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# ECONOMIC SUSTAINABILITY AND WORLD TRADE ORGANIZATION: AN ETHICAL CHALLENGES CRISIS BETWEEN STATES

**Kiwonghi Bizawu**

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Sacerdote, advogado e Professor de Direito Internacional na Escola Superior Dom Helder Câmara.  
Email: sebak\_07@hotmail.com

**André de Paiva Toledo**

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Doutor em Direito pela Université Panthéon-Assas Paris II - Sorbonne, Mestre em Direito pela Universidade Federal de Minas Gerais - UFMG e Bacharel em Direito pela Universidade Federal de Minas Gerais - UFMG. Pesquisador visitante no Centro de Direito Ambiental da UICN de Bonn, Alemanha (2004) e no Instituto de Pesquisa em Direito Internacional e Europeu da Sorbonne - IREDIES - de Paris, França (2014)  
Email: depaivatoledo@gmail.com

**Lívia Cristina Pinheiro Lopes**

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Advogada, mestre em Direito Ambiental e Desenvolvimento Sustentável pela Escola Superior Dom Helder Câmara e Bacharel em Direito.  
Email: liviacpl@hotmail.com

## ABSTRACT

This article aims to analyze the relationship between the principle of sustainable development and operation of the World Trade Organization (WTO) through its Dispute Settlement Body (DSB). Trade, being an important ally of sustainable development, is a factor in building a democratic, just and peaceful society. It will make a descriptive research based on deductive method and in literature. In this paper, the concern with the environment and the need to implement more sustainable trade policies are part, even if only timidly, of the dynamics of the WTO.

**Keywords:** World Trade Organization; Sustainable development; Dispute Settlement; General Agreement on Tariff and Trade.

*SUSTENTABILIDADE ECONÔMICA E ORGANIZAÇÃO MUNDIAL DO COMÉRCIO—OMC: A CRISE ÉTICA MUNDIAL NAS RELAÇÕES ENTRE ESTADOS.*

**RESUMO**

*O presente artigo objetiva analisar a relação existente entre o princípio do desenvolvimento sustentável e atuação da Organização Mundial do Comércio (OMC) através do seu Órgão de Solução de Controvérsias (OSC). O comércio, sendo um aliado importantíssimo do desenvolvimento sustentável, é fator da construção de uma sociedade democrática, justa e pacífica. Far-se-á uma pesquisa descritiva baseada no método dedutivo no levantamento bibliográfico. Demonstra-se, nesse artigo a preocupação com o meio ambiente, bem como a necessidade de implementação de políticas comerciais mais sustentáveis fazem parte, mesmo que timidamente, da dinâmica de atuação da OMC.*

**Palavras-chave:** *Organização Mundial do Comércio; Desenvolvimento Sustentável; Solução de Controvérsias; Acordo Geral de Tarifa e Comércio.*

## INTRODUCTION

The two great world wars were characterized by conflicts of political interests, among which the commercial interests stand out. The collision between countries with interventionist and liberal trade policies has always been present on the international scene. In this context, states formed alliances to dominate markets and monopolize raw materials, essentially two of them, coal and steel, used in wars. It must therefore be borne in mind that the formation of the European Union has its origins in the European Coal and Steel Community (ECSC) and the European Economic Community (EEC), which was made up of six countries in 1957. The establishment of a common market made it possible to consolidate economic cooperation between Member States and to avoid a third world war driven by natural resources, especially coal and steel in a Europe which was plagued by two great world wars which brought unspeakable suffering to its population.

At the end of World War II (1945), the permanence of this confrontation unleashed the need to create solutions that made the possibility of a third war impossible, solving the determining element, the eminently commercial conflict between countries.

At the same time, Carla Piffer (2011) points out that:

With the end of World War II, faced with the need to rebuild the world economy shaken by the results of the conflicts, the Allied countries urgently needed organs to delimit trade between nations with the aim of creating a peaceful environment in the area of International economics. (PIFFER, 2011, p. 115).

