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ASEAN: the Haze, Economics and the Environment

By Simon S.C. Tay

The Association of Southeast Asian Nations (ASEAN) currently faces two crises. The first is the sharp downturn in their once booming economies. The second is ecological: the recurring outbreak of fires over vast tracts of lands and forests in Indonesia, bringing smoke haze pollution to many parts of the region. Both crises have implications for the region, and raise questions over the ability of the regional organisation, ASEAN, to respond effectively. There are also wider implications for the international economy and environment, and how we think of sustainable development.

Before its present problems, ASEAN enjoyed a reputation as one of the most credible regional or sub-regional organisations outside of the European Community. This reputation was due to both political and economic factors. In the 1980s, ASEAN sustained international attention to the Cambodian situation. Into the 1990s, the economies of ASEAN member states grew at rates that led to many citing them as evidence of the East Asian 'miracle'. Singapore led the region as one of the newly industrialised economies, and the ASEAN-4 of Malaysia, Thailand, Indonesia and the Philippines followed in emphasising export-led industrialisation. During this period, ASEAN expanded to include oil-rich Brunei, Vietnam and, during its 30th anniversary in 1996, Myanmar and Laos. Only the admission of Cambodia was postponed, pending elections to resolve the leadership dispute between rival factions.

The present crises raise sudden and severe questions about both the organisational strength of ASEAN, and the degree to which the development of its members has truly been sustainable, in economic and environmental terms. The economic problem has caused international concern, drawing in the International Monetary Fund and the involvement of G-7 countries, such as the US. The environmental problems of the haze pollution have been less well understood and require greater attention.

The Environmental Problem

Widespread forest fires in Indonesia have been an on-going problem for some years. The scale of these fires has however reached much greater proportions in recent years, especially in 1991, 1994 and 1997.

In 1997, it is estimated that between 800,000 and 1.7 million hectares of forests and bush in the Indonesian islands of Sumatra and Kalimantan were burnt. The smoke and particulate

pollution from the fires affected not just Indonesia, but many countries in the region, especially Malaysia and Singapore.

The Pollution Standard Index (PSI) in the worst-hit areas was often over the 300 PSI mark, graded as hazardous for health, and sometimes touched 650 PSI. In Indonesia alone, environmental NGOs report that some 29 people died of haze-related ailments and respiratory problems. In the Indonesian island of Irian Jaya, some 500 people were estimated to have died from famine associated with the fires and drought caused by the El Niño weather phenomenon. Rice-planting in East Java was delayed, with the possibility of severe food shortages.

Animals and eco-systems have also suffered. Although the ecological impact has yet to be fully measured, scientists already indicate that rare bird species and animals such as the endangered Sumatran tiger and orang utan have been badly affected. Fires have ravaged the biodiversity-rich Kuti National Park in Kalimantan.

The haze pollution has also exacted high economic costs, especially on air traffic and tourism in the region. Even a preliminary study by the Economics and Environment Program of South East Asia and the Worldwide Fund for Nature estimates that, in total, regional economies suffered losses of well over US\$1.4 billion.

Since February 1998, reports have emerged of fresh fire outbreaks, with more than 90 'hot spots' identified by satellite imaging. The damage is not just local and regional, but global. Estimates are that over the next six months, fires in Indonesia could add one billion tonnes of CO₂ gases to global warming, surpassing emissions from all of Western Europe.

Economic Causes

Some have suggested that the main causes of the fires are land clearing by small-scale indigenous farmers, using traditional slash-and-burn methods of farming. Indonesian officials have also claimed that the El Niño weather phenomenon is to blame. Reports however indicate that some 80% of the forest fires in 1997 are attributable to land clearing by large plantation owners. Satellite images have pinpointed land clearing by fire on oil palm plantations and on timber concessions, after the valuable timber has been extracted.

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The MAI Is Dead, Long Live the MAI!

By Pradeep Mehta

In the summer of 1995, the rich countries club, the Organisation for Economic Cooperation and Development (OECD), began writing a new and unprecedented charter for business' rights: the Multilateral Agreement on Investment (MAI). They had hoped to complete it in the summer of 1997, now postponed to 1998, but even that is doubtful. For two main reasons: first, the intransigence of the main demandeur, the US. Second, a huge storm has been raised by the social movement, nationally and globally.

Notwithstanding the loss of fast track authority in the fall of 1997, the US has lost appetite for the MAI for seemingly inexplicable reasons. When launched in 1995, the US wanted the OECD to complete the negotiations within two years, i.e. by 1997. The international treaty – open to non-OECD members as well – is designed to give unfettered rights to business to roam anywhere without let or hindrance.

