

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
TRADE AND ENVIRONMENT POLICY DEVELOPMENT AND IMPLEMENTATION IN
SOUTH AFRICA

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1. INTRODUCTION:

NATIONAL CONTEXT

In the mid '90s two momentous events marked the culmination of years – even decades – of social, economic and political struggle, and created great challenges for South Africa's trade relations. These were South Africa's first democratic elections, which were held in April 1994, ending years of cultural, economic and political isolation; and the conclusion of the Uruguay Round of GATT negotiations, which created the World Trade Organisation (WTO) in January 1995. These events signalled resulted in the lifting of trade sanctions and simultaneous accession to all WTO agreements; national reconstruction and development, and simultaneous integration into the world economy.

The new democratic government inherited an economy that had been globally isolated, and where industry was relatively protected. Unemployment was high and decades of Bantu education had led to chronic underdevelopment of human resources and skills.

The economy was highly dependent on resource-intensive industries; particularly mining and agriculture, although the percentage contribution of mining had already started to decline significantly¹. Nevertheless, certain areas of the economy were trading successfully. Outspan International was a citrus producing export board that became one of the top 300 international brands². Trade in the arms industry also flourished under apartheid and sanctions, although it could in no way be seen as a promoter of sustainable development.

At the heart of the ANC's 1994 election policy was the Reconstruction and Development Programme, which aimed to build a vibrant democracy that met people's needs and turned back decades of colonial and apartheid rule. Trade policy was viewed as critically important, given the foreign exchange constraints on growth in South Africa³. Key intent of the ANC's trade policy was to:

¹ TIPS, 2001, *Towards a Global Economic Strategy System*, Final Report, www.tips.org.za

² Urquhart, Penny, 1999, "Stimulating Sustainable Trade" presented at the Trade and Sustainable development Workshop, 1-2 July 1999, hosted by IUCN, TIPS, GEM.

³ ANC, 1994, *Reconstruction and Development Programme*, Umanyano Publications, Johannesburg.

- Enter into agreements with major trading partners that would lead to future development in South Africa,
- Restructure South Africa's relationship with neighbouring African countries to enable more balanced and less exploitative trade patterns,
- use tariff reductions on imports, which are a GATT requirement, as a strategic instrument for trade policy and to ensure that reduced protection minimises disruption to employment and sensitive socio-economic areas,
- Develop better incentive schemes to reduce bias against small and medium-sized exporters⁴.

South Africa has recognised that the widening ambit of the trade issues and the integrated nature of economic and trade policy and that a variety of regulatory features like investment and environment of the economic regime can impact on market access and vice versa.

INTERNATIONAL CONTEXT

In addition to national imperatives, South Africa faced an important a political challenge internationally. There were certain expectations of its role in global geopolitics. Soon after being welcomed back into the world, South Africa became chair of the United Nations Conference on Trade and Development (UNCTAD), hosting UNCTAD IX, as well as chair of the Non-Aligned Movement (NAM), hosting the heads of state summit in 1998. Discussions were already afoot on important trade agreements including the EU-SA Trade, Development and Co-operation Agreement, the Lomé (now Cotonou) and the SADC trade protocol.

Together with most developing countries, South Africa had barely been party to the Uruguay Round of negotiations that defined the new rules of the global economy. Yet to sign on to the international trade regime, countries had to accept the WTO and all agreements in their entirety.

The creation of the WTO in 1995 saw a fundamental shift in the international management of trade. The creation of an international trade organisation had been sought for some time by various countries and effectively been blocked – mainly by the United States – while trade was managed in an *ad hoc* manner through a plethora of multilateral agreements under the General Agreement on Trade and Tariffs (GATT).

The Uruguay Round institutionalised a number of unequal trade rules and arguably left developing countries worse off than industrialised countries. Agriculture and textiles, key exports for developing countries, remained protected in Europe and North America; the agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) could have major implications for countries to meet their information technology, health, education and food needs; the General Agreement

⁴ *Ibid*

on Trade in Services (GATS) put in place the possibility to open up services to global competition. Very little thought was given to social and environmental implications of these agreements.

The creation of the WTO also placed in question the role of the United Nations Conference on Trade and Development (UNCTAD), which had been established in 1964 to maximise the trade, investment and development opportunities of developing countries and assist them in their efforts to integrate into the world economy on an equitable basis.

The Doha round of trade negotiations or became known as the “development round” and the Doha Declaration did set out a number of provisions to “benefit” developing countries with Chapter 6 of the Doha Declaration reaffirming a commitment to sustainable development. The Trade and Environment Chapter (paragraphs 31, 32 and 33) refer to the relationship between WTO trade rules and environment, including but not limited to the effect of environmental measure on market access and the reduction and situations in which reduction or elimination of trade restrictions and distortions would benefit trade, environment and development.

In November 2001, the Doha round of trade negotiations recognized was seen as a “development round” and the Doha Declaration set out a number of provisions to “benefit” developing countries. Chapter 6 of the Doha Declaration reaffirms a commitment to sustainable development.

2. CURRENT SITUATION: TRADE AND ENVIRONMENT PARADIGM

The impact of international trade agreements and trade rules on natural resources has become increasingly important. Many international studies have revealed that trade liberalisation have had severe impacts on the sustainability of natural resource and on livelihoods of communities dependant on these resources.

A number of contentious issues in the international trade and environment arena pose serious challenges to achieving sustainable development, some key challenges include:

- The difficult and indistinct relationships between the WTO rules and multilateral environment agreements.
- Hegemonic countries dominate the export market on basic (staple) foods because the agricultural sector is highly subsidised by their government. The net result is that developing countries have to import staple products and export other agricultural products. Subsidies also allow developed countries to reduce prices therefore making difficult for developing countries to sell their products at competitive prices.

- The potential consequences and concern of environmental measures in trade through the imposition of external standards that lack transparency are overly stringent or complex, have no appropriate scientific justification or fail to take into account the production conditions of developing countries and may the effect of market access for developing countries exports.
- The impact of the other WTO rules intellectual property rights, trade in services, investment, etc. may have dire consequences on sustainable utilization of natural resource and economic development benefit to developing countries

The Doha Declaration set out a number of provisions to “benefit” developing countries. Chapter 6 of the Doha Declaration reaffirms a commitment to sustainable development. The Trade and Environment Chapter (paragraphs 31, 31 and 33) refer to the relationship between WTO trade rules and environment.

