

GAINS FROM TRADE? HOW WTO LAW COULD AFFECT MEMBERS' EFFORTS TO FIGHT OBESITY BY ENCOURAGING PHYSICAL ACTIVITY

Krista Nadakavukaren Schefer^{*}

ABSTRACT

With the occurrence of overweight and obesity strongly linked to the onset of three of the four most common causes of death and morbidity (cardiovascular disease, diabetes, and cancer), the financial impacts of individuals' excess weight on public health systems is translating into societal pressure for governmental attention. This attention has been forthcoming over the last several years, but its tangible results are still meagre.

Domestic policy actions have been taken hesitantly, mainly focusing on information campaigns and public calls of support for healthy lifestyles — eating less energy-dense foods and increasing physical activity. Until recently, the international aspects of the obesity phenomenon were nearly absent from legal discussions, probably because the international legal contributors to the global spread of obesity were less visible than those within a state: the rules of international trade and those of investment protection. These systems (their laws as well as their normative backgrounds), implicated through their connection to the supply of foodstuffs, have, however, begun to be analyzed and ideas are being formed with the

^{*} Professor of International Law at the University of Basel. Teaching currently in the areas of WTO law and international investment law, Professor Nadakavukaren Schefer is also leading a research project on positive duties of states and non-state actors in the international legal system. JD (Georgetown University Law Center); PhD (University of Bern); PD (University of Bern).

aim of reforming the systems to ensure governments the policy space necessary to effectively address health concerns.

What is still lacking, however, is a comprehensive view of the global weight crisis. While poor nutrition is the most obvious element of the increase in global obesity levels, inadequate physical activity is an aspect that cannot be ignored. What, if anything, do the international rules on trade have to do with exercise and fitness? What, if anything, should they have to say?

This paper is a thought experiment. Given that the laws of the World Trade Organization (WTO) in relation to the nutritional aspect of obesity have been analyzed by others before me, I set out to determine whether more research attention is needed to assess what WTO rules are relevant to the need for increased physical activity levels and where governments will need to be cautious in their weight-reduction policies that aim to enhance these levels on a population-wide basis.

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