Green Trade Barriers under the Developing Country Perspective

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The acceleration of the globalization process has led to an increase in international attention being paid to the role of green trade barriers in international trade, particularly from developing countries. Green trade barriers have a dual role: on the one hand, they can facilitate sustainable economic growth in developing countries; on the other hand, they impose restrictions on the trade and exports of developing countries. When considered together, the negative impacts of green trade barriers on developing countries outweigh their positive impacts. The extensive, hidden, unequal, and controversial nature of green trade barriers makes developing countries highly passive in national trade. To realize the benign development of international trade, according to the development trend and characteristic impacts of green trade barriers, we put forward measures for developing countries to deal with foreign green barriers. To mitigate the adverse effects of green trade barriers on developing countries, these countries need to formulate environmental and technical standards in alignment with international standards, implement rigorous domestic environmental protection industrial policies, leverage the full potential of WTO rules, foster enhanced regional and international collaboration, reinforce environmental protection legislation, and establish robust early warning mechanisms. By taking these measures, developing countries can effectively mitigate the negative impacts of green trade barriers and facilitate their economic growth.

Keywords: Green trade barriers, Developing countries, Measures, International Trade, Environmental protection, cooperation

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Introduction

In today's global community, there is a heightened awareness of environmental preservation, which has led to the emergence of green trade barriers in the realm of international trade. Green trade barriers are trade measures taken by a country, directly or indirectly, to protect its ecological environment and the well-being and health of its people. Such measures may include restrictive or prohibitive actions taken to ensure environmental protection and sustainability in international trade. The initial purpose of green trade barriers is to protect a country's environment and human health. Still, because the standards set by developed countries are generally higher than those of developing countries, it has gradually evolved into a means of trade protection. It has shown a new development trend in developing countries. For developing countries, green trade barriers have greatly affected the development of their international trade activities. Consequently, the necessity for the implementation of new measures to safeguard domestic industries of commodity importers has become apparent. (Mcneill, 2020: 43)

Characteristics of green trade barriers

First, green trade barriers are broad in scope. Green trade barriers mostly cover areas such as the environment and resources and involve related products. From the perspective of product scope, the shadow of green trade barriers can be seen in both industrial and agricultural products, involving not only the primary products of industrial and agricultural products but also their intermediate finished products and final industrial manufactured products. At present, agricultural products, food, and pharmaceuticals are most affected by green trade barriers. From the perspective of the whole life cycle of products, the research, development, production, processing, storage, transportation, sales, consumption, and other relevant links of the industrial chain may be restricted by a country's technical standards, inspection, and quarantine regulations. Due to the wide scope of green trade barriers, it is easier to affect developing countries compared to traditional trade barriers.

Second, green trade barriers are hidden. The original purpose of green trade is to protect the ecological environment and maintain human health. In recent years, green trade barriers have used the name of environmental protection for trade protection and sanctions. Green trade barriers are often hidden in the technical standards and regulations formulated by countries, and their main purpose is to realize the environmental protection purposes of countries, which objectively impede trade provides rationality. Each country develops its technical standards according to its realities, with little regard for the economic, scientific, and technological development of other countries. Therefore, developing countries for the importing country's green trade barriers measures are difficult to foresee and respond.

Third, green trade barriers are uneven. Developed countries have advanced science and technology and to a large extent control the power of international organizations such as the International Organization for Standardization (ISO), based on which they can incorporate their own technical regulations and testing techniques into international standards to provide legitimate reasons for the implementation of green trade barriers. However, most of the developing countries in the international "voice" are far less than the developed countries, and do not have strong scientific and technological strength and a strong economic base, they find it difficult to achieve the environmental standards set by developed countries, the export trade has been greatly affected.

