental concerns emanating from trade liberalization and from disguised protectionism and market restrictions. He pointed out how trade and environment could be mutually supportive and expounded on the concept of sustainable development emphasized at the Rio Earth Summit. The North, he argued, bears the responsibility to provide market access and financial and technical assistance to the South to assist it in capacity building. In mentioning the forthcoming WTO conference in Seattle, he commented that he expected the developed countries to request inclusion of the issue of the environment in the agenda of the Millennium Round Negotiations, but that the developing countries on their part would insist on excluding it. He called attention to the ministerial declaration made at the League of Arab States Symposium in Cairo, in which the Arab States reaffirmed support for the goals of sustainable development and recognized the need to integrate the demands of trade and environment.

7. In a paper entitled "Green dilemmas of the ESCWA region: MEAs in the trade and environment debate", the significance of multilateral economic agreements (MEAs) in addressing environmental problems was reviewed. The extent of MEA involvement in the trade and environment debate was investigated and its implications for the ESCWA region were noted. The paper outlined the scope of the MEA role in addressing such concerns as trade measures, dispute resolution, trade-related aspects of intellectual property rights, the transfer of technology, tariffs and taxes, eco-labelling and domestically prohibited goods. The discussion that followed covered the broad range of topics addressed in the CTE work programme, including the comprehensive nature of the issues that arise within the context of MEA objectives.

8. The representative of the UNEP Regional Office for West Asia placed emphasis in his presentation on the importance of the issues related to trade and environment and their significance to the ESCWA member countries in having to deal with them. He gave a brief report on the main issues discussed in the Arab League Symposium in Cairo and highlighted its discussions regarding Arab preparations for the forthcoming WTO meeting in Seattle. He outlined the substance of the ministerial declaration on trade and environment that emerged from the symposium and also reported on the specific issues discussed, such as the transfer of technology, trade-related aspects of intellectual property rights, dispute settlement and other potential challenges facing the developing world. He reviewed the recommendations made at the symposium and suggested that the present Meeting build on those recommendations in preparation for the Seattle gathering.

9. In presenting the views of his organization, the WTO representative emphasized the importance of harmonizing the often conflicting concerns of trade and environment and said that to resolve the many complexities inherent in the trade-environment linkage would call for further and more comprehensive study. The WTO, he argued, will have to continue to watch out for the encroachments of protectionist forces attempting to secure provisions under questionable environmental banners.

10. He suggested that it would therefore be useful to explore the various types of instruments that the WTO provides, in order to reach a balanced approach that will accommodate legitimate environmental concerns on the one hand and prevent protectionist abuse or unjustifiable discrimination on the other hand. In this respect, he named three essential areas in which difficulties may arise in striking the desired balance: the possibility of trade measures being challenged under the WTO dispute settlement mechanism, the compatibility of the components of MEAs with WTO rules, and the conformity of eco-labels with WTO standards.

11. The speaker noted that a fundamental condition underlying WTO rules and disciplines as they relate to environmental policy is that although members are essentially free to adopt policies of their own choosing, they are expected to follow certain basic principles of WTO, such as non-discrimination and the non-use of

quantitative import or export restrictions. Members may invoke article XX of the General Agreement on Tariffs and Trade (GATT) to derogate from those disciplines. When doing so, however, they must demonstrate that the environmental measure falls under the exceptions contained in that article, such as paragraph (b), which states that it is "necessary to protect human, animal or plant life or health", or paragraph (g), which relates to "the conservation of exhaustible natural resources". They must also show that, in accordance with the head note of article XX, the measure itself is not an "arbitrary or unjustifiable discrimination between countries where the same conditions prevail, nor is it a disguised restriction on international trade".

12. The final paper in the first session of the Meeting, entitled "Trade and environment: Seattle and beyond", reviewed the conflicting issues that emanate from the interrelationship of trade and environment and noted the questions to be asked in attempting a viable integration between trade and environment without undermining the basic concerns of either. The view was expressed that the integration of trade and environment is a difficult and unlikely goal, which presents immense risks to developing countries, particularly those of the ESCWA region. The speaker raised a number of questions that he attempted to answer, but he considered several of them controversial because of the broad range of conflicting views they elicited and said that further in-depth empirical studies would be required before answers could be found. The paper concluded by stating that the Millennium Round of negotiations mandated the CTE to continue its work in studying the conflicting aspects of the trade and environment issue, with a view to proposing clear win-win opportunities through which both developing and developed countries alike can benefit. It emphasized that developing countries cannot accept less than a balanced relationship between trade, environment and economic development.

