

The evolution of sustainable development in Public International Law

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IMPACT PARAGRAPH

The results of the research conducted in this thesis have both scientific and social impacts. This impact paragraph presents the societal relevance of the research, the audience for whom the findings are relevant and proposals to use the findings and recommendation of this research in practice.

1. Objective and key findings

The main objective of this research is to assess the implications of the evolution of the concept of sustainable development in public international law for the application and interpretation of the WTO agreements covering the domestic regulation of trade in goods.

This research has four main findings. First, it introduces six components of the principle of sustainable development, thereby providing a new approach for looking at sustainable development. Second, the explicit reference to “sustainable development” as one of the WTO objectives adds colour, texture and shading to the interpretation of WTO agreements. Third, WTO panels and Appellate Body have not sufficiently exploited the explicit reference to “sustainable development” in their interpretations of the WTO agreements covering the domestic regulation of trade in goods. There were only two interpretations by the Appellate Body that referred to “sustainable development” as one of the WTO objectives. Fourth, this research concludes that the WTO provisions covering the domestic regulation of trade in goods allow and do not prevent WTO Members from achieving the operationalization of the principle of sustainable development.

Building on the findings from the analysis, the reflection of the six components of the principle of sustainable development in the GATT 1994, the TBT Agreement and the SPS Agreement reveals opportunities to better integrate the principle of sustainable development into the reading and interpretation of the WTO agreements. As one of the WTO objectives, WTO panels and, as long as the Appellate Body is paralysed, arbitrators of the Multi-Party Interim Appeal Arbitration (MPIA) Arrangement could better exploit the reference to “sustainable development” in interpreting certain terms in the WTO agreements.

2. Scientific impacts

This dissertation has, at least, two scientific impacts. First, the analysis of the legal nature and status of the concept of sustainable development contributes to the body of legal literature and research in public international law. Second, assessing the application and interpretation of the principle of sustainable development in the WTO agreements covering the domestic regulation of trade in goods helps clarify the possible avenues by which the WTO can contribute to the implementation of the principle of sustainable development in the area of trade.

3. Social impacts

This dissertation identifies six components of the principle of sustainable development and provides proposals to better integrate the principle of sustainable development into the application and interpretation of the WTO agreements covering the domestic regulation of trade in goods. This new approach provides policy makers and lawyers with a better understanding and guidance regarding the role of the principle of sustainable development in WTO law.

It provides useful guidance for policy makers to ensure that national trade policies and domestic regulations referring to “sustainable development” are read in line with WTO provisions. It also helps policy makers to draft policies and regulations that are aligned with the principle of sustainable development. In addition, the results of this research can inform negotiations of Regional Trade Agreements (RTAs) as well as at the WTO, such as multilateral negotiations on fisheries, and plurilateral initiatives such as those on trade and gender as well as trade and environmental sustainability.

The conclusion and proposals of this dissertation provide lawyers a broader perspective on the principle of sustainable development when reading and interpreting the WTO agreements covering the domestic regulation of trade in goods. Despite the ongoing paralysis of the Appellate Body, these conclusions and concrete proposals would benefit lawyers in dealing with international trade disputes.

4. Activities and products

Parts of this research were presented in the following conferences: the Annual Conference of the Canadian Council on International Law in 2014 in Ottawa, the Tarragona International Environmental Law Colloquium in 2016 in Tarragona and the Annual PhD

Colloquium of Young Researchers on a New Architecture for International Economic Law in 2016 in Antwerp. Presentations on the research were furthermore provided to the Permanent Representation of the Kingdom of The Netherlands in Geneva in 2016 as well as to the Institute for Globalization and International Regulation of Maastricht University in 2018.

After the completion of the doctorate study, the research results will be published as a book. A promotion of the book will be done through various channels and occasions to ensure a wide dissemination of the results of this research. Some printed copies of the books will be provided to selected university libraries and relevant government institutions.