The ICO, the International Trade Organization, would be the motivating cause of the first two wars, the trade conflict. Its purpose was to avoid economic and commercial disputes between states.

In 1947 several states met in Havana (Cuba), at which time the elaboration of this new international organization committed to the justice of international trade was discussed.

Although the United States encouraged the creation of this organization through its president, the American Congress did not share the same ideals that there would be a kind of parity among all States in international trade. Today, moreover, history repeats itself with the election of the American President R. Trump, aiming at the American commercial

policy on an exacerbated protectionism against the globalization of the world economies and the multilateralism that always guided the commercial relations between sovereign states.

It is important to note that international organizations are born of international treaties. However for the creation of the WTO, the non viability of the project has come up at some point for lack of sufficient members. In any case, a parallel free trade agreement was created, representing the roots of the future World Trade Organization. This agreement was the GATT, acronym of the North American expression that means General Agreement on Tariffs and Trade.

The agreement began in 1947 and lasted until 1994, when the number of States acceded was sufficient for the creation of an international organization.

It is worth remembering, as Carla Piffer (2011) points out, when it comes to the GATT:

In fact, the whole of the GATT never entered into force legally, that is, it was never definitively approved as an International Organization, since what came into force was the PAP and not the GATT itself. Even so, as an international treaty with an equivalent co-ordination to an International Organization, GATT has become a forum for intense negotiations and important rounds, being recognized as the main international trade organization. (PIFFER, 2011, p. 116).

In 1995, the World Trade Organization (WTO) was created, replacing the GATT, whose objective is to create a unified, joint international trade market in which all countries can develop their trade on an equal footing, bypassing the protectionist policies of each State, in pursuit of the development of trade.

Some principles guide the performance of the WTO. Two, the principle of the most-favored-nation clause and the principle of national treatment deserve special mention.

The principle of the most-favored-nation clause stipulates that no Member State may, unilaterally, impose restrictive measures on trade. Unequal treatments are not tolerated. In turn, the principle of national treatment requires that domestic and imported products, similar or directly competitive, should receive the same treatment.

The purpose of this organization is to make each member country adopt the same political principle of free trade, making it impossible to

stipulate any unjustified trade barrier, purely discriminatory, be it tariff or non-tariff.

Today, in the face of the international world scenario, the role played by the WTO is not limited to the liberal unification of trade relations, that is, the WTO is not only concerned with trade liberalization, “but in some circumstances its rules are consistent for the maintenance of trade barriers - for example, to protect consumers, to prevent the spread of disease or to protect the environment.”<sup>1</sup>

Concern for the environment, as well as the need to implement more sustainable trade policies, are timidly part of the WTO’s momentum. The member states are not limited to discussing specific issues to issue specific agreements. Other issues, however, are on the agenda, including the environmental issue.

The preservation of the environment is related to the very maintenance of trade relations, as well as the conservation of the natural resources indispensable for the development of trade. There is no way to dissociate environmental or socio-environmental issues from trade agreements that are capable of promoting not only economic development, but also its sustainability aspect in the preservation and conservation of natural resources both for present generations and for future. It is the search for an ecologically balanced environment, since even though the WTO does not specifically address the issue of the environment, WTO agreements confirm the right of governments to protect it, as long as certain conditions are met, and some of them include provisions related to environmental concerns. The objectives of sustainable development and protection of the environment are important enough to be mentioned in the preamble to the WTO Agreement.

Authors like Fabiano Augusto Piazza Baracat argue that, even in the face of the non-interventionist assumptions of the WTO, the international organization plays an important role in consolidating the principle of sustainable development.

The current concept of sustainability seeks to reconcile economic, social, political and environmental aspects. Regarding the environmental questions, the DSB, the Dispute Settlement Body of the World Trade Organization, has been particularly involved in environmental issues,

<sup>1</sup> “Mais l’OMC ne se préoccupe pas uniquement de la libéralisation des échanges commerciaux, et, dans certaines circonstances, ses règles vont dans le sens du maintien des obstacles au commerce — par exemple pour protéger les consommateurs, empêcher la propagation des maladies ou protéger l’environnement.”

especially in the face of the possible interpretations of Article XX of the GATT Agreement, which is incorporated by the WTO.