Paragraph 32 of the Doha Declaration instructs the Committee on Trade and Environment (CTE) to pay particular attention to:

- The effect of environmental measure on market access and the reduction and situations in which reduction or elimination of trade restrictions and distortions would benefit trade, environment and development
- The Agreement on TRIPS
- Labelling requirements for environmental purposes

While environment in the Doha declaration may appear to be progressive caution should be taken that environmental requirements like standards, which are voluntary (ISO standards) and mandatory technical regulations such as eco labelling, packaging regulations and certain sanitary and phytosanitary (SPS) measures may restrict market access for developing countries as these processes

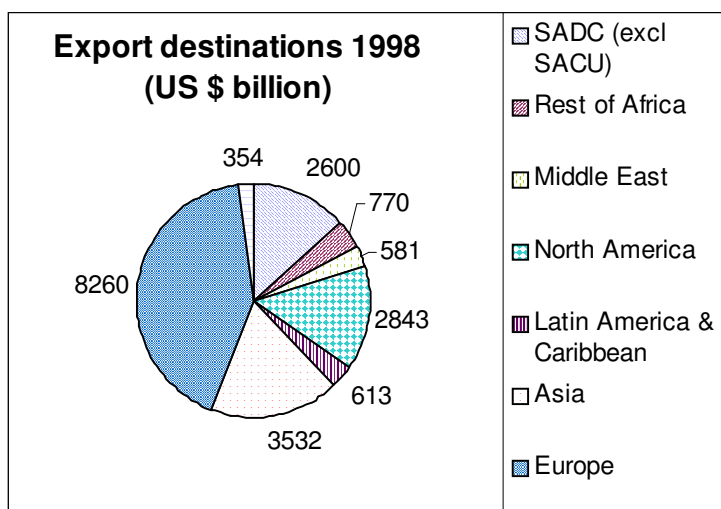
It is important to take into account the provisions of the entire Doha mandate as these provisions may severe implications of the environment and not just the one’s restricted to the CTE.

These issues are new and extremely complex and many developing countries are only beginning to have a deeper understanding of consequence of the current international trade regime on sector like the environment (new generation issues).

2.1 South Africa’s trade profile circa 2000

South Africa’s major trading partner remains the European Union, which comprised 42.2% of total exports in 1998, a decrease from 46.8% in 1994. Exports to SADC increased slightly between 1994 (12.1%) and 1996 (16.6%), settling down to 13.3% in 1998. Exports to Africa have increased marginally, but

remain low at 3.9% (1998)⁵. The graph below illustrates shares in 1998 export destinations.



source: TIPS 2001, GESS report, based on data from UNComTrade as published by Statistics Canada's World Trade Analyser

Between 1994 and 1998, trade in total merchandise from the Southern African Customs Union (SACU)⁶ dropped by 1.5%, whereas total world exports rose by 5.7%. This poor performance was mainly due to a decline in the export of minerals, which dropped from US\$6 billion in 1994 to US\$4 billion in 1998 – a drop of almost 10% compared to global growth of close to 5%. Exports from South Africa of commercial services and agriculture and food products increased more rapidly than global growth, 9.2% versus 5.9% for commercial services; and 4.1% versus 2.6% for food and agriculture.⁷

2.2 Policies, regulations, practices and institutions currently in place

The seeds of South Africa's, and indeed the world's, current trade policy were already evident in 1994. But what is this policy? Where and how is it created?

In May 2001, a Roundtable on Trade and Sustainable Development was convened by the Department of Environmental Affairs and Tourism (DEAT), which brought together experts from government, business, labour and non-government organisations, who have been working on these issues. The summary paper noted that: "trade policy 'happens' in real terms in myriad and multi-faceted contexts that range from the formal trade negotiations within the WTO, to various trade-related multilateral environmental agreements (MEAs), to

⁵ TIPS 2001, GESS report, based on data from UNComTrade as published by Statistics Canada's World Trade Analyser

⁶ SACU is used interchangeably with South Africa as most data reflects that of SACU

⁷ Source: TIPS 2001, GESS report, based on data from UNComTrade as published by Statistics Canada's World Trade Analyser; World Development Indicators

regional trade arrangements, to the responses adopted by countries, to structural adjustment programmes imposed by international financial institutions, to intra-supply chain relationships between businesses, to consumer-producer relationships in the global market place, etc.

By implication therefore, domestic and international trade policy debates need to involve a multitude of voices and stakeholders; and to create forums where these many voices can partake in meaningful discourse, dialogue and debate.”⁸

2.3 Legislation, policy and regulatory framework

South African trade policy

South Africa's macro-economic policy, the Growth, Employment and Redistribution strategy, known as GEAR, outlines an export led growth path where economic growth is seen as the primary way to achieve other development goals such as job creation, black empowerment and small business development. GEAR is conceived within and oriented towards the global economy, with strong emphasis on fiscal discipline, investor confidence and macro-economic stability. In so doing, much of South Africa's trade policy is determined by international trade agreements, such as the multi-lateral GATT, GATS, TRIPS and the bilateral EU-SA Trade, Development and Co-operation Agreement (TDCA); and actual trade by global supply chains and consumer demands. South African trade policy is further elaborated through the cabinet clusters.

International trade policy

Agreements within the WTO form the basis of international trade policy. These agreements are “directed to the substantial reduction of tariffs and other barriers to trade and to the elimination of discriminatory treatment in international trade relations”⁹. Three overarching agreements form the core of the WTO, namely GATT, GATS and TRIPS. There are a number of agreements that fall under GATT, including the Agreement on Agriculture. While the aim is ostensibly ‘free trade’ numerous barriers remain in the GATT for developing country goods entering developed countries. These include the Sanitary and Phytosanitary (SPS) Agreement and the Agreement on Technical Barriers to Trade (TBT). TRIPS itself is not a ‘free-trade’ agreement in that it provides for minimum standards of protection to be provided by each member. Table 7.2 provides information on the nature of these agreements and their implications for sustainable development.

⁸ Najam, Adil, 2001, Trade and Sustainable Development: Challenges and Opportunities, DEAT

⁹ Preamble to the Marrakesh Agreement, which established the WTO in 1995.

The WTO locks in certain principles for a trading system that could affect sustainable development. These include “most favoured nation” and “national treatment” whereby all goods and services – whether produced locally, or in another country – have to be treated equally once they enter the market. No preference can be given to local products or products from neighbouring countries.