B. MEDPOLICIES INITIATIVE CASE STUDIES

13. This session concentrated on the MedPolicies Initiative and aimed at assisting policy-makers assess the impact of changing environmental regulations on the international competitiveness of a country's major economic sectors. The session revolved around three case studies related to specific export sectors in Jordan, Egypt and the Syrian Arab Republic, which were presented to provide practical and empirical models for a progressive approach to policy analysis and formulation.

14. The first case study dealt with the effect of environmental legislation on Jordan's fertilizer exports to Europe. It revealed that European environmental health standards, which limit the cadmium content in phosphate-based fertilizers, could reduce Jordanian exports by up to 8 per cent. It emphasized the usefulness of the model in showing Jordanian policy-makers and mining companies the strong effect of environmental regulations on the quantitative extent of national exports in the absence of the application of adoption methods.

15. The second and the third MedPolicies Initiative case studies reviewed the preliminary findings of new studies on Egypt and the Syrian Arab Republic. The presentation showed how the MedPolicies models could be used to assess the sensitivity of a country's export and import sectors to changing environmental regulations and thus assist policy-makers in prioritizing those sectors most effected by the trade and environment dichotomy.

16. In Egypt, the textile and agro-food sectors were identified as possible candidates for examination, in view of the emerging, more stringent environmental, health and labour standards that will have to be taken into consideration. The Syrian study, when completed, will have examined four export sectors (cotton, cotton yarn, textiles and olive oil) and three import sectors (chemicals for detergents and cleaning materials, detergents and medicines). An examination of these sectors is expected to provide a useful guide in prioritizing the industries most susceptible to the cost changes induced by environmental regulations.

C. ESCWA CASE STUDIES

17. This session focused on the implications of the CTE recommendations on trade in the ESCWA member countries. Seven case studies were presented to illustrate the possible effect of those recommendations on specific sectors of trade and production in the region.

1. Oil trade

18. The study on oil trade examined the link between energy use and the emissions of carbon dioxide existing within the context of reduction scenarios, such as those proposed under the Kyoto Protocol adopted in December 1997. It also examined the implications of environmental measures on oil-exporting countries, and recommended policy options as to how they could maintain their oil revenues when faced with the possible adverse repercussions of those measures.

2. Packaging practices in Egypt

19. Addressing one of the more pressing issues in the trade and environment debate, this study tackled the relationship between the new environmental requirements in packaging and labelling and their implications on the trade activities of manufacturers and exporters in Egypt.

3. The textile industry in the Syrian Arab Republic

20. This case study assessed the impact of the CTE recommendations on the Syrian textile industry, taking into consideration the key factors related to the industry, such as the source of raw materials, the structure, practices and techniques of production, the level of industrial development, and the distribution of export markets. The study also examined the position of the Syrian Arab Republic relative to the multilateral trading system, since the country is not a member of the WTO agreement. Finally, the challenges facing the industry were identified and recommendations were made relevant to the interests of both the private and public sectors of the textile industry.

4. The leather industry in the Syrian Arab Republic

21. It was noted in this case study that the Syrian Arab Republic was considering urgent steps to improve the environmental profile of its leather industry. Concerned Government authorities, inter-governmental organizations, professional syndicates and other entities have been making strong attempts to remedy the situation. The study indicated that to introduce environmentally sound technologies into many small and medium-sized tanneries would be problematic and require special effort. One of the main obstacles to integrating trade and environmental considerations in the leather industry of the ESCWA region in general and in the Syrian Arab Republic in particular is the inability of small enterprises to raise enough capital to improve their process efficiency, product quality and environmental profile.

5. The mining sector in Jordan

22. The study on the mining sector in Jordan revealed that the negative effect of environmental measures on the export markets of its extractive industries is increasing. An investigation of the mining sector in Jordan, which includes cement, phosphates and potash, evaluated its status with regard to meeting environmental and health standards and concluded that the lack of information and technical know-how in assessing the type and quality of chemical waste disposals in the industry made it difficult to formulate appropriate management policies and choose the right technology to deal with the problem. The study recommended that Jordanian exporters strive to acquire the technical capability to adapt their products to the new environmental regulations of their export markets. It specifically recommended that Jordan enter into a consultative relationship with Governments and international and local NGOs involved in addressing environmental and social issues.

6. The agro-food industry in Lebanon

23. This case study dealt with the effect of the issues negotiated under the CTE programme on the agro-food industry in Lebanon. The four cases of disputes related to agro-food trade that were presented graphically illustrated the dynamics of the trade and environment linkage in this sector. The study analysed the industry in relation to its production techniques and practices and the distribution of its export markets,

and ended with a list of recommendations designed to assist the industry in meeting the new environmental and health requirements.