However, even in the face of the undeniable role of the WTO in environmental issues, it can be seen that the non-interventionist assumptions of the organization make it difficult to take decisions in favor of environmental protection, as well as the implementation of the principle of sustainable development.

The main problem that we try to answer in this work is to know how it would be possible to promote environmental protection and to implement the ideals of sustainability through a non-interventionist stance.

For a better development of the above mentioned theme, we will analyze the problem in the light of the deductive method and a descriptive research, considering the possibilities of the WTO in the implementation of sustainable development. Through the analysis of the legal framework, bibliographic review and observation of the relationship between trade and the concept of sustainability, it is also intended to contribute to a critical reflection, inspired by the possible interpretations attributed to Article XX, of the international treaty GATT/94.

To do so, some steps will be followed, initially discussing the construction of international law, especially international treaties and jurisdiction granted to the WTO.

Subsequently, sustainable development will be conceptualized in relation to the work of the WTO, presenting the main difficulties for its implementation.

Finally, a brief analysis of the possibility of sustainable intervention by the organization through the interpretation given to Article XX of the GATT Agreement will be carried out.

This article proposes an examination of the current WTO rules in pursuit of the expression of the principle of sustainable development that would be implicit in WTO agreements.

In this way, it is discussed the jurisdictional peculiarities of the WTO, as well as its relationship with the principle of sustainable development and its expression on the international scene of trade.

## **2 THE WTO JURISDICTION**

In domestic law the legislation is inspired by a regulated compulsion, being general and abstract. The legislative command is

applied to all, reserving punishments for those who do not comply.

The great difference in international law lies in the fact that its juridical norms regulating relations between States are rules of consensus, which is derived from the voluntary nature of sovereign states.

The State creates the norm from which it becomes the addressee. He legislates and is responsible for compliance. This is a characteristic limitation of international law itself, which is based on conventionality in international acts and treaties.

International organizations are “born” of international treaties, such as the World Trade Organization, which must be signed and ratified by the country that wishes to become a member of the organization. As characteristics, it can be highlighted as Valério de Oliveira Mazzuoli (2015) stipulates that:

The International Intergovernmental Organizations (...) a) are created by States and, therefore, must be considered as *interstate* (this “inter-statehood” is, moreover, indispensable to the notion of international organization), thus excluding organizations of *private* nature; b) are established through multilateral international treaties, which establish them and establish their rules and competences, which are the true constitution (or “birth certificate”) of the organization; they provide for the rights and obligations of the Member States to the organization. Hence, it is understood that the institutions of these entities are of a twofold nature: they are multilateral agreements and also their constitution; (c) they are created on the basis of an agreement of will by the free association of States which can not be coerced into joining the organization if it is not of interest to them; d) have civil capacity and own legal personality, that is, different from its members, which causes the voluntarist basis of its creation to lose ground to a will; e) consist of permanent organs, which are distinct and independent of the other members of the organization (...) (MAZZUOLI, 2015, p. 662-663).

Only after this legal process, the member country of the organization can be held liable in case of breach of any provisions in the agreements entered into by the organization.

In this way, there is a kind of prior recognition by the WTO member states of the treaty.

In this case the acting court is the WTO Dispute Settlement Body, known as the CSO. A kind of internal court, which will judge impasses arising from the violation of devices previously stipulated by the

organization.

Baracat defines the CSO well by teaching that:

It is a quasi-judicial system, making it independent of the other contracting parties and other WTO bodies, it creates a binding mechanism for Members without the need for additional agreements to establish WTO jurisdiction on disputes relating to their agreements. (BARACAT, 2012, p. 101).

There is no need to speak of a violation of the sovereignty of countries under the jurisdiction of the CSO. Sovereignly, WTO member states sign the treaty and recognize jurisdiction.

Within each country, jurisdiction is compulsory and there is no need for prior recognition.