Bilateral and regional trade agreements

7.19 In addition to the WTO agreements, there are numerous bilateral, plurilateral and regional trade agreements. Currently the most important of these is the Trade, Development and Co-operation Agreement (TDCA) with the EU, South Africa’s biggest trading partner. This agreement is also important internationally as it formed the basis for the post-Lomé Cotonou Agreement, which the EU has entered into with its Africa, Caribbean, Pacific (ACP) partners, creating for the first time a distinction between Least Developed Countries (LDCs) and other developing countries. South Africa is a conditional member of Cotonou, with the TDCA forming the overriding relationship between South Africa and Europe.

Important also to Southern Africa is the SADC Trade Protocol, which was concluded in Maseru in August 1996 to facilitate intra-regional trade and an eventual shift towards a free trade area. Amendments were signed in 2000, reflecting results of negotiations on a free-trade area. Further negotiations are currently underway. The elimination of tariff and non-tariff barriers to intra-SADC trade will be phased in over 12 years¹⁰.

2.4. Trade policy happens outside “trade” institutions: Institutional arrangements to manage trade

Trade and sustainable development policy is not confined to the WTO or to bilateral and plurilateral trade negotiations. It is happening in a number of different international forums, which don’t necessarily have a ‘trade’ focus. Global supply chains, fair trade initiatives, consumer preferences, company policies are all determining the type of trade that we experience. In some ways, the WTO merely enforces initiatives that are happening elsewhere. The International Monetary Fund (IMF) and World Bank are also important determinants of international trade policy. Multilateral Environmental Agreements (MEAs) are a critically important intergovernmental forum in which policies that have direct bearing on trade and sustainable development are developed. Table 7.3 describes those MEAs, which are most relevant to South Africa.

Institutional arrangements to manage trade

¹⁰ IGD, 2001, The IGD Guide to the Southern African Development Community, IGD publication

South African institutions

Managing trade, environment and sustainable development does not fit neatly into one government department, nor are there effective measures to provide for co-ordination between departments. The department of Trade and Industry recently constituted a Trade Forum sanctioned by cabinet to provide the space for intergovernmental coordination.

The interdepartmental Committee for Environmental Co-ordination (CEC), established by NEMA, has been used for this purpose to a limited extent. Government departments that bear varying levels of responsibility for trade, environment and sustainable development include: Trade and Industry, Environmental Affairs and Tourism, Foreign Affairs, Agriculture, and Arts, Culture, Science and Technology, Water Affairs Forestry, Minerals and Energy

There is also formal national body where government systematically engages with civil society on trade issues. The National Economic Development and Labour Council (NEDLAC) provide a limited and exclusive forum for trade discussions. Various *ad hoc* processes have occurred aimed at consultation, but with limited success and follow-through.

Department of Trade and Industry

The Department of Trade and Industry bears primary responsibility for trade policy. In particular, this function falls to the division on International Trade and Economic Development (ITED). The subdivisions on Trade Negotiations (which falls under ITED) and on Environment and Standards (which is not part of ITED) have both done some thinking on the linkages.

An Economic Analysis and Research Unit has also been established to assess the impacts of trade liberalisation, as has The Chief Economist's Office within the Executive Management Unit (Director-General's office).

Department of Environmental Affairs and Tourism

The Department of Environmental Affairs and Tourism (DEAT) bears primary responsibility for environment and sustainable development strategy. Yet, there is no one in DEAT who is clearly responsible for trade.

Some trade functions are taken up through work on MEAs. This is not co-ordinated at a strategic level, but on an *ad hoc* basis as the need arises. The macroeconomics unit with DEAT could be an appropriate place to locate trade-environment-sustainable development linkages as they have done some work on natural resource accounts, which could be used to inform trade in natural resources.

However the department has in the last year created a specialist unit headed by a Deputy-Director General. The Unit whose mandate includes trade has been looking into various options for establishing the requisite capacity needed.

NEDLAC

The Trade and Industry Chamber of the National Economic Development and Labour Council (NEDLAC) provide a forum for research and trade policy discussions between government, labour and business. There is no official place for non-profit NGOs within this Chamber.

International and regional institutions

South Africa has been an active player in international trade institutions including the WTO, UNCTAD, SADC and several Conferences of Parties to trade-related Multilateral Environmental Agreements. These institutions, together with others such as the IMF, World Bank, United Nations Environment Programme (UNEP) and the Commission for Sustainable Development (CSD), are in place to manage and determine policy on various aspects of international trade. They are important in that their structure and operations have implications for national trade policy and institutional arrangements.

Southern Africa Development Community (SADC)

SADC was established to “achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa and support the socially disadvantaged through regional integration”¹¹. Individual countries within SADC co-ordinate specific sectors. Tanzania is home to the SADC industry and trade co-ordination division, although this will probably move to Botswana where it will be clustered with investment. This is a positive move in that it will address a key problem of the SADC trade protocol – that it is not well integrated with industrial strategy or investment¹².

3. ANALYSIS OF ACHIEVEMENTS, GAPS, OPPORTUNITIES AND CONSTRAINTS TO DATE

This section begins with a description of the scope and assumptions underlying the analytical approach used to assess achievements, gaps, opportunities and constraints. It goes on to analyse four areas that are interlinked and critical to address if we are to achieve sustainable development.

These are:

- Sharing the benefits of trade between countries: towards equal terms of trade
- Bringing people back into trade: towards meaningful economies

¹¹ IGD, 2001, The IGD Guide to the Southern African Development Community, IGD publication

¹² Rosalind Thomas, Development Bank of Southern Africa, August 2001, *Personal Communication*

- Trading with a future: environmental considerations
- Sustainable consumption: orienting production to meet people's needs

3.1 Sharing the benefits of trade between countries: towards equal terms of trade

Benefits of trade are not equally shared between countries, within countries, nor even within households. Global terms of trade continue to favour rich countries over poor; those with education and access to resources are able to integrate into the global economy better; women are particularly marginalised and undervalued in structural changes to the economy.

South Africa's trade policy aims to change international terms of trade in order that developing countries might benefit more. In particular, it is calling for Northern economies to relinquish their 'grandfather industries', to reduce subsidies to agriculture and to address tariff escalation, which is a problem in steel, alloys and starch-based chemicals¹³. When it inherits the grandfather industries, South Africa intends to use modern technology, rather than continue production in the same way¹⁴. It aims to use the WTO more effectively to support market access and economic development priorities¹⁵. South Africa believes that enabling developing countries to get a better share of world trade can best be done through strengthening Africa, working with strategic allies in the South, such as Brazil, India and Nigeria and engaging a new broad-based round of negotiations at the WTO.