*7. Implications of issues under negotiation by the World Trade Organization Committee
on Trade and Environment for ESCWA member countries:
the cases of Egypt, Jordan and Lebanon*

24. The last case study in this session reviewed the CTE issues of greatest concern to developing countries. Using Egypt, Jordan and Lebanon as examples, the study illustrated the varying degrees of awareness and response in the ESCWA member countries to the trade and environment challenge.

25. In outlining the possible implications of the CTE issues on Egyptian trade, the study recommended that Egypt continues its strong efforts in dealing with them and that it should institutionalize its trade and environment concerns by establishing a special Government department staffed by experts qualified to extend services in that domain.

26. Regarding the situation in Jordan, the study revealed that the Government's work on integrating the demands of trade and environment had just begun and that, at this point, it was essential to raise public awareness about the importance of the issues involved.

27. The assessment of Lebanon's situation indicated that, at the Government level, there was scant knowledge of the CTE trade and environment issues. The study emphasized the benefits of wider export markets to be gained by Lebanon once it manifests concern for these issues and undertakes efforts to meet the new environmental standards.

III. RECOMMENDATIONS TO THE ESCWA MEMBER COUNTRIES

28. On the third and final day of the Meeting, the participants produced two sets of recommendations, both of which included a number of policy statements as well. As noted earlier, one set was prepared for the use of the Arab ministers who would be attending the WTO Third Ministerial Conference in Seattle, and the other set was directed to the Governments of the ESCWA member countries for their consideration.

A. RECOMMENDATIONS PREPARED FOR THE USE OF ARAB MINISTERS

1. *The Arab position on trade and environment*

29. In elucidating the Arab position on the trade and environment issue, the following principles, policies and facts should be included:

(a) Recognizing that all countries will mutually benefit from environmentally sound management and conservation practices, the position of the Arab countries on trade and environment is based on the conviction that natural resources and the environment are of vital importance to a nation's economic and social development and that the need to prevent their deterioration and depletion should be viewed as an essential element in national planning;

(b) The principle of common but differentiated responsibilities between developing and developed countries should be the basis for implementing international conventions and agreements and achieving sustainable development;

(c) Entities in charge of environmental affairs in the Arab countries have adopted policies, enacted legislation and set environmental controls, guidelines and environmental management systems to prevent environmental deterioration, control pollution and enhance the environment;

(d) Arab countries have joined MEAs, attended the Earth Summit in Rio and are committed to its resolutions. Positive steps have been taken by Arab States towards the implementation of the Rio Declaration on Environment and Development, at varying levels of response depending on the availability of resources, capabilities and technical assistance;

(e) The Council of Arab Ministers Responsible for the Environment plays an important role in mobilizing joint Arab efforts for the conservation of the environment;

(f) In September 1991, the Council approved the Arab Declaration on Environment and Development and Future Prospects which was submitted to the Earth Summit;

(g) In May 1992, the Council approved the Arab programmes for sustainable development, which are compatible with Agenda 21. These programmes will be implemented in line with available resources and in cooperation with Arab, regional and international organizations, in particular UNEP;

(h) The Arab countries are determined to continue their economic and environmental reform programmes and develop their capacities in order to enhance their competitiveness and improve their opportunities for market access;

(i) The Arab countries completely support the non-discriminatory, fair and open multilateral trade rules of the WTO which provide trade benefits and facilitate market access for developing countries. It is important that these efforts continue and that the WTO continue to pursue the goals of trade liberalization and the opening of markets;

(j) The industrial countries have not fulfilled their international obligations, as has been made evident by the decline in official development assistance. They tend to link trade, investment and assistance

with environmental standards, which has placed an additional strain on developing countries and limits their competitive advantage and market access opportunities.

2. Presenting the Arab position at the WTO Ministerial Conference in Seattle

30. In presenting the Arab position at the Seattle meeting, the Arab delegations should emphasize that it is premature to move from consultation to negotiations on environment-related issues for the following reasons:

(a) The CTE has not yet concluded the debate on any of the topics on its agenda;

(b) No assessment of the extent of implementation of the WTO agreements, which include environmental aspects and their impacts particularly on developing countries, has been carried out;

(c) The conclusion of a new environmental agreement under WTO may be contradictory to the provisions set forth in the multilateral environmental agreements, such as the Convention on Biological Diversity (CBD) and the Convention to Combat Desertification (CCD);

(d) There are a number of multilateral environmental agreements under which developed countries have not yet met their commitments and obligations to developing countries;

(e) Article XX of the GATT, concerning the general exceptions to the WTO provisions, constitutes an adequate framework under which trade and environment issues can be addressed.