Several non-members are being pushed to accede to the MAI when it is ready. The target is mainly advanced developing countries, such as India, Indonesia, China, Egypt et al. Whether they will succumb is yet to be seen. However, many of the big Latin American countries including Chile, Argentina and Brazil have already agreed to join, and thus have ring-side seats in the negotiating room. Further, the grapevine speaks that many smaller developing countries will also be ready to sign on the dotted line; the carrot being foreign direct investment (FDI). One wonders whether FDI will go to such countries at all, as they offer small markets and often unfriendly political systems.

Be that as it may, the three major clauses of the proposed MAI are: the right to establishment with national treatment; the right to repatriation; and the right to dispute settlement at international fora. Most of the text is being devised afresh with inputs from the existing OECD code on movement of capital, the Energy Charter and the NAFTA agreement.

Negotiations Hit Sand Banks

The main text of the MAI defining investors, investment and the dispute settlement process was mostly done. Closer to D-Day, the negotiations hit a sand bank, when the OECD members piled up 600 pages of reservations. Each of the agreed sections was full of reservations. Half of these were from the US. Some of them rebelled against the main spirit of the MAI.

For example, the US would continue to maintain favoured treatment for US corporations in the area of subsidies and grants including government-supported loans, guarantees, insurance or government procurement programmes. Foreign businesses would not be able to demand them as a right.

The list of reservations is indeed very hostile to the spirit in which the MAI has been negotiated until now. Australia too has reserved subsidies and grants, as well as the right to maintain and adopt any performance requirement in any sector, when a minimal approach was struck under the negotiated text. It also reserved its takeover and acquisitions law from being challenged under the dispute settlement mechanism.

Some of the reservations are downright funny. For instance, Austria has reserved the profession of chimney sweepers from the MAI, apparently fearing an invasion of foreign companies fighting to provide contractual chimney sweeping services, when most heating systems have been (or are being) modernised in a way that eliminates the need for chimneys.

Austria has reserved its right to maintain any law for consumer protection, even when such laws could be considered as leading to 'expropriation'. In this context an interesting case has come up between Canada and the US under the NAFTA agreement: Ethyl Corporation of the US has lodged a claim of US\$350 million against the Canadian government for enacting a ban on the use of the additive MMT in petrol as an environmental protection measure. As a result of this ban, Ethyl had to close down its plant in Canada. The closure was stretched to be covered under 'expropriation'.

The reservations usually include air and maritime transport, real estate and such. Most countries have sought exemptions to be able to deny national treatment to foreigners, as these are sensitive areas where they can exercise control over domestic entrepreneurs.

One of the main protagonists, Frans Engering, chairman of the MAI negotiating group, at a meeting in The Hague in November 1997, said: 'It is not yet sure that the MAI will be signed next year. The growing pile of reservations are so fundamental to the goals of MAI that they could well undermine the 'success' and hence the effectiveness of this agreement.'

The three major clauses of the proposed MAI are: the right to establishment with national treatment, the right to repatriation and the right to settle disputes at international fora.

Civil Society Defends Social and Environmental Clauses

In a meeting with non-governmental organisations in October 1997, the US delegate to the OECD noted: 'The negotiations have just begun'. This was the third in a series of NGO briefings organised by the OECD, when usually NGOs are kept at an arms-length by such august treaty-making bodies.

The transparency was catalysed after Consumers International and CUTS organised a seminar at Geneva in October 1996. It was the first such NGO event on the little-known issue of MAI where two OECD negotiators and one staff participated. Feeling the heat, the OECD decided to continue consultations with NGOs, particularly on environment, consumer and development issues.

Some of the other noises made by NGOs included a volley in several OECD countries. The thrust was on the question of sovereignty, as the MAI would reduce the law-making powers of parliaments in several areas which impact on investments. To begin with, in mid-1996 NGOs articulated sticky questions in the Swiss and the Dutch parliaments. In the US, they published howling briefings and kicked up a huge storm. Even the Western Governors' Association was roped in to denounce the MAI.

In Canada, one province – British Columbia – is openly opposed to the MAI. Federal countries such as Canada, the US and Australia have further problems of binding their sub-national entities to such an international commitment. In November 1997, several NGOs

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Stricter Domestic Measures: A Future Flashpoint Between CITES and the WTO?

By Jon Hutton and Langford Chitsike

The Convention on International Trade in Endangered Species (CITES) directly impacts on international trade – that is its whole purpose. The preamble to the articles of the Convention states that ‘international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade’. Furthermore, the way to achieve this protection is through trade restriction, including total prohibition of trade the purpose of which is ‘primarily commercial’.