Trade related aspects of intellectual property rights (TRIPS) agreement

A key concern for African countries is the agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), particularly article 27.3b, which allows for the patenting of life forms. In a submission to the TRIPS Council the Africa Group states that the grounds for concern "do not arise merely from the detrimental consequences, such as for further research (patents over research material in this area may restrict further research), from the concept of patentability (that discoveries do not amount to inventions), the rocketing cost of medicines and the targeting of research towards products for the affluent rather than general public health, or from the doubts over the safety of genetically modified products. They do arise equally from deeply held intuitive values. And if any abuse is to be regulated, excluding their patentability is the point to begin."¹⁶

TRIPS came under the spotlight in South Africa because of the court case instituted by the Pharmaceutical companies against the South African government, which had

¹³ Erwin, Alec, 2001, *Finding a place in the global economy*, interview with Ben Turok, New Agenda, Issue 3, Autumn 2001

¹⁴ *Ibid*

¹⁵ Nedlac, 2001, Minutes of the Teselico Planning Meeting held on 20 March 2001, Nedlac offices

¹⁶ Draft submission on Article 27.3b to the TRIPS Council by the Africa Group, September 2000

promulgated a law to allow for parallel imports of medicines. TRIPS was used by both sides, as well as special interest groups, to fuel the debate, despite the fact that the proposed national law is TRIPS compliant. Nevertheless, TRIPS could pose a threat to national laws designed to protect people rather than patents.

Agriculture and fisheries

A key concern for South Africa and other developing countries has been the EU's Common Agricultural Policy (CAP), which grants huge subsidies to farmers.

Keet states that “the discernible swing in public opinion in Europe against industrialised agriculture and all the economic and social distortions and scientific, health, environmental and other abuses and dangers that go with it could, conversely work to the advantage of the developing world.”¹⁷ She argues that we should not give concessions in exchange for reduced subsidies to EU agriculture because they will need to reduce subsidies anyway.

Fisheries are also a point of concern between developed and developing countries, particularly between the EU and Africa, Caribbean and Pacific (ACP) countries. South Africa is obliged to sign a Fisheries Agreement with the EU under the TDCA. The nature of that agreement is highly contested (see box below). Linking a fisheries agreement to trade has been carried through to the Cotonou agreement, which states that “The parties declare their willingness to negotiate fishery agreements.... aimed at *mutually satisfactory* conditions for fishing activities in ACP States.” (Emphasis added) and “... the ACP States shall not discriminate against the Community....”. This is extremely problematic for countries that want to manage their fisheries autonomously and sustainably.

South Africa's role in the region

Within the region, South Africa is extremely strong, its GDP accounting for approximately 80% of the region's economic production¹⁸. This brings a particular responsibility to develop more balanced and less exploitative trade policies, which was the aim articulated in the Reconstruction and Development Programme¹⁹.

South Africa currently exports far more to most SADC countries than it imports. Exports are mainly comprised of manufactured goods (70%) whereas imports are primary commodities²⁰. This structural imbalance has major implications for the negotiation of a Southern African Free Trade Area. Currently high levels of

¹⁷ Keet, Dot, 2001, “*South Africa's Official Position and Role in Promoting the WTO and a New Round of Multilateral Trade Negotiations*” paper presented to the SAPSN workshop 19-22 July 2001, Johannesburg.

¹⁸ Visser, Martine, 2000, “*Trade, Environment and Sustainable Development Briefing Document 2: Regional Integration*”, produced by EMG/GEM

¹⁹ ANC, 1994, *Reconstruction and Development Programme*, Umanyano Publications, Johannesburg.

²⁰ Visser, 2000, *op cit.*

protection remain in certain countries for “sensitive” industries in which competition is high. These include clothing, textiles, wheat milling and sugar²¹.

Labour and environment: protectionist or enabling?

A growing concern is how labour and environment clauses might be used within the WTO and what implications they might have for moving towards more balanced trade. Given the structure and power relations within the WTO it is likely that they will be brought in to the benefit of the Quad, rather than in the interests of the environment, labour or developing countries.

While most countries agree that labour is best dealt with by the International Labour Organisation (ILO) and environment by MEAs, there is pressure to tighten up WTO agreements through, for example, a social clause. A social clause would bind countries to core labour standards, covered by ILO conventions, and allow trade sanctions (including cross-sectoral sanctions) to be instituted against countries that fail to comply.

Although the labour-trade-environment debate is focussed on the WTO, it should be noted that consumers and buyers along the supply chain are already demanding goods that have been produced in an environmentally and socially responsible manner. The existence of barriers to trade as a result of environmental policies and practices remains uncertain,^{22 23} but this shouldn't preclude government action. It is important for South African exporters to be aware of standards in other countries. High standards will not necessarily be negative. They can lead to innovation, increased competitiveness and both social and environmental benefits.

Opportunities within trade agreements

Opportunities are presented through some trade agreements to provide greater benefits to South African exporters. They need information on what these opportunities are and how they can be exploited. In addition, the United States Africa Growth and Opportunities Act, the EU-SA TDCA and the Cotonou Agreement present possible opportunities for investment in development projects

3.2 Bringing people back into trade: towards meaningful economies

One of the negative aspects of trade that is most difficult to articulate and measure is when people's values, culture and ethics are undermined. This section looks at inequalities within South Africa, how people who are poor and disempowered are integrated into the economy and impacted by trade, the importance of bringing

²¹ *Ibid*

²² Fridge, 2000, Sustainable Production Study: an overview of DTI functions and related environmental aspects; identification of relevant environmental legislation; and current environmental processes and forums of relevance to DTI

²³ De Wit, January 2001 “*Globalisation and Environmental Change*” unpublished document submitted to DEAT

people's values and ethics into trade, and seizing opportunities for public participation and empowerment.

Guarding against undesirable growth

Perlas, who has been deeply involved in a national Agenda 21 for the Philippines, has helped to articulate the links between growth and human development by highlighting a number of undesirable types of growth that we need to guard against.

Based on reports from the United Nations Development Programme (UNDP), he refers to these as ruthless & unequal growth; voiceless growth; meaningless growth and futureless growth²⁴. For South Africa we need to add a fifth one, which is frequently talked about: jobless growth. And it is against this understanding of growth - that it is multifaceted and can have undesirable aspects - which we need to evaluate trade's contribution to sustainable development. Traditional indicators of economic well-being tell us very little about these *types* of growth. While GNP can tell us something about total economic activity, it tells us nothing about the nature of that activity. Are we "wealthy" because such a high percentage of households have guns, thus supporting an arms industry; or because we are a popular tourist destination? Is one form of economic activity worse than another; and does it matter? If we are to orient our economy (which is becoming increasingly global and dependent on imports and exports) towards sustainable development, then it *does* matter. Trade indicators - for example how much our exports have grown or declined - tell us equally little about the nature of trade and whether or not it supports sustainable development.