Fourth, green trade barriers are a source of contention (Shi & Yilei, 2023: 109). Green trade barriers encompass a wide range of industries and product areas, including energy, agricultural products, and manufacturing. Countries may set different standards and requirements according to their own national conditions and environmental policies, which has led to substantial differences in judgment standards among different countries. The current state of international law on green trade barriers is imperfect, with ongoing issues and disputes. The WTO dispute settlement body has seen a notable increase in cases involving green trade barriers, particularly those related to the GATT 1994, the Agreement on Technical Barriers to Trade (TBT Agreement), and the Agreement on Sanitary and Phytosanitary Measures (SPS Agreement). This is due to differences in the balance between the environment and the economy and the pursuit of national interests among countries. Some countries may adopt more stringent standards to promote the development of their green industries, while others set relatively loose standards from the perspective of economic development. Each country tends to look at its own economic and political interests, and it is difficult to reach a consensus on the green trade barriers set by other countries, as they have mixed evaluations.

The development trend of green trade barriers in developing countries

A. Expanding the scope of green trade barriers

The mandatory nature of environmental protection standards is constantly rising. Developed countries initially established environmental technology standards in order to provide enterprises with guidelines for production methods and processes, and these national standards have gradually permeated international standards and have been established by law, turning them into means of trade protection. Certification standards such as ISO14000 and ISO9000 have gradually evolved from voluntary compliance to mandatory compliance. The U.S. stipulates that enterprises exporting aquatic products to the U.S. should follow the HACCP standards. These standards should be used by the producers to decide whether to use and use which one, but now it has become a mandatory threshold for export trade. The scope of the mandatory expanded.

"Carbon tariffs" will become a new form of green trade barriers (Dong et al., 2023: 1). "Carbon tariffs" refers to the Carbon Border Adjustment Mechanism (CBAM), a tax levied by countries that strictly limit carbon emissions on imports from countries with lax carbon emissions. Developing countries are involved in high CBAM commodity exports, including industries such as cement, steel, and fertilizer. Due to the different emission reduction targets and development levels of countries, it is unreasonable and difficult to realize the requirement that the carbon price of developing countries should be at the same level as that of developed countries. This is a new green trade barrier in the name of climate governance, the EU is expected to start levying "carbon tariffs" in 2026, and the U.S. is expected to complete the legislation of the Clean Competition Act (CCA) in 2023. At present, the implementation of international "carbon tariffs" has become a development trend.

B. Green trade barriers in developing countries are gradually improving

As a result of economic development and technological progress, the green trade barriers of developing countries will become more and more perfect, and the gap between them and developed countries will be gradually narrowed (Liu & Chen, 2011: 2). From the perspective of horizontal development, developing countries are trying to improve their green trade barriers to bring them in line with developed countries or international standards. This is because, with economic development and technological progress, developing countries realize the importance of environmental protection and sustainable development and also face the requirements of international environmental standards and trade rules. As a result, they may take measures to strengthen environmental regulations, promote green technological innovation, and improve product standards and certification to ensure the competitiveness of their products in green trade. In terms of vertical adjustment, the gap between green trade barriers in developing countries and those in developed countries is also gradually narrowing. Developing countries will adjust and optimize their green trade barriers according to their stages and periods of development. In the beginning, developing countries may draw on and adopt the green trade barrier standards and certification systems of developed countries. With the passage of time and accumulation of experience, developing countries may make improvements and innovations according to their situations and develop green trade barriers that are suitable for their development.

C. Focus on Seeking WTO Dispute Settlement Mechanism and International Assistance

According to the data on the official website of WTO, in 2000 and before, the number of cases brought by developed countries using the WTO dispute settlement mechanism was much higher than that of developing countries, and the number of cases brought by developing countries and developed countries tended to be the same after 2002, which shows that the awareness of developing countries in utilizing the WTO dispute settlement mechanism has been improved.[1] Their participation has been increased, and the authority of the WTO dispute settlement mechanism is being enhanced. In addition, some developing countries are willing to seek assistance from international organizations, most typically the World Bank's project assistance to developing countries. By applying the above two ways, developing countries have effectively solved the disputes with developed countries or minimized the adverse impacts brought by developed countries, and become examples for other developing countries, so that more developing countries are willing to follow this move and actively solve the relevant disputes.