If the member countries of the treaty seek to develop their economies and expand trade relations, they must comply with all the rules of the organization by accepting the jurisdiction exercised by the CSO.

Baracat stresses the possibility of granting sanctions to those countries that are not in compliance with the international agreements signed at the WTO. According to the author, “the expected benefits are those typical of the International Public Law of Cooperation, aimed at reaching the member state in default, reducing the benefits that this state has to participate in economic interdependence. “ (BARACAT, 2012, p. 107).

In a sense, the jurisdiction guarantees member countries certain legal certainty: the certainty that other WTO members will comply with the rules stipulated by the organization.

Another important role of the CSO is to foster sustainable and environmental discussions through conflict resolution among Member States. It is precisely within the ambit of the CSO that the WTO seeks to give concreteness to the principle of sustainable development.

It is therefore discussed the principle of sustainable development and its relationship with the WTO to better understand the work of this international organization



### 3 WTO AND SUSTAINABLE DEVELOPMENT

The distinction between growth and development is necessary for understanding the sustainable dimension of the world trade organization. Growth and development are not synonymous.

To analyze the conception of growth, the economic aspect is the most exalted dimension. In development, we combine economic, social and political aspects.

Understanding the concept of sustainable development is a step forward. It seeks to reconcile the economic, social, political and environmental aspects that converge the old concept of development into sustainable development.

Such a development of the principle is recent and has reached the sustainability debate only in the 1980s.

In 1972, at the United Nations Conference on the Human Environment, there was an international attempt to create norms for the environment, placing man as the center of the environment.

In 1992, the second major conference of the United Nations sought to include the economic issue in the environmental discourse, broadening the meaning of sustainable development.

In 1987 the United Nations published the Brundtland Report, “Our Common Future”, considered a landmark, birth certificate of sustainable development.

Currently, Costa argues that:

The concept of sustainable development covers the most diverse aspects of human life. It is present in numerous international treaties and conventions, including within the framework of the WTO, with a total of 155 specific provisions in its Agreements addressing the chronic development problems of most of its member countries. (COSTA, 2015, p. 5).

Although much is said today about sustainable development, applying its dimensions in the World Trade Organization is somewhat complicated.

The vision of the environment for the WTO is anthropocentric and economist, incompatible as the systemic vision that approaches the context of sustainability.

In this sense Thorstensen clarifies:

The Foreign Trade Policy aims at the liberalization of international trade, while the Environment Policy defends the preservation of the environment in physical terms, health and human security, consumer protection and treatment of animals. (Thorstensen, 1988, p. 4).

There is a major challenge in the quest for environmental protection in the WTO. The economic aspect prevails in this organization, because it is an organization founded on the idea of trade liberalization. In Boff's words:

In most cases the sustainability presented is more apparent than real. (...) It is for this reason that the political use of the expression *sustainable development* represents a trap of the prevailing system: it takes the terms of ecology (sustainability) to escape them and assumes the ideal of the economy (growth/development), masking, however, the poverty that it produces. (BOFF, 2012, p. 40/46).

Thus, the WTO is resistant to engage in environmental issues, as it is based on classical liberal standards, analyzing reality only on the economic bias.

International law, today, is a reality inspired by the principle of economic globalization that prevails throughout the world. When we think about the environmental issue, we must analyze whether in this international context any "subject" would have greater authority than the state to legislate, or if only, could fully manage the environmental resources.

If we analyze the competence only through the right to the sovereignty of each State, there would be no limits to the state action in its territory with regard to environmental issues. Large environmental aggressions would be tolerated for the preservation of state sovereignty.

However, Inspired by the principle of justice, every international community is called to legislate on environmental matters. Observing this principle Barakat instructs:

The protection of the environment, as a duty and obligation of all countries, must be carried out in a comprehensive manner, through permanent and comprehensive

cooperation of countries, rethinking issues such as national interest, sovereignty and the affirmation of strength in international relations. (BARACAT, 2012, p. 143).

International treaties are increasingly environmentally protectionist. Consensus environmental norms are being created and adopted by countries seeking the protection of a unique and inseparable environmental good that goes beyond the territorial boundaries of each State.

