

BOOK REVIEW

From Exception to Promotion: Re-Thinking the Relationship between International Trade and Environmental Law

by Elena Cima, Leiden, Brill, 2022, 336 pp.

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Elena Cima's challenging approach to the interpretation of the "trade/environment nexus" shines in this book. This 2022 study, which is part of Brill's International Environmental Law series, unveils a relationship between trade liberalisation and environmental protection that has always been characterised by a synergetic rather than conflicting nature. The book represents an original contribution to the current narrative, revealing the untold story of the key role played by sustainable development and environmental protection in trade contexts.

In chapter after chapter, this book portrays the evolution of two normative "forces" within the fields of international trade and environmental law: on the one hand, the prevailing neoliberal narrative describing non-trade issues, including environmental protection, as *exceptions*; and on the other hand, the "real" trade regime's *raison d'être*, which was never meant only to be trade liberalisation. Throughout the study, Cima's book sharply challenges the latter force by arguing that free trade was never meant to be either the main or the only *raison d'être* of the trade regime.

The author explains that the presented story of the "trade/environment nexus" relies on three simple ideas. First, trade is a means to an end rather than an end in itself. Second, the trade regime and its underlying rationales are historically contingent. And third, individuals and communities contribute to the development of new ideas and learning. These three aspects represent the *fil rouge* supporting the arguments in this book, which develop across six chapters, all of which are very engaging and beautifully written.

Chapter 1 sets the scene by providing the reader with all of the information needed to navigate the complexity surrounding the interpretation of the "trade/environment nexus". The topic is introduced by presenting, in a quite original way, five accounts that, although occurring in different places at different times and involving different characters, have something in common: they all paint a certain picture of the relationship between trade and the environment, a picture in which the environment is portrayed as a value that should be protected and trade policies, agreements and institutions are portrayed as the means to ensure such protection is obtained. The book adopts these five accounts to argue that the traditional conflicting story of the relationship between trade and the environment should be questioned.

With this idea in mind, the author proceeds in Chapter 2 by providing a historical account of the origins of the two regimes. Its purpose is threefold. First, it aims to enhance the reader's understanding of the trade-centred approach that has characterised this debate since its

inception. Second, it emphasises the historical contingency of the international trade regime. Finally, it shows the role that ideas and individuals can play in defining a certain understanding of the trade regime at a certain moment in time.

Chapter 3 discusses the emergence of the “environment” as an international law issue. It describes the concurring circumstances that have led to the adoption of a trade-centred approach to the “trade/environment nexus” – an approach in which economic growth through trade liberalisation represents the primary goal of trade agreements, and trade rules simply proscribe government actions. Environmental protection is mostly portrayed as a potential obstacle to smooth trade flows, and, as a result, environmental and trade values came to clash against each other with increasing frequency.

Chapter 4 adds a key piece to the picture by discussing how the introduction of the concept of sustainable development has affected both trade and environmental law regimes. On the one hand, “sustainable development” replaced “economic growth” as the stated purpose of the trading system, while, on the other, it triggered a paradigm shift from traditional environmentalism, with its primary focus on environmental protection, to the notion of sustainability, *which requires a much more complex process of trading off social, economic and environmental priorities*. The author identifies an *openness* of part of the trade community, which would echo a growing interaction with the environmental community. According to the author, this allowed the *exception-based* model to evolve. Although this reviewer understands the author’s reasoning, a more detailed and technical analysis of some of the normative antinomies between trade rules and environmental norms would have strengthened the analysis in this chapter.

In Chapter 5, we hear the author’s voice more clearly through the introduction of the *promotion-based model*. Specifically, here the five stories told at the outset of the book are further developed and framed against the backdrop of the *2030 Agenda* and the emergence of new notions, such as that of the “green economy”, which have allowed the sustainable development principle finally to penetrate the trade regime. Through the analysis in this chapter, the author identifies “visible changes” in trade rules, which have opened the door to a question that, as the author acknowledges, has been addressed by numerous trade scholars over the years: whether the prevailing narrative is still viable or should be “re-thought”. In this regard, this study offers interesting insights, leading the reader to a positive answer to this highly debated – though still unsolved – question.

Finally, Chapter 6 concludes by (re-)inviting the reader to (re-)think the nature and purpose of trade law. It goes through all of the main research findings, revealing that the trade regime was always meant for something greater than simply trade liberalisation. While in the first half of the twentieth century this “something greater” was international peace and stability, to avoid a recurrence of the horrors seen in the two World Wars, today environmental degradation, lack of access to clean and affordable water and spreading hunger and poverty have become as pressing as ensuring peaceful inter-state relations was in the 1940s. For the first time, the author emphasises the importance of the World Trade Organization and its capacity to support the achievement of sustainable development goals in trade contexts. Although this final chapter nicely recaps the most important aspects discussed in the previous chapters and aptly addresses all of the questions raised in the first chapter, there is only a timid attempt to advance some ideas in terms of the way forward.

In a nutshell, this is a story in which the reader feels engaged from the beginning until the very last page of the book. More importantly, this is a story in which the keyword is no longer “conflict”; in which international trade and environmental regimes were never meant to be pitted against one another; and in which the environment was never intended to be simply a footnote in the history of international trade cooperation, cornered into being a narrow exception, but rather of it being an integral part of the evolving purpose of international trade.