31. With regard to discussions on specific environmental issues under the WTO agreements, particularly the agreements on Technical Barriers to Trade (TBT), Trade-related Aspects of Intellectual Property Rights (TRIPS), Sanitary and Phytosanitary Measures (SPS), Subsidies and Countervailing Measures, and Trade in Services, the Arab countries should raise such vital issues as the transfer of suitable technology, the provision of adequate financial resources, the fulfillment by industrial countries of their obligations to assist in capacity building and the granting of suitable grace periods for the implementation of agreements. The member countries should be assisted in the development of their capabilities, including training in the legal, judicial and information aspects of trade and environment. Within this context, it is important to highlight the issues below.

(a) Technology transfer

32. Technology transfer to developing countries is important, since it would be difficult for countries to comply with environmental standards without it. While most of the multilateral environmental agreements emphasize the importance of technology transfer, realizing this objective has encountered major obstacles and resulted in lengthy discussions over long periods of time. The Arab position on this issue should clearly state the following points:

- (i) The transfer of advanced technology to developing countries should be in accordance with their specific needs. This process should be linked with training and capacity building, in order to enable developing countries to acquire environmentally sound technologies;
- (ii) There should be no transfer of old or obsolete technologies or polluting and energy-consuming industries to developing countries, which would allow developed countries to fulfil their commitments in other conventions at the expense of developing countries;
- (iii) A balanced geographical distribution should be ensured in the provision of financial assistance to developing countries;
- (iv) The provisions of technology transfer in the TRIPS agreement should be implemented. Article 27.3b of the agreement concerns exceptions of patent rights in a manner that fully complies with the provision of the CBD and guarantees the rights of indigenous people and the sovereignty of

countries over their resources. Positive initiative must be taken by the industrial countries, as a gesture of goodwill, to ensure that the implementation of provisions related to various agreements follows the principle of special and preferential treatment for developing countries;

- (v) Small and medium-sized enterprises should be exempt from the provisions of the TRIPS agreement and from any reduction in the subsidies needed to finance environmentally-sound technology;
- (vi) The industrial countries should adopt procedures and provide incentives to the private sector to encourage the transfer of technology to developing countries;
- (vii) The implementation of these measures should be mandatory, not voluntary.

(b) *Economic instruments*

33. Trade restrictive measures are rarely effective in achieving environmental objectives. Instead, positive measures should be exhausted. In fact, the imposition of trade sanctions as an ultimate measure is bound to harm the environment and is therefore considered counterproductive.

(c) *Subsidies*

34. A distinction should be drawn between subsidies. Not all subsidies should be eliminated, since they can fulfil important national policy objectives and can be non-actionable under WTO rules. Subsidies following national/regional objectives of sustainable development, such as infrastructure development and small and medium-sized enterprises, follow the rationale of non-actionable environmental subsidies and must be considered non-actionable.

35. It is important to differentiate between direct subsidies and the role of Government in providing society with the benefits of its natural resources and wealth. It is also important to differentiate between perverse subsidies and those designed to assist in adopting sustainable production methods.

36. Any subsidy removal should be accompanied by action from industrial countries to facilitate market access for developing countries and encourage their sustainable development efforts.

37. Removing subsidies should not lead to discouraging or destroying small and medium-sized industries, which represent the backbone of growth in many developing countries.

38. It should be noted that an overall removal of subsidy by industrial countries could lead to an increase in the cost of staple foods imported by developing countries.

(d) *Taxes and charges*

39. Environmental taxes and charges should not restrict the competitiveness of developing countries in international markets. Studies should be undertaken to explore the possibility of using appropriate economic instruments to promote the shift to sustainable development programmes in developing countries.

(e) *Eco-labelling*

40. Eco-labelling should be considered as an environmental instrument; it should not be applied as a technical barrier to trade.

41. Eco-labelling is important in raising consumer awareness about environmentally-friendly products.

42. The concept of eco-labelling should be confined only to the final product and not applied to non-product-related processes and production methods. Transparency and mutual recognition should be the basis for granting eco-labels.

(f) *Environmental standards*

43. Environmental standards should not constitute unjustifiable discrimination for trade as reflected in the provisions of the TBT agreement.

44. Industrial countries should refrain from exporting domestically prohibited products, whether primary or intermediate goods, to developing countries.

45. Any country or regional bloc should not apply its own standards to the exports of developing countries, but should be committed to international standards whereby all countries receive equal consideration.

46. Industrial countries should apply the prior notification principle in exporting any industrial components that enter into a final product to be re-exported to them from a developing country.