In other international organizations, the environment has a clear international protection, often when the environmental issue is related to the protection of human rights.

An example is the Inter-American Court of Human Rights which makes decisions appreciating the environmental issue in cases that also involve the violation of human rights.

However, in the WTO, this appreciation is timid and scarce, since the essence of this organization is economic, non-interventionist and liberal.

Even if trade and environmental policies appear at first contradictory, the protection of the environment and sustainable practice are aimed at preserving trade itself. This depends on raw materials for production, biological diversity as a source of research for the development of new technologies, medicines and products. (BARACAT, 2012).

Even in the face of the eminent need to adopt environmental policies, undeveloped countries see protectionist environmental interventions as actions limiting development itself, which limit the full exercise of international trade.

In this way, the WTO discusses environmental issues only in specific cases where the environmental issue is a form of decriminalization of trade conditions.

Faced with the timid performance of the organization Baracat notes that the CSO “plays a relevant role in the interpretation of measures established for environmental purposes in favor of sustainable development and has resolved important controversies both within the GATT and the WTO. “ (BARACAT, 2012, p. 109).

The WTO agreement has singularity: it completely obliges all members to comply with its provisions.

Costa defines the power of the WTO as he teaches that the

coercive action of this organization is restricted to noncompliance with its agreements, reflected in discriminatory procedures that hamper world trade. (COSTA, 2015).

Thus, no one can impose on a sovereign State to be bound by an international norm if it is not his will, and only in case of violation of the agreements formulated within the framework of the WTO, coercive action may be taken.

Costa also demonstrates that there is an understanding of the need for a paradigm shift in the international trade scenario, with the WTO playing a leading role in implementing the concept of sustainable development. (COSTA, 2015).

The WTO rule is the liberalization of trade, equality in the conditions of the countries and the non-imposition of trade barriers, be they tariff or non-tariff.

In this way, the author clarifies the traditional position of the WTO Jurisdictional Body:

The Dispute Settlement Body, when it was set up to manifest itself, because its primary purpose was the regulation of international trade, through the constant elimination of tariffs, restrictions and barriers, judged environmental barriers as trade restrictions that should be avoided and considered. (BARACAT, 2012, p. 109).

The ideal of environmental protection and the development of sustainable practices proved unviable in the face of this non-interventionist position of the WTO.

At present, the WTO has taken a different position in relation to the environment. Trade sustainability has become one of the organization's objectives, so that environmental constraints began to be perceived as legitimate when inserted in Article XX of the GATT/94 Agreement. (BARACAT, 2012).

The manifestation of the principle of sustainable development can be attributed mainly to the possibility of exceptions that allow the imposition of commercial restrictions in art. XX of GATT-94.

This is because the protection of the environment and the guarantee of social rights, necessarily imply the action and direct intervention of the one who intends to protect and guarantee.

By means of a non-interventionist and liberal stance, it is not possible to guarantee social rights and to promote the protection of the

environment.

In order to introduce sustainable development, WTO provisions that make it possible to adopt trade restrictive measures must be interpreted according to the new perspective of world-perceived development.

In this way it is possible to introduce sustainable development through conduits justified by the current WTO standardization. Such conduct is justified by the very need to implement the principle, which in this case does not constitute unjustifiable trade barriers.

Sustainable development is directly related to the environment, expressed explicitly in the preamble to the WTO constitutional agreement, which says that states should commit themselves to:

Rising living standards, full employment and the considerable and steadily rising real incomes and effective demand, increased production and trade in goods and services, while allowing the optimal use of the world's resources in accordance with the goal of sustainable development. (GATT, 1947, p. 5)

The preamble presents sustainable development as a kind of objective to be followed by WTO member states. Article XX of the agreement provides for possible exceptions to the possibility of imposing trade barriers.

The *caput* of the article states that the measures adopted can not “constitute arbitrary or unjustified discrimination between countries where the same conditions prevail, or disguised restriction on international trade.” (GATT, 1947, p. 55).

