

FREE TRADE AND NATIONAL ENVIRONMENTAL POLICY: LESSONS FROM THE TUNA/DOLPHIN CONFLICT

ABSTRACT

The US ban of Mexican tuna clearly illuminates the potential conflicts between free trade and national environmental laws. Despite two GATT dispute panels invalidating the American ban on tuna caught in association with dolphin mortality, the import bans remain in place and have provided the impetus for advances in foreign tuna fishing fleets' practices. Today, dolphin mortality associated with the tuna fishery has been reduced by over 90%. Despite the ban's effectiveness, less trade-restrictive measures such as labeling could have achieved the same result with less international conflict. Current legislation in Congress may resolve this particular issue but the effectiveness of American trade bans will ensure their attractiveness as a policy tool in influencing other countries' environmental behavior.