Not surprisingly, perhaps, given the value of trade in wild species, we appear to be witnessing the commencement of serious debate about the ‘GATT-compatibility’ of CITES. In the run-up to the tenth meeting of the Conference of the Parties (COP 10) in Harare last year there were dark mutterings about the way that ‘split-listing’ – which might allow some countries to trade in ‘threatened’ or ‘endangered’ species while prohibiting others from doing so – would be directly contrary to the principle of the WTO and the articles of the GATT. In the event, nothing much was heard to that effect at the COP itself, possibly because the majority of Parties realised that this newly-recognised problem was targeted at the controversial and emotional elephant discussions and failed to take into account that a large portion of the current operations of the Convention is already based on split listings! In our opinion, it is highly unlikely that we will see a CITES-related WTO dispute in this area (though not impossible, given the continuing high emotions over the decision to downlist three populations of the African elephant as part of a process which might lead to trade in ivory with just one consumer country).

It is notable that none of the Parties which have been affected by trade bans appear to have seriously considered the WTO as a route of appeal. At the moment there seems to be a general acceptance that as multilateral environmental treaty, there is no question of CITES conflicting with GATT Art. XI. In the context of our region, even though the 1989 listing of the African elephant on Appendix I was irksome to many southern African states, and even though they entered ‘reservations’ which gave them the option to continue trade, they did not do so. They adhered to the spirit of the Convention, and the majority decision, and worked through the Convention to overturn that decision.

However, we do believe that a dispute between CITES and WTO is possible, even likely.

Disputes Likely Over Stricter Domestic Measures

First of all, CITES does not really have an effective dispute mechanism which can be used before any appeal is made in terms of the GATT. There is a dispute mechanism laid out in terms of Article XVIII, but it only refers to disputes which may arise between two or more Parties with respect to their differing interpretation or application of the provisions of the Convention. Although far from experts, we interpret the wording of the Article as excluding the

possibility of any appeal by a Party or Parties against a listing decision at a Conference of the Parties (an interpretation we would be happy to see challenged).

Then we have the rather complex matter of ‘stricter domestic measures’ (SDMs). Article XIV of CITES allows a Party to invoke SDMs, the most usual form of which is a trade restriction which goes beyond any agreement reached at the Conference of the Parties. By way of an example, we refer to the Endangered Species Act (ESA) of the United States which institutionalises SDMs in that country. Under the ESA, the US commonly restricts the importation of wildlife species, their parts and derivatives, even where this is allowed in terms of CITES decisions and listings on the Appendices.

If the CITES ‘significant-trade process’ were effectively managed and implemented, unilateral ‘stricter domestic measures’ would be harder to justify. We need to know what conservation gains (if any) have been achieved by stricter domestic measures, what have been the costs, and to whom? What can be done to decrease the frequency and improve the quality of these measures? Hopefully, someone will rise to this challenge before COP 11 in 1999.

The Nile crocodile population of Zimbabwe was transferred to CITES Appendix II in 1983 in recognition of a conservation programme of sustainable use that was leading to real conservation gains for the species, but despite the best efforts of the Zimbabwe Government, producer associations and conservation groups such as the IUCN/SSC Crocodile Specialist Group, it took an additional 13 years for the US Government to allow commercial shipments made from Zimbabwe’s crocodile leather to enter its markets. It may be relevant that US action on this issue followed shortly after producers requested that the Zimbabwe Government refer the matter to the WTO/GATT dispute settlement mechanism.

This case had several unique features which made it an ideal candidate for action under WTO/GATT. The US has its own product, alligator leather, which was in commercial competition with Zimbabwe’s crocodile leather. Furthermore, the US case was weakened by the fact that the move

to change the regulations under the ESA were unopposed, even by the animal rights lobby (which tends to complicate matters where the ESA is concerned). In addition, some five years before any change was forthcoming, the directorate of the US Fish and Wildlife Service had gone on record that there was no conservation basis for the continuation of the ban on Nile crocodile products.

In spite of its unique features, the Nile crocodile case is far from a unique example of an SDM which, while arbitrary and restrictive to trade, is allowed in terms of CITES. We are aware of instances where it could be argued that stricter domestic measures have been applied in a process which allows consultation and appears to have given positive conservation results (such is commonly perceived to be the case within the European Union).¹ However, in our opinion, SDMs are fertile ground for action within the framework of the WTO.