47. Industrial countries should support capacity building in developing countries, especially in building expertise and establishing national laboratories accredited to inspect products and their components.

48. Countries should be encouraged to adopt comparable environmental standards and sign mutual recognition agreements.

3. The ministerial declaration for the Seattle conference

49. In drafting the ministerial declaration, the following points should be highlighted:

(a) Emphasis should be placed on the Rio principles, which state that sustainable development is the right of each country and that countries have mutual but differentiated responsibilities in achieving sustainable development;

(b) The commitment of the industrial countries to meet their obligations to facilitate technology transfer and provide sufficient financial resources should be reaffirmed;

(c) The Singapore Ministerial Declaration (adopted at the WTO Ministerial Conference of 1996), which confirmed that WTO is a forum for "the continuing liberalization of trade" and not another forum for environmental conservation, should be reiterated;

(d) The CTE should continue to perform its functions and implement its work programme. It is premature to transfer the topics under discussion in the CTE to negotiating groups;

(e) Capacity building in developing countries should be encouraged, particularly in providing incentives to expand market access and in promoting the transfer of technology and increasing external funding for developing countries. International organizations, especially UNEP and UNCTAD, should be requested to cooperate in the provision of the technical expertise and resources necessary for capacity building in developing countries;

(f) Adequate grace periods for the implementation of agreements should be granted, in accordance with the needs of developing countries, in order to allow them the time to restructure their production processes and secure the financial resources needed to meet environmental standards;

(g) The unilateral action taken by some countries for protectionist purposes should be rejected.

4. Preliminary preparations for the Seattle conference and its outcome

50. To ensure that the Arab position is comprehensively presented at the Seattle conference and in order to follow it with a positive programme of action, the following preliminary preparations should be made:

(a) All Arab countries should be called upon to continue their efforts to ensure coordination and cooperation among all relevant ministries and national and private entities concerned with WTO activities. They should also be urged to include representatives from all concerned sectors in their delegations to the meeting, especially trade, environment and legal experts;

(b) The League of Arab States should be called upon to form an expert consulting team to provide technical and legal support to Arab delegations participating in the Seattle conference. The representative of the Islamic Development Bank expressed the Bank's readiness to underwrite the expenses to cover the presence of the consulting team at the meeting;

(c) The Arab ministers taking part in the conference should be provided with the results of this Meeting and they should be urged to actively seek coordination with relevant international entities in order to form a strong negotiating bloc based on common interests and mutual benefit;

(d) It should be emphasized that the League of Arab States should be granted observer status in the WTO;

(e) All Arab entities should be called upon to benefit from the technical support provided by international agencies and funding institutions in undertaking case studies on the impact of trade liberalization on industry, particularly on small and medium-sized industries, in order to ensure the effective participation and follow-up of Arab negotiators in the forthcoming round of negotiations;

(f) The organizing entities of this Meeting should be called upon to maintain cooperation and communications with the relevant regional and international organizations in order to hold consultative meetings and symposia for the exchange of expertise and experience on trade and environment and for the organization of training courses to enhance Arab capacity building;

(g) Attention should be paid to the adverse impact of the trade and environment issue on oil trade and revenues, which is expected to be caused by MEAs rather than by the multilateral trading system. The Kyoto Protocol, as an MEA, calls for quantifiable goals for carbon emissions in developed countries. The abatement targets of greenhouse gas (GHG) emissions, as envisaged by the Kyoto Protocol, is likely to cause a substantial loss of oil export revenues for OPEC members and non-oil-producing countries. Although allowing trade in emission permits reduced the severity of these losses, they remain high. It should be noted that a joint management of the relatively high oil price with non-OPEC oil-exporting countries, together with a full global trading system that is unrestricted by capping, offers the most feasible route to mitigating the severity of losses incurred.

B. RECOMMENDATIONS TO THE GOVERNMENTS OF ESCWA MEMBER COUNTRIES

51. While endorsing all the recommendations of the League of Arab States symposium and recognizing that the ESCWA Expert Group Meeting provided empirical case studies in the region, the specific issues discussed and the recommendations that were made focused on the following three objectives:

(a) To offer recommendations for the Seattle conference and beyond;

(b) To examine the trade and environment debate at the regional and national levels;

(c) To operationalize selected recommendations within the context of the two objectives noted above.

52. The recommendations herein presented deal with the specific issues outlined below.

1. *International negotiations*

53. There is a need for ESCWA member countries to actively participate in the discussions and deliberations on trade and environment issues at the multilateral trade level, including MEAs such as the Kyoto Protocol and the CBD.