D. Gradual increase in the mandatory nature of environmental protection and production certification.

In international trade, countries have established technical standards for enterprises, which are mostly voluntary and exemplary guidelines. These standards are designed to guide and incentivize enterprises to improve product quality and environmental protection. Nevertheless, in recent years, some countries have enacted legislation to legally enforce these standards, requiring imported products to meet specific certification standards. This has resulted in a loss of the original voluntary and flexibility, transforming these standards into mandatory measures. Consequently, they have evolved into a means of trade protection. For instance, the U.S. Food and Drug Administration (FDA) enacted the U.S. Food Safety Modernization Act

[1] See https://www.wto.org/

(FSMA) in 2011, which aimed to reinforce the regulation of the food supply chain and food safety controls. The act necessitated that food companies develop and implement food safety programs that included the application of risk assessment and critical control points (HACCP). Following the provisions of the FSMA, fish producers exporting their products to the United States are required to establish and operate HACCP programs. These programs are designed to ensure that the products in question meet the standards of food safety established by the U.S. government.

In addition to this, there is the REACH regulation, which was developed by the European Union. This regulation requires companies to register chemical substances that they produce or import. Furthermore, it requires them to provide information related to the safe use of these substances. The objective of this regulation is to ensure the safe use of chemical substances and to reduce potential risks to human health and the environment. The preceding examples have transformed the original spontaneous regulatory control behavior of manufacturers into mandatory official requirements for enterprises. Furthermore, the scope of legal compulsion has been significantly expanded.

E. Increasing importance of environmental standards in product manufacturing

The current acceleration in the development of standardization is of great importance in the context of globalization (Kaplinsky, 2010: 2; Blind et al., 2011: 18). The growing significance of environmental standards in product production is evident in the WTO provisions on the relationship between the environment and trade, as well as in the traditional concepts of various countries. Product environmental requirements are primarily focused on the use and consumption process of products, such as energy efficiency, waste management, and recycling. However, with the emergence of environmental problems in the context of globalization, it is becoming increasingly evident that the production and processing of products represents a significant source of environmental pollution (Jessen & Wendel, 1997: 307). Consequently, it has become imperative to incorporate the establishment and enforcement of environmental standards for production within the framework of international agreements and the trade policies of developed countries. Environmental standards are typically classified into two categories: product quality standards and product production standards. Production environmental standards regulate the processes and production methods of products by specifying permissible technologies and standardized norms. They can cover a range of areas, including energy consumption, emissions control, waste management, water use, and chemical use. Compliance with these standards allows companies to mitigate the negative impact on the environment, reduce energy consumption and waste generation, and facilitate sustainable development. A multitude of countries and regions have established specific requirements pertaining to hygiene standards and food safety during the processing and production of food. Exporters must comply with the food safety standards of importing countries to ensure the quality and safety of their products. Such requirements may include those pertaining to the hygienic control of production facilities, the selection and handling of food raw materials, and the establishment of quality control systems.

Impact of green trade barriers on developing countries' international trade

A. Positive impacts

First, green trade barriers can promote scientific and technological innovation and product upgrading. In today's society, environmental protection has become an international consensus and has received more attention and concern, and developing countries have begun to focus on scientific and technological innovation and product upgrading (Wei, 2019: 194). Green trade barriers are essentially barriers between science and technology, that is, the game between advanced science and technology and backward science and technology. Developing countries need to strengthen the research and development of key core technologies, and constantly combine scientific and technological innovation with the transformation of results, focusing on low-consumption and low-pollution products.

Second, green trade barriers can promote the improvement of environmental protection technology regulations. Green trade barriers to environmental protection requirements and standards for developing countries to show the way forward and promote the establishment of developing countries in the international standards, technical regulations, and standards system. The International Organization for Standardization has promulgated ISO14000 environmental management standards, aiming to improve the environmental awareness of the whole industry through integrated and full-cycle environmental management standards. The implementation of environmental management standards is not only necessary for the development of enterprises but also a guarantee for a smooth transition to the international market. Developing countries should accelerate convergence with ISO14000, actively converge with international standards, focus on international cooperation, and vigorously promote green products in the international market.