As a percentage of GDP, the value of goods and services exported increased from 17.3% in 1994 to an estimated 25% in 2000²⁵. This represented a total increase in exports of 42.6%²⁶. At the same time, imports of goods and services increased by 34.8%²⁷. This is important and useful information in monitoring an export oriented growth strategy, but it tells us very little about the quality of growth, particularly as regards to poverty alleviation or equity. Over the same period, GDP grew by 2.7% at real (1995) prices; whereas employment in non-agricultural sectors dropped by an average of 1.7% per year²⁸. In addition there is data which suggests that the already vast gap between poor and rich has been widening with the share of income going to the poorest 40% of households falling between 1991 & 1996, from 3.8% to 3.4% whilst the share going to the richest 10% rose from 52.3% to 53.0%²⁹. This tells us that although the economy is growing, albeit slowly, jobs are being lost and the poor

²⁴ Perlas, Nicanor, 2000, *Shaping Globalisation: Civil Society, Cultural Power and Threefolding*, Co-published by the Center for Alternative Development Initiatives, Global Network for Social Threefolding, and The Novalis Press.

²⁵ SARB 2000, cited in De Wit 2001 "Globalisation and Environmental Change" unpublished document submitted to DEAT Jan 2001

²⁶ SARB 2001

²⁷ SARB 2001

²⁸ SARB 1996 and 2001

²⁹ A. Whiteford and D.E. van Seventer, 2000, *South Africa's Changing Income Distribution in the 1990s*, Studies in Economics & Econometrics, vol. 24 no.3.

are certainly not getting richer. It is an undesirable type of growth. Further information is needed to know who is losing jobs – men or women, rural or urban, skilled or unskilled.

Are poor South Africans benefiting from trade?

Within South Africa, the linkages between trade, equity, economic development, human rights and job creation are extremely hard to assess. While unemployment has continued to rise over the past ten years, it is unclear whether and how it is linked to trade liberalisation.

In certain sectors, such as clothing and textiles, clear links have been made. Eighty thousand jobs were lost in the clothing and textile sector between 1990 and 1998, with a further 12 600 lost in the footwear sector over a similar period³⁰. Imports – both legal and contraband – have increased significantly over the past 10 years, providing consumers with cheaper options and prices that local producers can't compete with.

In the agriculture sector the opening up of markets and the growth of multinational agribusiness is impacting all producers, particularly women, subsistence farmers and workers. Competing with EU and US subsidised goods is difficult for all farmers given that there are no South African subsidies, but it is especially hard for emerging farmers who have never had subsidies to invest in their farms (*see chapter on agriculture and rural livelihoods*).

The impact of GATT on women and other subsistence farmers is not known. Studies from other countries indicate that it could be a cause for concern by enabling TNCs to become the main providers of food, thereby taking food production away from people and concentrating it in the hands of a small number of agro-industrial companies³¹. Local markets where subsistence farmers sell their surplus could be affected by cheaper imports or large-scale production (*see chapter on agriculture and rural livelihoods*). For women farmers' biodiversity has intrinsic value, yet trade policy has enabled global seed and agribusiness corporations to turn biodiversity (including seed and indigenous knowledge) into raw material for the biotechnology industry³². Patents on seed prevent farmers from saving seed to use the following year and require a royalty to be paid to the company that holds the patent.

Limited though our knowledge is on the impacts of increased trade in goods, such as food and clothing, these impacts are probably easier to assess than the consequences of WTO agreements that go beyond trade in goods, such as GATS,

³⁰ Jansen, Helga, 2000, "Trading Standards" in A Partnership for Change, One World Action, Issue 15, Autumn 2000.

³¹ Pheko, Mohau, Co-ordinator, Gender and Trade Network Africa, 2001, *personal communication*

³² *Ibid*

TRIPS and TRIMS. For these, we do not yet know the implications³³. Although we do know that they are likely to have significant effects on health care, indigenous knowledge, women's rights and provision of basic services.

Fair trade initiatives

There are emerging initiatives in agriculture and tourism to engage in Fair Trade between small-scale producers in South Africa and European consumers. Although these initiatives are small, there is scope for them to grow significantly. For example, in many countries in Europe, a large percentage of banana and coffee sales are "Fair Traded", indicating that consumers respond to information on how food and beverages are produced. The intent of Fair Trade is to get better prices for the producers that can be invested in local development and empowerment leading to job creation and poverty alleviation. Initiatives tend to be driven by consumer demand in Northern countries and supported by local South African NGOs.

Opportunities for participation and empowerment

While NEDLAC is a legitimate and appropriate forum to discuss and conduct research on various aspects of trade policies, it misses an important voice in determining the road to sustainable development. The absence of religious groups, women's organisations, youth, and environmental and development NGOs means that it is an inappropriate place for much needed public debate on issues such as the proposed WTO broad-based 'development' round, intellectual property rights, services and the environment.

The Cotonou agreement institutionalises a place for non-state actors, which include the private sector, economic and social partners (including trade unions) and civil society "in all its forms according to national characteristics"³⁴. This provides an opportunity for greater public participation and empowerment. Each country (including South Africa) is required to develop a national platform, which will then engage with government to develop priorities in ten sectoral areas, including health, gender, and sustainable development³⁵. Currently Nedlac is responsible for establishing the platform³⁶, but they have limited experience in working with civil society organisations that fall outside of business and labour.

3.3 Trading with a future: environmental considerations

A key aspect of sustainable development is protecting the environment for the benefit of present and future generations. This is reflected in NEMA's cluster of principles on a) ecological integrity; and b) protection of the natural and cultural

³³ Erwin, Alec, 2001, *Finding a place in the global economy*, interview with Ben Turok, New Agenda, Issue 3, Autumn 2001

³⁴ ACP-EU Partnership Agreement signed in Cotonou on 23 June 2000, Article 6

³⁵ Le Pere, Garth, Institute for Global Dialogue, 2001, *personal communication*

³⁶ *Ibid*

environment. Unless environmental considerations are well integrated into trade and industrial strategy, there will be little to trade in the future.

How well have we met challenges identified in 1994?

During South Africa's transition to democracy, the International Mission on Environmental Policy³⁷ initiated a study to look at the challenges for South Africa in integrating environment with development. The study suggested that for developing countries to benefit from the WTO, they needed to unite, become aware of the issues, look after their own interests and have adequate representation³⁸. Particular issues for South Africa to watch were agriculture, subsidies and intellectual property rights - which could have repercussions on indigenous knowledge, farmers' rights and community biodiversity management³⁹.