Conflict Resolution: Finding the Right Venue

Is there any chance that the issue of SDMs will be addressed within CITES to diminish the potential conflict with the WTO? The Convention has established the ‘significant-trade process’ which acts very much like the EU mechanism for imposing SDMs, but on a multilateral and consultative basis. If this was to be effectively managed

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and implemented (and in our opinion, it has made considerable achievements since its introduction) then unilateral SDMs would be harder to justify.

In a review of ways to improve the effectiveness of CITES, submitted for consideration by the Parties at CITES COP 10, it was recognised that SDMs often create tension between consumer and producer countries, essentially creating a North-South split. However, the niceties of the relationship between SDMs and the significant trade process were overlooked and a rather simplistic recommendation was made that 'The Conference of the Parties should consider adoption of an additional interpretative resolution on stricter domestic measures'. Unfortunately, the authors of the study remained silent on what form such an interpretative resolution might take.

In any case, experience has shown that there is no basis to believe that a resolution can do anything to alter a situation which is entrenched in the Articles of the Convention, however troublesome or counter-productive to conservation that might be. In the event, the Parties considered the recommendations of the review and agreed to a formal decision which states that 'A survey of stricter domestic measures already adopted by the Parties shall be carried out and a report shall be submitted to the Standing Committee, which shall consider a second stage of review'.

In our opinion, what is needed is a two-pronged approach. First of all, the significant trade process is of such fundamental importance that it demands a greater investment from the Parties and the Secretariat. We would advocate a serious study of the way that SDMs have been applied, including the elements of a comparison between the US and the EU, the two principal consumers of wildlife products which routinely invoke these measures. We need to know what the conservation gains have been (if any) and what have been the costs, and to whom? Which has been most effective, the 'top-down' approach of the US, or the more consultative mechanism of the EU? What can be done to decrease the frequency and improve the quality of SDMs? Hopefully, someone will rise to this challenge before COP 11 in 1999.

In the meantime, the issue of SDMs seems set to continue raising controversy, notably within the European Union. First of all, France has drafted a ministerial decree which would continue to prohibit the entry into France of elephant hides from Zimbabwe, and leather goods and ivory carvings imported from Zimbabwe for non-commercial purposes. This SDM not only runs counter to the decisions taken at CITES COP 10, but also to the provisions of European Commission Regulation No. 2307/92 of 18th November 1997.

Finally, in October of 1997, the Parliament of the Netherlands passed an amendment to the 'Flora and Fauna Act' to ban all imports of live animals and plants (irrespective of their conservation status). Again, this runs counter to both CITES and the EU's own regulations. Should either of these cases become law, it seems likely that the EU would be obliged to bring them to the European Court of Justice, which many see as ironic given the EU's own record of SDMs!

Jon Hutton is Director of African Resources Trust (ART), a non-governmental organisation that supports the rights and aspirations of rural communities to improve the quality of their lives through the sustainable use of natural resources. Langford Chitsike is Senior Executive at ART.

¹ **Editor's note:** For the EU's CITES-related legislation, see Council Regulation 338/97 and European Commission Regulations 938/97, 939/97 and 2307/92.

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lobbied the Canadian parliamentary committee against the MAI. While they did not exactly meet with success, they found even free traders conceding that environmental concerns needed to be addressed. Parliamentarians in Canada also feel that health and social programmes need to be carved out from international corporate penetration.

Following that, several European NGOs lobbied the French parliament and demonstrated at the OECD headquarters in Paris early December. In Germany and Japan, a national campaign has been launched. In New Zealand, indigenous groups have taken up cudgels against the MAI, fearing that they will be further marginalised.

In UK, local authorities are now worried that they can be sued at an international tribunal if the MAI succeeds. More so when they find that the US provincial and local governments have succeeded in getting the US federal government to lodge a reservation in the list of exemptions being sought. The dispute settlement provisions negotiated in the MAI effectively negate the powers of local courts to try disputes between an investor and a government.

At another level, a Victoria, Canada-based global compliance project has launched an international campaign asking all OECD nations to show their ratification of several international conventions. 'Let's take the offensive and call for an OECD new year's resolution', screams the headline, 'why don't we call upon all OECD countries to get busy, sign and ratify existing UN conventions, covenants and treaties, and enact the implementing legislation.'

The question of loss of sovereignty is bothersome to all participating nations. While the process of multilateralisation of sovereignty began with the Uruguay Round of the GATT, the MAI seeks to accelerate the process even beyond the GATT. It was the all-powerful business lobbies which succeeded in getting the GATT 1994, and the accords on intellectual property rights, services, etc. It is they who pushed the OECD members to launch the MAI. But when push came to shove, even the US – the main supporter – appeared to be having bad dreams.