It means that even if the measure is justified by any of the paragraphs of the article, its imposition can not be discriminatory. For the WTO, sustainability and environmental protection can not represent disguised discriminatory measures.

Among the 9 paragraphs of the article, “a”, “b” and “g” stand out. These are the lines that have greater flexibility of interpretation, regarding the possibility of adopting sustainable positions.

Paragraph “a” allows restrictions that are “necessary to protect public morals”. (GATT, 1947, p. 55).

Starting from a sustainable analysis, the public morality can have its concept extended to the protection of diverse personal and collective rights. The promotion and circulation of child pornographic material, for example, would directly injure public morality.

In this case, measures restrictive to trade would be justifiable, aiming at the protection of human rights such as dignity and image.

Point “b” deals with measures “necessary to protect human, animal or plant life or health”. (GATT, 1947, p. 55).

This provision allows a broad interpretation of sustainable development, since it provides for the possibility of imposing restrictions directly related to environmental protection.

Baracat points out that in relation to the measures corresponding to letter “b” of article XX:

It must be demonstrated that the policy to which the measure claimed corresponds is included in the policy group aimed at protecting the health and life of humans, animals and plants; whereas measures are necessary to achieve the objective of this policy; and that the measures are applied in accordance with the provisions of the *caput* of art. XX (BARACAT, 2012, p. 132).

Measures aimed at protecting the environment and ensuring its quality are directly related to the protection of human health.

The liberalization of trade without barriers would not be justified if, as a result of this liberalization, the poorest countries were faced with a high environmental cost, receiving products that were polluting and harmful to human, animal and plant health.

The author concludes by stating that in the case of letter “b” the phrase “necessary” used in the article, requires the test of “necessity”, to demonstrate the actual suitability of the measure, against the objectives for which it is intended. (BARACAT, 2012).

As an example, the case of Thailand can be mentioned. The country imposed restrictive measures on the import of cigarettes, justifying its conduct by two arguments: imported cigarettes contained substances extremely harmful to health; the import restriction was also intended to reduce cigarette consumption in the country.

The WTO Dispute Settlement Body recognized that cigarette smoking posed a serious health risk to the population, supporting the measure.

The author certifies the importance of WTO decisions in favor of environmental protection and sustainable development by clarifying that:

As the organization promotes sustainable development as an institutional policy, the multiplier effect for the adaptation of national environmental policies to the objectives of the organization will imply a real change of man's behavior towards the environment and will lead to a just, fair, partner and environmentally responsible trade. (BARACAT, 2012, p. 146).

This indirect impact that the conduct of the WTO may have on its member states induces the creation of domestic legislation for environmental protection and sustainable trade practices.

Subparagraph “g” refers to measures “related to the conservation of exhaustible natural resources if such measures are carried out together with restrictions on domestic production and consumption”. (GATT, 1947, p. 55).

We can understand food as exhaustible natural resources. Faced with the use of transgenic, infertile seeds, without genetic variability, food can become exhaustible natural resources. The monopoly of land and food production itself can compromise access to food.

According to Baracat:

The environmental measures imposed by WTO members must comply with the rules of the single order or fall within the general exceptions of art. XX of the GATT/94, by means of the fulfillment of the assumptions contained therein, and the disputes that arise in that respect will be resolved by the WTO Dispute Settlement Body. (BARACAT, 2012, p. 145).

Even if it is timid, a sustainable reading of the provisions of Article XX of the GATT agreement allows for the imposition of restrictive measures, safeguarding essential rights such as life, dignity and health, which must prevail against the goal of trade liberalization.

The sustainable interpretation of these devices is the initial “tip” for transforming WTO action into environmental and sustainable issues. It represents the change of position of the organization, relativizing the absolute liberation of the trade in certain circumstances.

It means that the primordial presupposition of liberalization can be weighed against the need to defend other values, such as protection of health and the environment, which today are also part of the organization's objectives.

In fact, the issue of international treaties dealing with environmental law within the WTO would be the most efficient alternative for the promotion of sustainable values.

