

Research on International Law of International Trade and Environmental Protection

Zheni Wu

Sun Yat-Sen University, Guangdong, China
1216462562@qq.com

ABSTRACT. With the rapid advancement of economic globalization, the resulting global positive and negative impacts are extensive and huge. As an important part of the development of economic globalization, international trade has brought adverse effects on the environment and even caused irreversible damage due to its basic characteristics. Under the framework of international law, there are many international treaties concerning the adjustment and regulation of international trade, as well as many international treaties concerning environmental protection. From the perspective of international law, this paper takes the rules of international law and international treaties as the premise to reduce or avoid the damage to the environment while developing international trade and analyses the feasible path, hoping to be helpful to the reality.

KEYWORDS: International law, International trade, Environmental protection

1. Introduction

In the era of economic globalization, the level of world trade liberalization is getting higher and higher, but this brings potential risks, adverse effects, and even irreparable damage to the environment. By analyzing the current situation, we can find that if we examine international trade from the perspective of environmental protection, we can find that there is a certain degree of conflict and opposition between the two ^[1]. We should use the rules of international law to coordinate the relationship between international trade and environmental protection. In practice, compliance with specific provisions of international law is implemented to reduce or avoid conflicts between international trade and environmental protection. According to the needs of the joint development of international trade and environmental protection, relevant international law rules are constantly improved in order to effectively control and regulate the negative impact of international trade on environmental protection through the path of international law ^[2]. Based on the above, this paper analyses related issues, having a certain degree of practical significance.

2. Related Theoretical Research

2.1 The Concept of International Trade and Related International Laws

From the perspective of the concept of international trade, there are currently two main definitions. The first is: International trade is the act of exchange of commodities between countries. The second is: the sum of foreign trade of various countries ^[3]. In the study of this article, the interpretation of the concept of international trade is mainly based on the first one, that is, the exchange of goods between countries. In order to effectively solve the obstacles to international trade caused by the differences in international trade laws of various countries, the United Nations has formulated the "United Nations Convention on Contracts for the International Sale of Goods." This convention is only applicable to international goods sales contracts. The establishment and development of relations play an active role in promoting. As of 2015, a total of 84 countries have participated in this convention. In practice, this convention has been widely applied to resolve international trade disputes.

2.2 The Concept of Environmental Protection and Related International Laws

In recent years, with the continuous improvement of the concept of environmental protection throughout the world, there are great differences in the specific concepts of environmental protection between countries and international organizations. According to the consensus formed by the domestic academic community, the so-called environmental

protection is mainly the actions and measures to protect the existing environment. The overall content includes the elimination of environmental pollution, the reduction of environmental pollution, the suppression of acts that damage the environment, and the optimization of the overall environment. Exploitation of natural resources, promotion of sustainable utilization capacity, maintenance of ecological balance, etc. By summarizing the content of environmental protection, this article makes a definition: Environmental protection mainly refers to the specific behavior of implementing protection according to the actual situation of ecological natural environment and resource environment. In view of the increasingly serious environmental problems, the formulation of international rules and the signing of international treaties, the increase of many favorable factors has prompted the gradual establishment, development and improvement of international environmental law norms. Taking the "International Convention for the Prevention of Marine Oil Pollution" as an example, the Convention specifies specific conditions and standards for ships to discharge oil. Sea transportation is the most important mode of transportation in international trade. Its main features are long transportation distance, high transportation risk, and transportation of bulk cargo. During the transportation of the ship, an unexpected situation may occur in which the ship's fuel oil is leaked. In the process of transporting petroleum or petroleum products, oil tankers may experience leakage accidents. The occurrence of this unexpected situation will inevitably cause pollution to the ocean and destroy the marine ecological environment. The Convention has effectively reduced the risk of marine pollution.

2.3 The Link between International Trade and Environmental Protection, and Its Reflection in International Law

There is a close relationship between international trade and environmental protection. Specifically, international trade mainly refers to the behavior of goods transactions between countries, while environmental protection refers to the specific behaviors that the country implements in order to protect the environment. Both are acts of the state. Therefore, there is a reasonable possibility of "or conflict or unification" in international trade and environmental protection. If there is a conflict between international trade and environmental preservation, the performance in reality is basically to expand the scope of international trade. Some countries uphold the principle of supremacy of interests and pay the price of destroying nature. International law is a legal rule that regulates the relationship between sovereign states and other entities with international personality. It deals with disputes between international trade and environmental protection, adjusts the relationship between international trade and environmental protection, and balances the interests of international trade and environmental protection. To guide the coordinated development of international trade and environmental protection, has an irreplaceable position and role in promoting.