South Africa's export strategy should be to reduce its reliance on mineral exports by increasing international market share in various goods, particularly manufactured products. While pushing for access to Northern markets, the study suggested that South Africa also needed to establish a development path that is more environmentally sustainable than those followed by the North⁴⁰.

Gaps in knowledge existed in managing the dual objectives of environment and development and in the implications of technology transfer. For example, would we allow 'dirty' technologies to be imported; would technology transfer be tied to aid or trade? The IDRC study identified eight recommendations for South Africa on trade and environment, which are necessary if we are to orient trade towards sustainable development.

Transport externalities

One area of direct impacts that is not adequately dealt with, nationally or internationally, is transport externalities. This is particularly important for South Africa because it has identified tourism as a target sector for growth. Trucks, ships, planes and trains all contribute to climate change through burning of fossil fuel. Fuel is not priced correctly to account for the costs of climate change or local pollution. Airports, harbours, roads and railway lines can have local environmental impacts through habitat destruction, fragmentation and noise. These externalities are not fully internalised. More commonly, transport infrastructure is actively promoted and subsidised by government as it is seen as a necessary condition for economic growth.

³⁷ The African National Congress (ANC), Congress of South African Trade Unions (COSATU), South African Communist Party (SACP) and South African National Civic Organisation (SANCO) supported the Mission, with support from Canada's International Development Research Centre (IDRC).

³⁸ IDRC, 1995, Building a New South Africa: Environment, Reconstruction and Development, IDRC publication, Ottawa.

³⁹ *Ibid*

⁴⁰ *Ibid*

This is a trade-off, yet it is not acknowledged as such. The New Economic Partnership for Africa's Development (NEPAD) intends to "establish and nurture public-private partnerships as well as grant concessions towards the construction, development and maintenance of ports, roads, railways and maritime transportation" as well as to increase air linkages across African sub-regions⁴¹. No mention is made of how sustainability principles will be integrated into these actions. Safety and efficient use of natural resources are important challenges that will need to be integrated into transport strategy.

Trading in environmental 'bads': waste, ecodumping and endangered species

South Africa is an active member of CITES and has established national legislation to combat smuggling of species to protect its biodiversity. Legislation on trade in Genetically Modified Organisms (GMOs) is weak, and South Africa has yet to ratify the Biosafety Protocol.

Evidence of eco-dumping or countries using South Africa as a pollution haven is difficult to assess through a national indicator. Keeping accurate records of this will depend to a large extent on the evidence brought by civil society watchdogs and whistle blowers.

A high profile case was that of Thor Chemicals, who relocated their operations from England to South Africa after many findings of illegal mercury levels by UK authorities. Five years later, at least one Thor Chemicals worker died from mercury poisoning in KwaZulu Natal. The Umgeni River became highly contaminated, reaching mercury concentrations 1000 times higher than the World Health Organisation danger level⁴².

Domestic legislation relating to the importation of hazardous waste is being addressed under the law reform process of the National Environmental Management Act (NEMA). Compliance with national standards and compensation for damages can be more difficult to obtain where companies headquarters are outside the country. The corollary is that many Transnational Corporations (TNCs) pride themselves on using the same standards no matter which country they are operating in.

Implications for environmental management of changes to the national economy

Trade liberalisation will result in structural changes to the economy that could be either good or bad for the environment. There is no legislation or policy that deals specifically with these environmental impacts that are indirectly associated with trade and they are not integrated into trade strategy. Changes to the economy could be

⁴¹ A New Africa Initiative, 2001, Merger of the Millennium Partnership for the African Recovery Programme (MAP) and Omega Plan

⁴² Robins, Nicky, 1998, Trade and sustainable development: a guide for the perplexed, GEM publication.

tracked through a system of Natural Resource Accounts that DEAT is developing in collaboration with the CSIR and University of Pretoria (*see chapter on macro-economics*). Preliminary accounts have been constructed for minerals, water and forestry, including fynbos⁴³.

No work has been done as yet to assess the impact of trade on the physical stocks and flows in these sectors. Placing a true value on natural resources is technically complicated, but important in that it will result in greater efficiency, making companies more competitive in the long run. Sustainability requires that natural resources are valued correctly, both for their contribution as raw materials and for the services they provide to society, such as waste processing, clean air, clean water and energy⁴⁴. But people have also raised some real concerns with putting a price on natural resources. For example putting a monetary value on biodiversity is a step towards commodifying it, which has implications for how it is managed, who has access to it, how it is used and for the protection of indigenous knowledge.

Mitigating environmental impacts associated with changes to the national economy is difficult, but there is an opportunity to build on work that has been done on Strategic Environmental Assessments (SEAs). Whereas EIAs tend to look at the possible impact of a proposed project, SEAs look at the operating environment and derive parameters within which development must take place. They are thus able to deal with cumulative impacts better than traditional EIAs, and can incorporate environmental considerations into their design from earlier on in the planning phase. Guidelines have been developed in South Africa for SEAs, but these need to be further elaborated to be applicable at a policy level - the appropriate level at which to integrate environmental considerations into trade policy and deal with indirect impacts of trade.

Collaboration between the DTI's newly established economic analysis and research unit and a high-level economic unit within the DEAT would provide an ideal home for such assessment, monitoring and evaluation. Some research has been done outside of government on specific elements of various trade sectors by, for example, UNEP, Institute for Global Dialogue, WWF and Development Bank of Southern Africa, Trade and Industrial Policy Secretariat, International Institute for Sustainable Development and the International Institute for Environment and Development.

Shifting from resource intensive industries

South Africa's economy has been built on the exploitation of renewable and non-renewable natural resources, such as minerals, coal and agricultural produce. For the economy to be sustainable, there needs to be a shift away from resource intensive industries. Although there is no comprehensive data available, some

⁴³ Koch, Ester, DEAT, 2001, *personal communication*

⁴⁴ Fridge, 2000, Sustainable Production Study: an overview of DTI functions and related environmental aspects; identification of relevant environmental legislation; and current environmental processes and forums of relevance to DTI

guesses can be made as to how trade impacts on our use of natural resources. Within the Spatial Development Initiatives (SDIs), projects on mineral beneficiation, agro-processing and tourism are prioritised in order to earn foreign exchange⁴⁵. South Africa also markets itself as a provider of 'cheap' electricity, which is an incentive for investment but also attracts energy-intensive industry.