Third, green trade barriers can accelerate the development of green industries (Wang & Liu, 2007: 240). With the popularization of environmental awareness, people's consumption concepts have begun to undergo a series of changes. They are pursuing healthier and greener consumption. If developing countries want to expand international trade and exports in this development trend, they will focus on realizing the transformation and upgrading of traditional industries, optimizing the structure of export products, vigorously carrying out "cleaner production," and developing green products. The green industry not only includes environmental protection products but also widely penetrates the primary industry. Secondary, tertiary, and emerging industries. Germany had established the world's first "green bank" in the 1980s, specializing in loans for green projects. Survey results from the United Nations and related organizations show that in the future, international investment in "green projects" and loan banks will grow rapidly. The development of the world's environmental industry provides opportunities for developing countries to learn from successful experiences to develop their green industries.

Fourth, the establishment of green trade barriers can facilitate the transfer of technology and the promotion of international collaboration. Green trade barriers can facilitate technology transfer and collaboration between developing and developed countries. In response to the imperative of environmental protection, developing countries may expedite the process of technological advancement and enhancement through the incorporation of sophisticated environmental protection technology and equipment, thereby enhancing their capacity to govern the environment. Concurrently, developing countries may collaborate with international partners on research and development projects, disseminate scientific and technological achievements, and facilitate technological innovation and intellectual property protection (Mahajan et al., 2023: 8).

B. Negative impacts

First, green trade barriers will weaken the competitiveness of developing countries' products in the international market. The export advantages of developing countries' products are mostly low prices, but under the influence of green trade barriers, developing countries' products with a low level of environmental protection must increase their product costs if they want to meet the access standards of developed countries. To obtain the environmental label of developed countries, developing countries need to purchase advanced production equipment and adopt advanced production technology. To pass the cumbersome certification and inspection procedures of developed countries, developing countries must pay high certification application fees and other costs (Wei, 2017: 1441-1442). These measures will cause the production and operation costs of enterprises to rise sharply, adding to the burden of enterprises. Due to the need for enterprises to make profits, they will have to add these costs to product prices, which will greatly reduce the international competitiveness of developing countries' products.

Second, green trade barriers utilize resource diversion and environmental dumping to constrain the sustainable development of developing countries' economies. As developed countries have stricter environmental standards for enterprise production, some investors from developed countries will choose to set up industries in developing countries with lower environmental standards to avoid the restrictions of their environmental standards and obtain more economic benefits. However, most of the industries invested abroad are highly polluting industries restricted by developed countries, exacerbating the environmental pressure and resource consumption in developing countries and limiting the sustainable development of their economies. Green trade barriers create a wall that excludes highly polluting products from developing countries, while at the same time exploiting the loophole of transferring highly polluting industries to developing countries.

Third, the imposition of trade barriers on green products can give rise to disputes in international trade. The differing definitions and standards for environmentally friendly products, as well as the varying perceptions and positions on environmental impact, emission limits, sustainability requirements, and other related matters, can result in disputes. "Too many different standards can cause difficulties for exporters and importers in trade between countries. The application of changing standards can be used as an excuse for trade protection purposes in a country" (Susanto, 2022: 621). Developed countries utilize environmental standards as a means of trade protectionism, establishing more rigorous environmental requirements to restrict the import of specific countries or products. Such discriminatory trade barriers have led to dissatisfaction among the governments and enterprises of exporting countries and have been denounced as "trade protection," which has triggered a significant number of trade disputes.