3. Conflict Performance of International Trade and Environmental Protection, and the Role Played by International Law

3.1 The Limited Impact of International Trade on Environmental Protection and the Limited Role of International Law

The scale of international trade has increased dramatically. According to World Trade Organization data, global trade in 2018 totaled approximately US \$ 39.342 trillion. Trade liberalization has its own advantages. It can not only promote the overall development of the world economy, but also enhance the economic strength of each country. All countries hope to guarantee absolute freedom in the trade process. Therefore, removing trade barriers has become an inevitable choice to achieve trade liberalization. It should be noted that the environmental resources caused by trade liberalization are over-exploited. The difference in the status of different countries in international trade has led countries in a strong position to conduct environmental resource colonialism directly or indirectly based on their own advantages. The disadvantaged countries often achieve economic income by exporting primary products. Many primary products are obtained at the cost of excessive development of domestic environmental resources. However, the transaction value of international trade basically does not reflect the value of environmental resources. Taking into account the characteristics of environmental resources, that is, non-renewability, or a long period of time and comprehensive factors can be repaired. Therefore, it is necessary to appropriately restrict trade liberalization in order to reduce the negative impact of trade liberalization on environmental resources. The environmental problems caused by international trade as an inducement are increasing day by day. Through the construction of international law and domestic law, the relationship between international trade and environmental protection is adjusted, the conflict between the two is resolved, and the interests of the two are balanced. Due to the intricacies of the relationship between international trade and environmental protection, there are still gaps in the existing international law, which is manifested in the vagueness of the provisions of international law and the lack of conflict handling provisions. For example, there are unclear meanings in the WTO's environmental exception clause: the "exhaustable resources" mentioned in Article 20, Item 7 of GATT1994 is not clear enough, because all resources, including renewable resources, are depletable and cannot be corrected in practice. Distinguish between renewable resources and exhaustible resources. From this point of view, it is necessary to perfect international law in order to apply and solve the restrictive

impact of international trade on environmental protection.

3.2 Environmental Constraints on International Trade and the Positive Role of International Law

Environmental protection restricts international trade to a certain extent. From the perspective of international law, at the beginning of the construction of many existing international laws, environmental protection was regarded as one of the legislative objectives, and this objective was reflected in the specific normative content. Here, taking the “Recommendation on the Transport of Dangerous Goods” promulgated by the United Nations as an example, it is mandatory for member states to directly incorporate the Annex “Model Regulations” of the Recommendation into the national regulations of all modes of transportation, Harmonization of transportation of dangerous goods. Countries apply the specific specifications of the “Proposal” in international trade, unify the management of dangerous goods transportation in various countries, improve the safety of dangerous goods transportation, and effectively reduce the risk of environmental hazards during the international and domestic transportation of dangerous goods and loss. This example fully embodies the positive role of international law in effectively regulating international trade while achieving environmental protection.

3.3 The Role of Domestic Law Based on International Law in International Trade and Environmental Protection

Under the mainstream development trend of globalization, all countries strive to make their countries in an advantageous position on a global scale through international integration. A country's domestic legal system, the degree of rule of law, and the similarities and differences between domestic law and related international laws all directly affect the process and achievements of the country's integration with international standards. Many countries have adopted the method of constructing their own domestic laws or revising existing domestic laws with reference to international laws, the purpose of which is twofold. The first purpose is to fulfill the obligations of the main body of the state under international law in this way. Second purpose, on the basis of international law, based on the consideration of protecting its own interests, make special provisions on domestic laws. From a macro perspective, it follows international law. From a micro perspective, it is a covert barrier set up to protect the country's own interests. Here, take the United Nations “Global Unified Classification and Labeling System for Chemicals” (English abbreviated GHS) as an example. GHS is a normative document that guides countries to establish a unified chemical classification and labeling system. Its purpose is to guide countries to control chemical hazards and protect personal and environmental safety. Based on the content of the United Nations GHS, each country has established its own domestic chemical classification and labeling regulations. As each country includes special provisions in its domestic laws, the same chemical has different classification results in different countries, different chemical label content, and different emergency measures for chemical accidents. In international trade, chemical goods must not only comply with the domestic laws and regulations of the exporting country, classify and label chemicals; but also comply with the domestic laws and regulations of the importing country, reclassify and relabel chemicals Chemical label. This will undoubtedly increase the compliance costs of buyers and sellers of international trade. The systems and measures of importing countries on the grounds of protecting the safety of domestic personnel, animals, plants and the environment are the green barriers in international trade, which directly restricts international trade.