At another level, the WTO is also discussing the linkages of trade and investment at its Working Group on the Relationship between Trade and Investment. Its report should be ready by end 1998. As it stands, the discussions at the WTO do not have a negotiating agenda. But most issues at international economic fora have started from an innocuous agenda of examination, study, analysis, etc. and ended up in an agreement. Thus, even if the MAI is dead at the OECD now, in all likelihood it will rear its ugly head at the WTO in the near future.

Pradeep Mehta is Secretary General of the Consumer Unity and Trust Society, a Jaipur, India-based international NGO working on trade policy issues.

Editor's note: While delegates said they were 'ready to intensify their efforts to reach agreement on all outstanding issues' at the latest MAI negotiation session from 16-17 February, US officials in particular expressed reservations that the work could be accomplished in time for the OECD Ministerial meeting on 28-29 April. The Chairman's Summary issued at the end of the meeting reported progress on labour and environmental issues, stating that 'most delegations believe that the MAI should contain a strong commitment by governments not to lower environmental or labour standards in order to attract or retain investment. Delegations agree to make it clear that the MAI will not inhibit the exercise of the normal regulatory powers of government and that the exercise of such powers will not amount to expropriation.'

NGO Arrangements for the Second WTO Ministerial Conference and the 50th Anniversary Celebration**Accreditation**

Non-governmental organisations wishing to attend the WTO Ministerial Conference and the 50th Anniversary celebration should send requests for registration forms to the address below before 31 March. Only applications containing a description of the organisation's activities and how they relate to WTO matters will be considered.¹

The Secretariat expects to be able to send registration forms out to eligible NGOs by mid-April. Accredited NGO representatives will be issued badges in Geneva, authorising entrance to the plenary hall, the rooms made available for NGO meetings and social events.

Please note that due to space constraints the maximum number of participants from any one organisation is limited to four.

Facilities

An NGO Centre will be set up in Room XII of the Palais des Nations for the use of organisations accredited to attend to Ministerial Conference. Room XII can seat 288 people. Four computers equipped with Internet access and a printer will be available to NGOs in Room C-310. Both rooms are situated close to the General Assembly Hall of the United Nations where the plenary sessions of the Conference will take place. A video link will be provided between the plenary hall and the NGO Centre.

Three rooms have been reserved for NGOs wishing to hold meetings and workshops during the Ministerial Conference. Room A-206 (capacity: 46 seats) is located below the General Assembly Hall while Rooms C-3 and F-3 (both can seat 55 people) are further away. NGOs are encouraged to reserve space for their meetings as much as possible in advance as it is expected that the facilities will be in considerable demand.

The NGO Centre and the computer room are located near the Conference Press Centre. NGO access to the Press Centre and press conferences will largely depend on space available. For communications, a Cyber Café with Internet access and computer/phonelines is open to NGOs as well as conference delegates. According to the Secretariat, an effort will be made to have space available for NGO materials close to the delegates' pigeonholes.

Ministerial Meetings

The formal proceedings of the Conference (18-19 May 1998), as well as the 50th anniversary celebrations (20 May), will take place in the plenary hall. For the Ministerial, these are expected to consist of statements made by the Conference Chair (Chief of the Swiss Federal Department of Economic Affairs), the Chair of the WTO General Council, and the Director General of the WTO. No general plenary speeches are expected.

Any more substantive discussions will be held in closed sessions, starting immediately after the opening plenary. Ministers will review the implementation of the Uruguay Round (UR) Agreements and discuss the WTO's future agenda, at least until the next Ministerial Conference, likely to be held in late 1999. While it is safe to assume that the upcoming reviews and negotiations of the WTO's built-in agenda will figure among prime subjects, how far ministers will progress in setting the stage for future negotiations remains

speculative. Most developing countries would prefer to focus more on the review of implementation of UR obligations, while many developed countries are eager to start defining the parameters of the year 2000 round of trade negotiations. Governments have not yet decided whether the ministerial discussions should be included in the conference report or remain informal. Their outcome might be outlined in a chairman's report, a brief ministerial declaration or as part of the decision on arrangements for the next Ministerial Conference. According to observers, a long and detailed Ministerial Declaration, such as the one adopted in Singapore in 1996, is unlikely.

The closing plenary will probably be brief and devoted to the adoption of decisions, including the election of the Chair and Vice Chair of the next Ministerial, as well as the date and venue of that event.