2. Coordination, communication and information exchange

54. There is a need to improve coordination and communication on trade and environment issues at the national, regional and international level. This will entail:

- (a) Better coordination between ministries at the country level;
- (b) Better coordination between ministries, the private sector and non-governmental organizations (NGOs) at the national and regional levels;
- (c) Better coordination between international organizations that provide technical assistance and capacity-building programmes in the region.

55. Special attention should be paid to communicating and exchanging information on technology transfer arrangements, particularly with regard to the lessons learned from the application and adaptation of green technologies and to the various ways of gaining access to new technologies and processes.

3. Case studies and information gathering

56. The issue of trade and environment will increase in significance in the days to come, especially now that most countries in the region are either members of or aspiring to membership in WTO. The existing technical capability and institutional capacity at the country level are inadequate and need to be upgraded to cope with the new challenges. Governments and private sector actors in the region should make every effort to utilize the expertise available through regional and international organizations to develop their endogenous capacity to deal with issues related to trade and environment. In this respect, it should be recognized that:

- (a) Systematic and empirical approaches provide useful tools in integrating environmental concerns in the development process. Governments in the region need to give such approaches serious consideration and Government departments need to apply rigorous methods of environmental accounting in their operations;
- (b) Studies should be undertaken and exchanged on a priority basis, covering economic sectors and policy issues in the region. It will be required to pool resources to conduct these studies;
- (c) There is a need to systemize Arab texts on trade and environment issues. Efforts should be made to promote the Arabization of terminology and standards.

4. Capacity-building instruments and assistance

57. The Meeting appreciated the contribution made by international organizations to address trade and environment issues, but more coordination is needed. Countries should communicate to international and other organizations the need for support in capacity-building activities in order to effectively address trade and environment issues.

58. There is also the need to formalize communications and facilitate coordination between international organizations that provide capacity-building and technical assistance services on trade and environment. A mechanism for coordinating activities in the field of trade and environment should be established with funding agencies that support such work in the region.

5. Legal training

59. Since the trade and environment issue is new to the Arab region, there is a need to provide relevant legal training to the judiciary and law practitioners.

6. The private sector

60. The private sector should be actively involved in the formulation of strategies for increasing market competitiveness within the framework of the WTO. Trade and environment issues are an important determinant of competitiveness, and there is a need to raise awareness of these issues in the private sector and assist in updating the skills required to meet the environmental challenges. It is especially urgent to alert small and medium-sized enterprises regarding the upcoming challenges, especially those engaged in export. They should be the priority recipients of assistance in trade and environment issues.

7. Certification and accreditation

61. There is a need to help companies adopt viable instruments that will enable them to acquire complete know-how on certification and accreditation practices. Accreditation and certification procedures should be coordinated at the regional level.

8. Eco-labelling

62. In building upon the eco-labelling recommendations made at the League of Arab States symposium, it was agreed that:

(a) Eco-labelling should be considered an environmental instrument; it should not be a technical barrier to trade;

(b) Eco-labelling should be confined to products and not applied to production processes unrelated to the characteristics of the final product.

9. Trade sanctions

63. Trade restrictive measures rarely achieve environmental objectives effectively. Instead, positive measures must be exhausted. In fact, the imposition of trade sanctions as an ultimate measure is bound to harm the environment and is therefore counterproductive. Governments should therefore avoid the use of sanctions when negotiating or responding to trade and environment disputes.

10. Subsidies

64. A distinction should be drawn between subsidies. Not all subsidies should be eliminated, since they can fulfil important national policy objectives and can be non-actionable under WTO rules. Subsidies following national/regional objectives of sustainable development, such as infrastructure and small and medium-sized enterprises, follow the rationale of non-actionable environmental subsidies and must be considered non-actionable.

11. The petroleum sector

65. Attention should be paid to the adverse impact of the trade and environment issue on oil trade and revenues, which is expected to be caused by MEAs rather than by the multilateral trading system. The Kyoto Protocol, as an MEA, calls for quantifiable goals for carbon emissions in developed countries. The abatement targets of GHG emissions, as envisaged by the Kyoto Protocol, is likely to cause a substantial loss of oil export revenues for OPEC and non-oil-producing countries. Although allowing trade in emission permits reduced the severity of these losses, they remain high. It should be noted that a joint management of the relatively high oil price with non-OPEC oil-exporting countries, together with a full global trading system that is unrestricted by capping, offers the most feasible route to mitigating the severity of losses incurred.

C. AN OPERATIONAL APPROACH

1. *Establishment of national nuclei on trade and environment*

66. Recognizing that countries need to prioritize their top policy and economic issues, it was agreed that strategies to resolve the trade and environment challenge should be pursued at both the national and the regional levels.