But the creation of such treaties requires the consent of all States parties to the organization. This unanimous consent is complex when member states have conflicting interests.

Indisputably, sustainable behavior must be imposed immediately. Therefore, until there is consensus among WTO members to create environmentally protectionist treaties, interpreting the article in a sustainable way is the real possibility of protecting the values in question.

It is important to mention, for example, Article 20 of the GATT which deals with policies affecting trade in goods, which are necessary for the protection of health and life of humans, animals or plants are exempt from normal disciplines of the GATT under certain conditions.

The increased emphasis on environmental policies is relatively recent in the history of the multilateral trading system. At the end of the Uruguay Round, in 1994, the ministers of the participating countries decided to carry out trade in the WTO a comprehensive work program on trade and environment. They created the Trade and Environment Committee. Issues related to environment and sustainable development have integrated the main activities of the WTO. The Doha Ministerial Conference (2001) launched negotiations on certain aspects of the issue. (WTO)<sup>2</sup>

## CONCLUSION

The WTO plays an important role in the implementation of the principle of sustainable development at international level, given the greatness of the organization and its power of action.

Agreements concluded by the WTO as a rule are multilateral and binding on all member states of the organization. However, sustainable development is not addressed directly by the provisions of the agreements.

Understanding of the principle can not occur in a merely “environmentalist” way. The economic dimension is part of the current

<sup>2</sup> La priorité accrue donnée aux politiques environnementales est un phénomène relativement récent dans les 60 ans d'histoire du système commercial multilatéral. À la fin du Cycle d'Uruguay en 1994, les ministres du commerce des pays participants ont décidé d'entreprendre à l'OMC un vaste programme de travail sur le commerce et l'environnement. Ils ont créé le **Comité du commerce et de l'environnement**. Les questions relatives à l'environnement et au développement durable ont ainsi été intégrées dans les activités principales de l'OMC. La Conférence ministérielle de Doha (2001) a lancé les négociations sur certains aspects de la question. Available in: [https://www.wto.org/french/thewto\\_f/whatis\\_f/tif\\_f/bey2\\_f.htm](https://www.wto.org/french/thewto/f/whatis_f/tif_f/bey2_f.htm) > Accessed on: 06 Mar. 2017.



concept of sustainable development.

There is no way of conceiving a development that does not aim at exploring the economic aspect. But this aspect should not prevail. The observance of social, environmental and political aspects is extremely relevant.

The liberal assumptions adopted by the WTO make it difficult to impose environmentally sustainable measures. Such intervention is only possible in cases covered by the legislation adopted by the WTO itself, in the exceptions provided for in Article XX of the GATT Agreement.

International law and trade directly stimulate economic development. Sustainable practices ensure the durability and expansion of one's trade relations. It is not enough to liberalize trade and stimulate growth at all costs. The WTO should stimulate sustainable trade on environmental and social issues

The WTO constituent treaty does not accept reservations. It means that it must be fulfilled in its entirety. If a country signs and ratifies it, all provisions of the treaty must be observed in their entirety.

Hence, if the sustainable dimension of trade were to be stimulated by the construction of new treaties, the protection of social rights and environmental good would be of great effectiveness, since all the devices would be fully complied with and coercive mechanisms, in case of noncompliance, with efficient punishments of high economic power could be imposed.

The jurisdiction and regulation of the WTO itself influence the domestic legislation of each country and can stimulate States to produce more sustainable norms that guarantee protection of the environment and social rights also in trade relations.

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Artigo recebido em: 27/11/2017.

Artigo aceito em: 12/12/2017.

#### **Como citar este artigo (ABNT):**

BIZAWU, Kiwonghi; TOLEDO, André P.; LOPES, L. C. P. SUSTENTABILIDADE ECONÔMICA E ORGANIZAÇÃO MUNDIAL DO COMÉRCIO–OMC... *Veredas do Direito*, Belo Horizonte, v. 14, n. 30, p. 99-116, set./dez. 2017. Disponível em: <http://www.domhelder.edu.br/revista/index.php/veredas/article/view/1206>>. Acesso em: dia mês. ano.