The Fiftieth Anniversary celebration of the multilateral trading system on 20 May will be of a ceremonial nature and not a continuation or 'high-level segment' of the Ministerial Conference itself. Each country will decide the level of its representation and it is not yet known how many heads of state will attend. However, the Anniversary meeting will in all probability largely consist of addresses by high-level government representatives.

Contact: External Relations Division, WTO, Centre William Rappard, Rue de Lausanne 154, 1211 Geneva 21, Switzerland; tel: (41-22) 739-5848; fax: (41-22) 739-5777; e-mail: peter.pedersen@wto.org

¹ According to Article V.2 of the Marrakesh Agreement Establishing the WTO, the 'General Council may make appropriate arrangements for consultation and cooperation with non-governmental organizations concerned with matters related to those of the WTO'. The WTO's Guidelines for Arrangements on Relations with NGOs (WT/L/162) contain no specific criteria as to what constitutes an NGO 'concerned with matters related to those of the WTO'. The General Council's review of the WTO's document derestriction procedures this summer presents an opportunity to increase NGO access to WTO documents.

Council for TRIPs

The WTO's 'built-in agenda' (see page 8) includes a review of some aspects of the Trade-Related Intellectual Property Rights (TRIPs) Agreement. Leading up to these negotiations, due to start in 1999, the Council for TRIPs is currently conducting informal reviews of articles 23.4, 24.2, and 27.3(b).

Article 23.4 deals with the multilateral wines register, or appellation contrôlée. As this is still a relatively unexplored field, Members are currently in a purely 'information gathering' stage.

Related to the wines classification is the review of Article 24.2: provisions on geographical indications. These discussions cover products such as cheese and water that originate in specific geographical areas (see related story on Indian basmati rice on p. 9). According to one source, discussions are still at a 'very technical level'. The Council is in the process of developing a checklist of questions such as 'how are these products protected?', and 'who can apply for patenting for them?', with the intention of developing a questionnaire that could serve as a basis for drafting guidelines for the upcoming negotiations.

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A third area under informal review is the 'exception clause' under Article 27.3(b) that refers to the patentability of higher life forms such as plants and animals. Proceedings at this stage are of a purely technical nature; serious negotiations in this area will not begin until 1999.

While preparing the terrain for the built-in agenda reviews described above, the Council is also reviewing countries' implementation of patents, copyright, trademark and industrial design legislation. This 'review exercise' involves 30 developed country Members, and the Council has started discussions about how to bring developing countries into this process. One source voiced concern over the difficulties the Council might encounter in handling a review of the IPR legislation of approximately 100 developing countries. Advancing towards this, the Chair of the Council for TRIPs has put together ground rules for a voluntary 'advance review' of developing countries whose legislation already generally conforms with the TRIPs Agreement. Thus far, five developing countries have indicated they are willing to be reviewed.

Under the Agreement, developing countries must bring their intellectual property legislation into line with their TRIPs commitments by January 1, 2000. However, developing countries that did not have legislation protecting agricultural and pharmaceutical products in 1995 when the WTO was established have until 2005 to enact such legislation. Least-developed countries have until 2006 to bring their legislation into conformity with TRIPs.

Contact: Peter Ungphakorn, WTO Information and Media Relations Division, tel: (41-22) 739-5412; fax: 739-5458.

Informal Talks Herald Agriculture Negotiations

By the end of 1999, a new round of negotiations in agriculture is set to begin. This will be above and beyond a review of the current WTO Agreement on Agriculture: it is intended to result in further commitments in many agricultural sectors. Current action in the Committee on Agriculture is centred on the so-called 'Analysis and Information Exchange' (AIE) process. This informal review process has its roots in the 1996 Singapore Ministerial, when members agreed to define issues of mutual interest leading up to the year 2000 negotiations in agriculture. Among the questions under discussion are market access, export subsidies and administration of tariff quotas. For this last factor, members are assessing the merits and costs of a 'first-come, first-served' system as well as discussing the applicability of import licences.

Like the TRIPs discussions, the AIE is an informal process. As such, it is not about tabling negotiating positions; rather it allows Members to explore the upcoming issues without prejudice to future negotiations. At this stage, much of the information exchange revolves around tariff rate quota administration and export subsidies (both subjects are expected to be key components of the 2000 negotiation round). The US has presented a paper on state trading enterprises, and there have been papers from developing countries on special and differential treatment and on the integration of Least-Developed Countries into the agricultural trade regime.

At their next meeting on 18 March, Members will discuss domestic support provisions.