As with transport fuels, South Africa's electricity is under priced, with costs externalised to miners, communities living near abandoned mines and power stations, and people living worldwide who will be affected by climate change⁴⁶. But again we face a trade-off. If South Africa is going to compete in the global economy, it needs to produce to its comparative advantage. Given the scarcity of skilled labour and capital, this advantage is found in our natural resources. While there are obvious negative environmental impacts in the short and medium term, this is not a problem in the long, we need to use natural resources to launch into other areas of economic activity, which can be done through:

- *Beneficiation*, which is the cornerstone of industrial strategy, but will be problematic because of protectionism in Northern markets
- Developing *inputs* to the resource extraction sector, which Sweden managed successfully in forestry equipment and management service, but which could apply equally to minerals and agriculture. For South Africa, this could be mining machinery and equipment or services.
- *Lateral migration*, where there is a move from a resource industry to a high tech or knowledge industry. This can occur within a company, for example Nokia moved from forestry to phones, or between companies, where people migrate taking skills they have learnt and developed in a resource industry to a high tech or knowledge industry.

In the long term, therefore, resource intensive industries are used to develop skills and services, acting as the stepping-stone to a service and knowledge intensive economy that is less reliant on resource extraction. This is echoed in DTI's discussion document *Driving Competitiveness: an integrated industrial strategy for sustainable employment and growth*⁴⁷ where developing a knowledge-economy forms an important part of their proposed new direction. But this is not without its problems. Given apartheid's appalling legacy of minimal education for the majority of South Africans, it is only a minority of people with high skills who will be able to compete and gain from a knowledge-intensive economy.

MEAs: instruments of trade or environmental management?

⁴⁵ DTI, 23 February 2001, First Edition Environmental Implementation Plan

⁴⁶ This is not to say that an absence of electricity would be better. People's development potential is severely constrained without access to clean, affordable energy (see minerals and energy chapter).

⁴⁷ DTI, 21 May 2001, *Driving Competitiveness: an integrated industrial strategy for sustainable employment and growth*, <http://www.dti.gov.za/downloads/docs/indstrat2.pdf>

South Africa has signed and ratified many of the MEAs, which contain a specific trade component. MEAs are becoming increasingly recognised as important arenas in which trade policy is developed and as such might be weakened in their ability to manage the global commons. Many country delegations to Conference of Parties contain officials from trade ministries.

Within South Africa, links between trade and MEAs have not been made explicit – neither in policy nor in the institutions that manage them. Although South Africa is starting to recognise the trade and economic implications of MEAs, bringing on board officials from trade department happens in an *ad hoc* and uncoordinated manner.

But the economic implications of certain MEAs should not be dismissed lightly. South Africa has recognised this with respect to climate change and research is currently being conducted through Fridge on the impact of climate change and the Kyoto Protocol on the economy.

The Protocol establishes three “flexible mechanisms” within which countries can reduce their greenhouse gas emissions: the Clean Development Mechanism (CDM), Joint Implementation (JI) and Emissions Trading. These are all economic instruments, with trade implications. Non-annex I countries (which includes South Africa) are eligible only for the CDM, but once the rules are established for JI and Emissions Trading (between Northern countries and economies in transition), it is likely that they will remain, even when other countries become eligible for emissions reductions.

Sustainable consumption: orienting production to meet people’s needs

Over consumption

Agenda 21 and the JPOI dedicates a chapter to “changing consumption patterns” in which it is recognised that the unsustainable consumption patterns of rich people place enormous stress on the environment, while at the same time the basic needs of the poor are not being met. Some statistics indicate that a quarter of the world’s people who live in the North consume three quarters of the commercial energy, metals and mineral resources used worldwide, produce over 90% of all industrial and hazardous waste, and eat more than half the world’s food. The ecological footprint⁴⁸ of the average American is 10.3 hectares, while that of the average Indian is only 0.8 hectares. But given that there is only 1.7 hectares of productive land available per person on the planet, it is not possible for most poor people to reach the levels of consumption of people in Europe and America.

Yet South Africa does not consider this critical aspect of sustainable development in its trade policy. The opposite is by default true: the expansion of export markets based on comparative advantage assumes that there is no limit to consumption or

⁴⁸ This is an estimate of the area of productive land required to sustain a person’s consumption levels.

production, that it would be a problem for South Africa if Europeans started to consume less. Even in 1992, some economists were questioning the traditional concepts of economic growth and it was recognised that more needed to be known about the role of consumption in relation to economic growth and population dynamics⁴⁹.

Emerging trends in sustainable consumption

There are emerging trends amongst consumers, particularly in northern Europe, to be more conscious of what they buy and consume. This is a response to over-consumption, which they see as being harmful to communities, individuals and the planet, as articulated in Agenda 21.

Features of sustainable consumption are to:

- Replace products with services
- Avoid buying certain products or products containing certain materials
- Use products that have fewer materials
- Share or lease instead of buying
- Buy local products

The *rationale* behind sustainable consumption is complementary and necessary for sustainable development – i.e. that people in the North need to consume less so that those in the South can consume more, while simultaneously global production remains within the limits of the earth; but the *way* in which sustainable consumption plays out, may pose serious threats to sustainable development.

Challenges of sustainable consumption for South African trade policy

There is no South African policy or strategy that promotes sustainable consumption domestically or responds to international trends. Yet there is a large part of the population that over-consumes and an export-oriented economy that could be vulnerable to changing consumption patterns. If the effort to shift consumption patterns is left too northern consumers alone, there will be challenges and could be negative implications for South Africa.

These include:

- a) Reduced demand for South African exports due to increased local production and dematerialisation (using fewer physical resources to produce the same product or service), which could result in increased protectionism and anti-dumping cases being brought against South Africa
- b) A drive for new markets in South Africa by international producers to replace overproduction and shrinking markets, particularly in Europe, which could result in dumping of goods, such as genetically modified organisms and food

⁴⁹ United Nations, 1992, Earth Summit Agenda 21: the United Nations Programme of Action from Rio, Chapter 4 Changing Consumption Patterns.

- c) Reduced market share for South Africa due to increased competitive advantage of Northern countries which own the resource-efficient, ‘environmentally friendly’ technologies
- d) Opportunity cost of investing in process and production methods demanded by Northern consumers, rather than those appropriate to South Africa.

While these trends in sustainable consumption currently sit outside formal trade agreements, it is likely that they will become reflected in international law in ways that entrench existing unequal trade relations. Already the EU is pushing for ecolabels and the US for environmental services in the WTO. These are areas where they can define what ‘good environmental practices’ are and thereby hold a comparative advantage.