4. The International Law Coordination Path of International Trade and Environmental Protection

4.1 The International Law Coordination Principle of International Trade and Environmental Protection

The international law coordination principles of international trade and environmental protection are based on the international environment. International environmental justice refers to allowing various countries to participate reasonably in the process of maintaining the international environment, ensuring that each country can be free from harmful consequences and environmental cost consumption. International environmental justice requires developed countries and developing countries to distribute environmental benefits and obligations on an equal basis, and to ensure a certain fairness in reality, that is, all countries in the world have the right to use environmental resources, and they also have the Once the environment is destroyed, the consequences of protection must be shared by all countries. Compared with developing countries, developed countries consume more resources and are more destructive to the environment. In addition, developing countries have low ability to solve environmental problems and will not cause greater damage to the global environment. Therefore, the division of the right to use environmental resources and the commitment to environmental protection of countries with different levels of development should be rationally allocated through international law. When coordinating the conflict between international trade and environmental protection through international law, attention should be paid to the rationality of the distribution of environmental benefits and responsibilities, and the value-oriented function of international environmental justice should be played.

Taking green trade barriers as an example here, if coordination work is based on the requirements of international environmental justice, it is necessary to stipulate that developed countries cannot require developing countries with their domestic laws, systems, and measures with high standards.

4.2 International Law Coordination Plan for International Trade and Environmental Protection

The international law coordination plan for international trade and environmental protection should be based on the addition and revision of rules and the improvement of special agreements. Specifically, it is more difficult to supplement and revise international law, but many rules related to trade and environmental protection. Extension In international law, there are problems that are not perfect. The feasibility is not strong, the applicability is not strong, and the true value of international law cannot be exerted. Therefore, if you want to coordinate the conflict between international trade and environmental protection, you must Trade rules are supplemented, relevant environmental protection rules are revised, the operability of the provisions is increased, and the effectiveness of environmental protection measures in international trade is improved, thereby reducing the occurrence of disputes. In addition, it is also possible to sign a new agreement that is closely related to the actual situation through the way of legislative coordination of international law, that is, a special agreement on international trade and environmental protection. In this way, authoritative laws can be improved Structure, so as to fill the gaps in the current international law on international trade rules and environmental protection agreements. In the future, if there are international trade and environmental protection related disputes, the protection agreement can be used to solve the problem.

5. Conclusion

Although the conflict between international trade and environmental protection is inevitable, the existing international law has to a certain extent adjusted the contradictory relationship between the two. At the same time, international law has played a positive role in regulating international trade behavior, unifying trade rules, and suppressing environmental problems caused by trade. It is undeniable that due to the complexity of the relationship between international trade and environmental protection, the existing rules of international law are not yet perfect. In order to increase the effectiveness of international law in regulating and coordinating the two, it is the only way to revise and supplement international law.

References

- [1] Li Dan, Zhong Weiqiong, Dai Tao. Research on the cross-border transfer of hidden carbon emissions from global iron-containing commodities from the perspective of material flow. *Resources Science*, Vol.40, No.12, pp.34-42, 2018.
- [2] The Ministry of Environmental Protection, the Ministry of Commerce, and the General Administration of Customs released the announcement of the “List of Toxic Chemicals Strictly Restricted by China” in 2018. *Pesticide Today*, No.04, pp.8-11.
- [3] Shi Zhiyuan, Zeng Junfang, Chen Mengqian. Institutional Innovation in Pilot Free Trade Zones in Response to TPP Environmental Protection Clauses. *Journal of Fujian Normal University (Philosophy and Social Sciences Edition)*, No.03, pp.9-17, 2016.