Contact: Paul Shanahan, WTO Agriculture and Commodities Division, tel: (41-22) 739-5097, fax: 739-5760.

More Regional Agreements Assessed

The Committee on Regional Trade Agreements met a number of times between 16 and 20 February. It focused on regional trade agreements between Eastern, Central, and Western European countries, assessing the impact on international trade of agreements such as the Central European Free Trade Agreement (including the Czech Republic, Hungary, Poland, Romania, the Slovak Republic and Slovenia); the Treaties establishing the European Union; and a number of regional bilateral agreements. The 'systemic implications of agreements and initiatives for the multilateral trading system and the relationship between them' was also covered, as was the 1996 free trade agreement between Canada and Chile.

The Committee requested three other WTO bodies to adopt general guidelines for reporting regional trade agreement activities: the Council for Trade in Services, the Committee on Trade and Development, and the Council for Trade in Goods. This is intended to enhance transparency by including descriptions of developments not contained in previous reporting efforts; progress is expected 'quite soon' on this issue.

Contact: Richard Eglin, WTO Development Division, tel: (41-22) 739-5148, fax: 739-5774.

New WTO Committee Chairs Appointed

The WTO General Council on 19 February noted the consensus on the following slate of names of chairpersons for WTO bodies:

General Council: Amb. John Weekes (Canada)

Dispute Settlement Body: Amb. Kamel Morjane (Tunisia)

Trade Policy Review Body: Amb. Ali Said Mchumo (Tanzania)

Council for Trade in Goods: Amb. Ronald Saborio Soto (Costa Rica)

Council for Trade-Related Aspects of Intellectual Property Rights: Amb. Istvan Major (Hungary)

Council for Trade in Services: Amb. Nobutoshi Akao (Japan)

Committee on Trade and Environment: Amb. Chak Mun See (Singapore)

Committee on Trade and Development: Amb. Iftekhhar Ahmed Chowdhury (Bangladesh)

Committee on Budget, Finance and Administration: Mr. Wilhelm Meier (Switzerland)

Committee on Balance-of-Payments Restrictions: Mr. Peter R. Jenkins (United Kingdom)

Committee on Regional Trading Agreements: Amb. Jean-Marie Noirfalisse (Belgium)

Working Group on the Relationship between Trade and Investment: Amb. Kirik-Krai Jirapaet (Thailand)

Working Group on the Interaction between Trade and Competition Policy: Prof. Frédéric Jenny (France)

Working Group on Transparency in Government Procurement: Amb. Werner Corrales Leal (Venezuela)

Assistance to Southern Negotiators

The Swiss government has established an **Agency for International Trade Information and Co-operation** (AITIC) 'to assist less-advantaged countries to benefit from the multilateral trading system through a more active participation in the activities of the WTO and other trade-related international organisations'.

The Agency will provide information and briefings on international trade issues and help the target countries keep updated on current and future negotiations, notification deadlines and technical assistance programmes. According to the Federal Office of Foreign Economic Affairs, the Agency will provide personalised service to trade diplomats through condensed information and pinpointed analysis regarding specific international trade issues of concern to the beneficiary countries. These include least developed countries, other low-income countries and some economies in transition.

Contact: Esperanza Duran, AITIC, tel: (41-22) 910-3150; fax: (41-22) 910-3151.

The WTO, UNCTAD and ITC have launched a **Common Trust Fund** to support their Joint Integrated Technical Assistance Programme in Selected Least-Developed and Other African Countries.

Among the objectives of the integrated technical assistance programme are:

- National capacity to understand and manage WTO Agreements;
- Strengthening of trade and export policy negotiation capacities;
- Improvement of the institutional mechanisms to carry out the WTO Agreements;
- Development of supply-side response to opportunities offered by the multilateral trading system; and
- Improvement of access to export business services and performance tools.

The programme was launched in May 1996, and has initially focused on eight countries: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Kenya, Tanzania, Tunisia and Uganda. For the African LDCs involved (i.e. Benin, Burkina Faso, Tanzania and Uganda), the Common Trust Fund should help implement the results of the High-Level Meeting on Integrated Initiatives for LDCs' Trade Development held last October. The fund is expected to reach the range of US\$10 million.

Contact: John Cuddy, UNCTAD, tel: (41-22) 907-5747; WTO Information and Media Relations Division, tel: (41-22) 793-5019, fax: 739-5458, e-mail: enquiries@wto.org; Abdelkrim Ben Fadhl, ITC, tel: (41-22) 730-0359, fax: (41-22) 730-0570.