Measures to address green trade barriers in developing countries

A. Establishment of environmental technology standards in line with international standards

Green trade barriers are in fact barriers to the level of science and technology between countries. The standards and technologies produced by developing countries lag behind those of developed countries and are not in line with international standards. Therefore, developing countries should raise the overall level of environmental technology standards, adjust those that are not in line with WTO rules, and establish their own system of environmental regulations and standards as soon as possible. Actively utilize international standards and transform them into domestic technical standards to narrow the gap with developed countries (Swann, 2010: 5). When adopting international standards and transforming them into domestic standards, developing countries should pay attention to making some adjustments and modifications in the light of their specific national conditions, so that the differences between domestic standards and international standards can be controlled within a certain range as far as possible, and at the same time satisfy their own needs for environmental protection and stages of development.

B. Strictly formulate domestic environmental protection industrial policies

The state should promote clean production by domestic enterprises and strictly prohibit enterprises from pursuing their interests at the expense of the environment. The government should actively guide enterprises to engage in green production to realize a win-win situation for both environmental protection and economic development. The government can encourage enterprises to adopt cleaner production technology and environmental protection equipment through economic incentives or by providing technical support. This will enable domestic enterprises to reduce pollutant emissions, improve resource utilization efficiency, and reduce environmental risks. The government should strengthen monitoring and law enforcement to ensure that enterprises strictly comply with environmental regulations and standards. For enterprises that carry out cleaner production, the government should provide certain financial incentives and technical support. For highly polluting enterprises, the government imposes appropriate penalties. At the same time, countries adhere to the principle of “who pollutes who governs”, i.e. strict emission standards and monitoring systems are established, and polluters bear the corresponding responsibilities and costs of environmental governance, to strictly limit the polluting emissions of enterprises. This can also resist the transfer of some heavily polluting enterprises from developed countries to developing countries, for which developing countries should strictly control and impose corresponding taxes.

C. Fully utilize WTO rules

Developing countries should pay attention to the role of the WTO organization and study the WTO legal system in depth, especially the agreements and protocols involving green trade barriers, such as GATT 1994, the Agreement on Sanitary and Phytosanitary Measures (SPS), and the Agreement on Technical Barriers to Trade (TBT) and other documents. Make good use of the WTO’s basic principles, such as the most-favored-nation principle and the national treatment principle, and try to eliminate unequal and discriminatory treatment among countries. Countries should study the classic cases of green trade barriers in the international arena, understand the strategies and experiences of other countries in solving similar problems, master the prosecution process and skills of the WTO dispute settlement mechanism, and grasp the tendencies and attitudes of the WTO in the face of disputes. The WTO dispute settlement mechanism, though criticized, is still an important means for developing countries to safeguard their national interests.

D. Strengthening regional and international cooperation

Firstly, developing countries should enhance regional collaboration with neighboring countries, capitalizing on their economic, cultural and geographical advantages (Zhu et al., 2008: 70). Developing countries can enhance their trade relations with neighboring countries by entering into bilateral or multilateral trade agreements, establishing free trade zones, and utilizing their geographical advantages to construct border economic cooperation zones with neighboring countries. They can also collaborate in cross-border initiatives to mitigate the adverse impact of green trade barriers on developing countries and to advance trade liberalization and facilitation. As an illustrative case, China can serve as a model for the sustainable development of the APEC Forum, the Pacific Rim Free Trade Area, and the Northeast Asia Free Trade Area. It can leverage its economic and political influence to advance cooperation with relevant countries on the issue of green trade barriers.

Secondly, developing countries should strengthen international cooperation, including cooperation among developing countries and cooperation between developing and developed countries (Zhu et al., 2008: 70). A cooperation alliance can be formed among developing countries to address the issue of green trade barriers. Members of the alliance can jointly study and analyze the trends and impacts of green trade barriers, and work together to formulate solutions. Reduce dependence on developed countries by promoting South-South trade and investment. By establishing closer economic and trade relations, developing countries can better cope with green trade barriers and work together to develop markets and generate economic growth.