67. For this reason, it is recommended that a national nucleus (i.e., a national task force or committee) on trade and environment concerns should be established in each country in order to formalize long-term working programmes.

68. The national nucleus, which should be composed of public and private stakeholders, including non-governmental organizations, would identify and prioritize the top issues that are relevant to the country. The national nuclei would coordinate positions with each other and communicate their priority lists to international and regional capacity-building organizations so that they may jointly create a synergetic pool of information to assist in capacity building at the national and regional levels.

2. *Regional task force*

69. A regional task force on trade and environment should be established to propose and develop programmes in support of capacity building at the regional and national levels. The task force should be comprised of national, regional and international bodies, including members of the private sector.

3. *Coordinating committee of capacity-building organizations*

70. A coordinating committee composed of United Nations organizations (UNCTAD, UNEP, UNDP and ESCWA) and international funding organizations (METAP/MedPolicies Initiative, the Mediterranean Commission on Sustainable Development, the World Bank and the European Commission) could be formed to coordinate the technical and financial activities related to trade and environment capacity building.

71. The coordinating committee would work closely with the national nuclei and the regional task force to develop outreach programmes for use by Governments, public agencies, NGOs and the private sector.

4. *Regional meetings*

72. A regional meeting should be convened to assemble all the national nuclei to formalize the coordinating committee of capacity-building organizations.

73. The Joint Committee on Environment and Development of the League of Arab States, which will be meeting in Cairo in January 2000, could serve as the forum for proposing the establishment of the national nuclei, the regional task force and the coordinating committee of capacity-building organizations. All national nuclei and international organizations engaged in trade and environment capacity-building activities should attend the meeting.

5. *The private sector*

74. In order to assist the private sector, particularly the industrial sector, in formulating strategies to increase their competitiveness under the implications of the trade and environment challenge, a technical committee on competitiveness should be established to deal objectively and practically with the technical aspects of the issue. Sector studies should be conducted on:

- (a) Local product specifications;
- (b) International specifications required for each product;
- (c) Technical measures to be adopted to reach required specifications, particularly those concerning:

- (i) Simple process modifications and/or optimization methods;
- (ii) Technology upgrading;
- (iii) Analysis and testing required for conformity with standards;
- (iv) Certification;
- (v) The estimated impact of the adopted measures on product cost.

75. Such studies will provide private sector actors and industrialists with a clearer understanding of the issues and the concrete actions that need to be taken to confront the challenge to their competitiveness.

6. *Non-governmental organizations*

76. There is a need to establish a communication strategy between Governments and NGOs (including private sector associations and academic institutions) that operate at the national, regional and international levels. Open lines of communication with such organizations could support capacity-building activities and provide technical assistance on issues of trade and environment.

Annex I

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Annex II

LIST OF DOCUMENTS

Symbol	Title
E/ESCWA/ED/1999/WG.1/L.1	Proposed organization of work
E/ESCWA/ED/1999/WG.1/2	Implications of environmental measures on oil trade
E/ESCWA/ED/1999/WG.1/3	Implications of the WTO Trade and Environment Committee recommendations and issues under negotiations on trade in ESCWA countries: the case of textile industry in the Syrian Arab Republic
E/ESCWA/ED/1999/WG.1/4	The implications on trade in ESCWA member countries of the World Trade Organization Committee on Trade and the Environment recommendations and issues under negotiation: a case study of the mining sector in Jordan
E/ESCWA/ED/1999/WG.1/5	The implications on trade in ESCWA member countries of the World Trade Organization Committee on Trade and the Environment recommendations and issues under negotiation: a case study of the leather industry in the Syrian Arab Republic
E/ESCWA/ED/1999/WG.1/6	The implications of the World Trade Organization Trade and the Environment Committee recommendations and issues under negotiations on trade in the ESCWA member countries: the case of the agro-food industry in Lebanon
E/ESCWA/ED/1999/WG.1/7	The implications of "WTO Committee on Trade and Environment" findings on packaging practice in Egypt
E/ESCWA/ED/1999/WG.1/8	Green dilemmas of the ESCWA region: MEAs in the trade and environment debate
E/ESCWA/ED/1999/WG.1/9	Trade and environment: Seattle and beyond
E/ESCWA/ED/1999/WG.1/10	Implications of issues negotiated in the WTO Committee for Trade and Environment (CTE) for ESCWA member countries: the cases of Egypt, Jordan and Lebanon

Annex III

PROPOSED ORGANIZATION OF WORK

Day one

Overview of trade and environment issues

Tuesday, 2 November 1999

United Nations House

First session: General framework

8.30 - 9.00 a.m.

