ability mechanisms within specific MEAs, and intimated that such measures could be a goal for the forthcoming Rio+10 Conference in 2002.

**Committee on Trade and the Environment**

Convening after the above Meeting, the WTO Committee on Trade and Environment (CTE) met from 24-25 October. Agenda items included services and the environment; linkages between the WTO and multilateral environmental agreements; relations with intergovernmental organisations (IGOs) and non-governmental organisations (NGOs); and trade liberalisation in fisheries and environmental services.

The Committee also engaged in an information exchange session with representatives of four MEAs. Participants welcomed the Meeting on Enhancing Synergies and Mutual Supportiveness of MEAs (see above). There was also discussion on WTO disputes that are relevant or related to MEAs and submissions from several countries on MEA-WTO relations.

With regard to fisheries, delegates discussed subsidies and a WTO Secretariat paper on the environmental benefits of removing trade restrictions. (MJ)

**Note**

* Under Section 609 of Public Law 101-162, the United States bans shrimp imports from countries that are not certified as having comparable conservation policies for sea turtles or that are not certified as coming from shrimp boats equipped with so-called turtle excluder devices. The 1998 ruling rejected US claims that the shrimp ban was justified under Article XX of the 1994 General Agreement on Tariffs and Trade (GATT). This allows for exclusions to WTO rules for measures considered necessary for the protection of human, animal or plant life or to safeguard exhaustible natural resources.

In October 1998, the WTO’s Appellate Body overturned this finding, concluding that the ban was justified on the grounds that sea turtles constituted an exhaustible natural resource. The Appellate Body, however, blamed Washington for imposing the ban without first seeking less trade-restrictive alternative measures and for failing to ensure that the ban did not discriminate among WTO members. Both the United States and Malaysia have reserved their right to appeal against the compliance panel’s findings.

On 23 October, the WTO acceded to Malaysia’s request for the compliance panel to rule on whether the US has complied with the 1998 ruling. We shall report on the outcome.

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### Alpine Convention

"A Big Day for the Alpine Convention"

by Wolfgang E. Burhenne*

This was the headline of the Neue Zürcher Zeitung after the conclusion of the sixth Alpine Conference of the Ministers of the eight Contracting Parties held at Lucerne, Switzerland, on 30-31 October 2000. While all eight of the contracting State Parties were present, which are (in alphabetical order) Austria, France, Germany, Italy, Liechtenstein, Monaco, Slovenia, Switzerland, and the European Commission, the latter was criticised for not having sent a delegate.

The stumbling block for a long time has been a lack of consensus regarding establishing a legally binding Protocol for managing traffic in the alpine region.\footnote{IUCN representative at the meetings concerning the Alpine Convention; Executive Governor of the International Council of Environmental Law; Member of Steering Committee of the IUCN Commission on Environmental Law (Liaison with the United Nations system).} After a total of six years of negotiations, a compromise was finally reached as to where all Parties agreed, for example, to refrain from building new Trans-alpine motorways, and to devise concepts that rely more heavily on railroad traffic.

This breakthrough in negotiations enabled the signing of the other Protocols which had been negotiated earlier, but have not been signed by most contracting States. Moritz Leuenberger, the Swiss Minister for Environment, Transport, Energy and Communications noted that this was a joyful occasion for the Host Country. The Ministers of all Member States present expressed their commitment toward ensuring speedy implementation of the Protocols.

An agreement was also reached on the new protocol regarding procedures for dispute settlement. Another major step toward the implementation of the Convention and its Protocols was the acceptance of the proposal to establish a permanent Secretariat after its necessity had been questioned for so long. Now preparations are underway to devise an organisational structure and determine the size and location of the Secretariat.

Among other matters considered, the Conference approved a report on mountain-specific environmental quality goals for the alpine region. The Permanent Committee of High-Level Officials for the Alpine Convention had already agreed in their last meeting to set up a working group which is to draft a new Protocol on Populations and Culture.

In gearing up for the International Year of the Mountains in 2002, a special report on the Alpine Convention is to be prepared and to be presented to the United Nations Secretary General, in the hope that it will be used as a model for other States who share cross-boundary mountain systems. Italy made a bid to chair the next two-year term and was confirmed by unanimous vote.

In closing, the delegates of the member States and the observers of the accredited non-governmental organisations (NGOs) thanked the host country and outgoing chair of the Alpine Convention. They all agreed that this Conference could not have come to a successful conclusion without Switzerland’s tireless efforts to keep the negotiations alive and to seek new avenues for compromise.

\footnote{See also EPL 27/5 (1997), p. 407-408.}