Exports consistent with sustainable consumption

Last year, a study was conducted on sustainable production under the auspices of Fridge. The policy recommendations from this are currently being drawn up by NEDLAC for discussion between government, business and labour. The study found that sustainable production is consistent with international competitiveness because it requires increased material and resource efficiency⁵⁰. There is significant potential to export environmental goods and services, especially to Africa – for example in clean technology, pollution management and natural resource management⁵¹.

The Fair Trade Initiatives described above also contribute to more sustainable consumption patterns. When people are aware of the “story” behind what they are consuming, they are more likely to try to influence production in a positive way. Knowing that workers have been paid a fair wage and that their health and safety is protected will encourage consumers to buy one product over another.

Promoting sustainable consumption

Although there is no national policy on sustainable consumption certain activities can be noted which respond to demands for more sustainable consumption. Fridge is undertaking a study on the suitability of an eco-label for South Africa. It will look both at the effectiveness of an eco-label in improving a company’s environmental performance as well as increasing the competitiveness and export-potential of South African products. A South African developed ecolabel is likely to be far more appropriate to local conditions than if producers were to try (as is currently the case) to receive certification from Northern companies, requiring inappropriate standards and high costs.

CONCLUSION

⁵⁰ Fridge, 2000, Sustainable Production Study: an overview of DTI functions and related environmental aspects; identification of relevant environmental legislation; and current environmental processes and forums of relevance to DTI

⁵¹ *Ibid*

In 1994, the newly elected democratic government of South Africa recognised the dual challenge it faced of national reconstruction and development, and integration into the world economy resulting from the lifting of trade sanctions and simultaneous accession to all WTO agreements. South Africa has chosen to become an important player in international trade, actively supporting the multilateral trade regime. It sees trade as a tool for development. However, trade policy has not been conceived within the framework of sustainable development, nor is there an overarching policy to address this. Nevertheless, some trade, environment and sustainable development linkages have been recognised and some progress has been made towards their management. Most progress has been made where links are direct, such as legislation on trade in endangered species, rather than indirect, such as development and environmental consequences of changes to the national economy.

A decade has passed since the inception of the WTO-imposed system of multilateral trade obligations. Additionally, SA is entering more regional and bilateral free trade agreements (FTAs). Increasingly, DEAT and other departments are getting involved in the preparations for these negotiations, as a result of the increased emphasis on the linkages between trade and environment in trade negotiations.

The following list covers those international treaties that contain trade-related measures, or whose Parties have adopted trade provisions in Resolutions or Conservation Measures in furtherance of the objectives of the Agreement. Also included in the list are Agreements that, though they do not contain trade measures per se, do contain provisions that may have possible consequences for trade during their implementation by Parties.

Table 1

1. Convention Relative to the Preservation of Fauna and Flora in their Natural State, 1933, which was superseded by the African Convention on the Conservation of Nature and Natural Resources, 1968
2. International Convention for the Protection of Birds, 1950
3. International Plant Protection Convention, 1951
4. Agreement Concerning the Cooperation in the Quarantine of Plants and their Protection against Pests and Diseases, 1959; ⁵²
5. International Commission for the Conservation of Atlantic Tunas (ICCAT), 1966; ⁵³
6. Phyto-Sanitary Convention for Africa, 1967
7. African Convention on the Conservation of Natural Resources, 1968
8. Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973;
9. Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), 1980;
10. Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 and its amendments;

⁵² The Council for Mutual Economic Assistance, which no longer exists, administered this Agreement. The status of this Agreement is therefore unclear.

⁵³ The Convention does not contain trade measures, but trade-related measures have been adopted in conservation measures, which are binding on Contracting Parties.

11. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989; ⁵⁴
12. Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, 1991
13. Convention on Biological Diversity, 1992, and the *Cartagena Protocol on Biosafety, 2000;
14. United Nations Framework Convention on Climate Change (UNFCCC), 1992 and the *Kyoto Protocol, 1997;
15. Convention for the Conservation of Southern Bluefin Tuna, 1993
16. International Tropical Timber Agreement (ITTA), 1994;
17. United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks: Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982,
18. Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement), 1995
19. Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for Certain Hazardous Chemicals and Pesticides in International Trade, 1998
20. Stockholm Convention on Persistent Organic Pollutants (POPs), 2001
21.

Table 2

Agreement	SA status	Link to trade
United Nations Framework Convention on Climate Change, 1992 & Kyoto Protocol, 1997	FCCC ratified 1997; Cabinet has approved the NEMA process towards the ratification of the Kyoto Protocol	Flexible mechanisms: Clean Development Mechanism; tradeable emissions; Joint Implementation. Compels parties to embark on education, training and public awareness to assist in meeting the FCCC objectives. In addition the development and transfer of technology that controls, reduces or prevents anthropogenic emissions of greenhouse gases must be promoted. Kyoto first commitment period ends 2012.
Convention on Biological	CBD ratified 1995;	Biosafety protocol requires

⁵⁴ The four agreements with bullet points are regional agreements relevant to articles of the Basel convention that allow for the establishment of regional agreements that may be equal to, or stronger than the provisions of the Basel Convention.

Diversity & Biosafety Protocol	biosafety protocol not signed	advanced informed consent on trade in GMOs; regional co-operation on biodiversity conservation & sustainable use, including incorporation of traditional knowledge.
Convention on International Trade in Endangered Species, CITES	Ratified 1975	Regulation of trade in endangered species according to 3 categories; sustainable use of species by trading & hunting.
Rotterdam Convention on Prior Informed Consent	Signed 1998, ratification pending.	Detailed information on hazardous chemicals allowing informed decision-making is required before they are traded.
Persistent Organic Pollutants (POPs), 2000		Co-ordination and collaboration with SADC.
Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, 1989	Ratified 1994	Restricted trade on hazardous waste. Where it does occur, there is strict control and environmental requirements. Ban on movement from OECD to non-OECD became effective in 1998, but not yet ratified by sufficient number of parties.
Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa	SA conducting internal consultations on ratification.	
Vienna Convention for the Protection of the Ozone Layer, 1985 & Montreal Protocol on Substances that Deplete the Ozone Layer, 1987	Signed 1990; all amendments ratified or in the process of ratification	Restricted trade on ozone-depleting substances; no trade allowed between parties and non-parties.
Law of the Sea & Agreement relating to Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks	Law of the Sea Ratified 1997; Agreement submitted to parliament for ratification 2001	Enhance SA's ability to ensure management within EEZ aren't prejudiced by fishing in adjacent high seas.