Registration

9.00 - 9.30 a.m.

Opening remarks

9.30 - 10.30 a.m.

Break

10.30 - 11.00 a.m.

Integrating environment and trade: a worldwide view (René Vossenaar, UNCTAD)

11.00 - 11.15 a.m.

WTO Committee on Trade and Environment recommendations and implications for Arab countries (Zeki Fattah, ESCWA)

11.15 - 11.30 a.m.

The WTO perspective on trade and environment (Alexander Keck, WTO)

11.30 - 11.45 a.m.

Summary of recommendations of the League of Arab States Symposium on Trade and Environment, Cairo, September 1999 (Mahmood Abdulraheem)

11.45 a.m. - noon

Trade and environment experience of Arab countries (Mohsen Helal, ESCWA)

Noon - 12.15 p.m.

The Euro-Mediterranean Partnership (Arab Hoballah, UNEP)

12.15 - 12.45 p.m.

Discussion

12.45 - 2.15 p.m.

Lunch

Second session: MedPolicies Initiative case studies

2.15 - 2.30 p.m.

Introduction to METAP and the MedPolicies Initiative (Carol Chouchani Cherfane, METAP)

2.30 - 3.00 p.m.

Analytical framework for examining trade and environment in terms of international competitiveness (Bruce Larson, University of Connecticut)

3.00 - 3.15 p.m.

Discussion

3.15 - 3.30 p.m.

Single-sector sensitivity analysis: the effect of foreign environmental regulations on Jordanian fertilizer exports (Yusuf Mansur, Jordan)

3.30 - 3.45 p.m.

Discussion

3.45 - 4.00 p.m.

Multi-sector sensitivity analysis of economic responsiveness to changes in environmental regulation in Egypt and Jordan (Alaa Ahmed Sarhan, Egypt)

Tuesday, 2 November 1999 (continued)

4.00 - 4.15 p.m. Multi-sector sensitivity analysis of economic responsiveness to changes in environmental regulations in the Syrian Arab Republic (Hussam Morad, Syrian Arab Republic)

4.15 - 4.45 p.m. Discussion

4.45 - 5.00 p.m. Closing comments

Day two Impact of WTO Committee on Trade and Environment decisions and on-going issues of negotiations on trade in ESCWA member States

Wednesday, 3 November 1999

Holiday Inn Galleria *First session: ESCWA case studies*

9.00 - 9.15 a.m. Resume of day one

9.15 - 9.45 a.m. Multilateral environmental agreements in the trade and environment debate (Veena Gha, UNCTAD)

9.45 - 10.00 a.m. Discussion

10.00 - 10.15 a.m. Implications of WTO Committee on Trade and Environment recommendations for selected ESCWA member States (Rita Fakhoury, ESCWA)

10.15 - 10.45 a.m. Impact of WTO Committee on Trade and Environment recommendations and on-going issues of negotiation on trade in petroleum products in the Arab countries (Hussain Abdalla, Egypt)

10.45 - 11.00 a.m. Discussion

11.00 - 11.15 a.m. Break

11.15 - 11.45 a.m. Impact of WTO Committee on Trade and Environment recommendations and on-going issues of negotiation on mining in Jordan (Riad Khoury, Jordan)

11.45 a.m. - noon Discussion

Noon - 12.30 p.m. Impact of WTO Committee on Trade and Environment recommendations and on-going issues of negotiation on agro-food products in Lebanon (Envirotech, Lebanon)

12.30 - 12.45 p.m. Discussion

12.45 - 2.15 p.m. Lunch

Second session: ESCWA case studies (continued)

2.15 - 3.00 p.m. Impact of WTO Committee on Trade and Environment recommendations and on-going issues of negotiation on trade in textiles in the Syrian Arab Republic and Egypt (Envirotech, Lebanon and Alaa Ahmed Sarhan, Egypt)

Wednesday, 3 November 1999 (continued)

3.00 - 3.30 p.m. Impact of WTO Trade and Environment Committee recommendations and on-going issues of negotiation on leather in the Syrian Arab Republic (Riad Khoury, Jordan)

3.30 - 4.00 p.m. Discussion

4.00 - 4.30 p.m. Impact of WTO Committee on Trade and Environment recommendations and on-going issues of negotiation on packaging in Egypt (Tarek Genena, Egypt)

4.30 - 4.45 p.m. Discussion

4.45 - 5.00 p.m. Closing comments

Day three Conclusions and recommendations

Thursday, 4 November 1999

Holiday Inn Galleria *First session:* *Closing discussion*

9.00 - 10.30 a.m. Conclusions

10.30 - 10.45 a.m.	Break
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10.45 - noon