In cooperation with developed countries, developing countries may propose the establishment of international dialogue platforms, such as high-level conferences, forums, and seminars, to provide opportunities for all parties to share their experiences, views, and concerns, to promote exchanges and cooperation between developing and developed countries. Developing countries should take the initiative to participate in the formulation of various policies related to environmental trade barriers, actively participate in international negotiations and dialogues, put forward their demands and proposals, and promote the establishment of reasonable environmental standards and certification mechanisms. By participating in international negotiations, developing countries can seek more voice and decision-making power, improve international influence, and promote the rationalization and standardization of green trade barriers. In addition, developing countries should actively participate in international standard-setting organizations and mechanisms, such as the International Organization for Standardization (ISO), as well as in international organizations and initiatives related to green trade barriers. By participating in the standard-setting process, developing countries can seek to communicate and reach a consensus with developed countries on the formulation and implementation of green trade barriers. At the same time, developing countries can advocate for open, inclusive, and fair international standards that avoid discriminatory green trade barriers and ensure that the interests of developing countries are fully taken into account.

E. Developing countries to improve environmental protection legislation

At present, developing countries in the laws and regulations related to environmental protection are still deficient, it is difficult to solve the real product quality problems and environmental protection problems, therefore, developing countries should speed up the environmental protection legislation, improve the environmental protection awareness of enterprises, and jointly address the problem of green trade barriers. First of all, developing countries should pay attention to the construction of environmental protection legal system. Developing countries should learn from the experience of developed countries in environmental protection legislation, and establish a sound environmental protection legal system in combination with their actual national conditions and level of economic development. Second, developing countries should focus on providing legal and policy support, formulating green trade policies and standards, encouraging enterprises to invest in environmentally friendly technologies and equipment, improving the environmental performance of the production process, and promoting cleaner production by domestic enterprises.

F. Establishment of an Early Warning Mechanism on Green Trade Barriers by Developing Countries

Developing countries can establish an early warning mechanism to deal with green trade barriers and reduce the impact and restrictions of green trade barriers on national foreign trade activities. Due to the serious information asymmetry between developing countries and developed countries and the wide range of green trade barriers, many export enterprises in developing countries find it difficult to grasp the dynamics and information of export markets in a timely and comprehensive manner, which increases the risk of exporting products. First of all, developing countries should establish a green trade barrier detection and evaluation mechanism to comprehensively and accurately collect relevant information, track, study, analyze, and evaluate the existence of green trade barriers in international trade, to provide a reference basis for enterprises to formulate production and management strategies. Second, developing countries should establish an information exchange platform and an early warning mechanism. Establish a green trade barriers database, establish a green trade barriers information sharing platform, with specialized personnel in charge of collecting, classifying, and preserving information related to green trade barriers, and regularly updating and perfecting it, such as changes in international trade policies, technical standard requirements, certification and inspection procedures, etc., and timely release information and early warnings related to green trade barriers to enterprises, industry and government, and at the same time ensure that enterprises can independently access the database to collect relevant information, and help all parties concerned to improve their production and operation strategies. At the same time, it ensures that enterprises can access the database on their own to collect relevant information, which helps all parties to make timely responses. Again, developing countries in the information sharing platform and enterprise communication and coordination mechanism, timely identification of enterprises that may have green trade barriers and their early warning. Specialized technical personnel will provide consulting and training services to enterprises so that their employees can understand international trade rules and standards, receive technical support and share knowledge, enhance their ability to deal with green trade barriers, and avoid the business risks faced by enterprises under green trade barriers.

Conclusions

Green trade barriers have brought double impacts on developing countries. While recognizing and utilizing the positive impacts of green trade barriers, developing countries should also face up to the negative impacts, analyze the causes of the negative impacts in depth, and formulate corresponding measures to reduce the negative impacts in the light of the development trend of green trade barriers. Developing countries still need to conduct a comprehensive analysis and research on green trade barriers, grasp international information on green trade barriers in a timely manner, and continuously seek new countermeasures in order to maintain the orderly conduct of their foreign trade.

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