UNCTAD and UNDP organised a two-day 'brainstorming meeting' for representatives of Arab countries in February in order to identify priority issues for the upcoming WTO Ministerial Conference. Trade diplomats and other experts exchanged views both on the Uruguay Round implementation review and the future WTO negotiations agenda, the two items that trade ministers will focus on during their meeting in May. The Arab position on the Ministerial Conference will also be discussed during a high-level meeting scheduled for 14-16 April in Beirut.

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Committee on Trade and Environment

The Committee on Trade and Environment will meet under its new chairman, Ambassador Chak Mun See of Singapore, for the first time this year from 19-20 March. As last year, the Committee intends to cover all ten items on its work programme during 1998. The topics will again be divided into two broad clusters: work programme items 2, 3, 4 and 6 will be grouped together under 'market access' and items 1, 5, 7 and 8 will be discussed under the general heading of 'interlinkages between the multilateral environment agenda and multilateral trade agenda'.

The first CTE meeting is expected to focus on the market access cluster, which includes such issues as the relationship between environmental policies/measures with significant trade effects and WTO provisions; environmental charges; product, labelling and packaging requirements; transparency of trade measures for environmental purposes; and the environmental effects of removing trade restrictions and distortions. Canada has tabled a paper on forestry and Colombia has submitted a case study on the effect of ecolabels on its horticultural exports. The Secretariat has prepared notes on recent developments regarding the Climate Change Convention and the Montreal Protocol, as well as an overview of recent work on eco-packaging conducted by other international organisations.

Trade and Sustainable Development Symposium

More than 150 non-governmental organisations, including business associations, are expected to attend the third WTO/NGO Symposium from 17-18 March, just before the CTE meeting. Subtitled 'Strengthening Complementarities: Trade, Environment and Development', the symposium will comprise of six sessions consisting of presentations followed by discussion:

- Progress and Partnerships
Speakers: Klaus Töpfer (UNEP), Rubens Ricupero (UNCTAD) and Eimi Watanabe (UNDP)
- Overview of Trade and Environment
Speakers: Anne Krueger (Stanford University), Durwood Zaelke (CIEL) and Vandana Shiva (RFSTE)
- Trade Liberalisation and Environmental Benefits: Pursuing Win-Win Links
Speakers: Robert Repetto (WRI) and Sunita Narain (CSE)
- Pricing Reform and the Environment: Sectoral Implications
Speakers: Lars Anell (Volvo), Gary Sampson (WTO), Leena Srivastava (TERI) and Konrad von Moltke (Vrije Universiteit)
- Legal Compatibility Between Trade and Environmental Policies
Speakers: James Cameron (FIELD) and David Wilkins (Eurogroup for Animal Welfare)
- The Future Agenda
Speakers: David Runnalls (IISD) and Ramul Deora (FIEI)

For the CTE meeting contact: Sabrina Shaw, Trade and Environment Division, tel: (41-22) 739-5482, fax: 739-5620. For the Symposium contact: Scott Vaughan, tel: (41-22) 739-5091, fax: 739-5774.

The International Centre for Trade and Sustainable Development, the World Conservation Union-IUCN and the International Institute for Sustainable Development will hold a policy dialogue on trade and environment issues on 16 March. See page 15.

The Millennium Round and the Built-in Agenda

Between 1999 and 2001 many of the key provisions of the multilateral trading system will be reviewed as part of the so-called 'built-in agenda' (see box). The second WTO Ministerial Meeting next May is regarded by many as a milestone for determining the scope and breadth of those reviews, and the possible enlargement of negotiations beyond the 'built-in agenda' to what has already been dubbed as the Millennium Round.

Although each WTO agreement specifies its own revision dates independently from the other agreements, pressure is mounting for a 'single undertaking', i.e. a Uruguay Round type of exercise where all revisions/negotiations are conducted simultaneously, making it possible to balance concessions made in one area, such as intellectual property rights, with gains obtained in another, such as agriculture.

This 'single undertaking' approach is particularly advocated by the European Union's Trade Commissioner Sir Leon Brittan. He recently floated the possibility of negotiating a transatlantic free trade area between the EU and the United States, saying he hoped such a pact would generate momentum for a new round of multilateral negotiations in the WTO. The two trading powers are currently examining areas of possible mutual interest for further liberalisation. The Millennium Round page of Bridges will follow the preparations for the forthcoming Ministerial, and the negotiations starting thereafter.

In this issue, ICTSD publishes the WTO's summary of the 'built-in agenda'. As of the next issue, we will offer regular features on the agreements that are up for revision, attempting to clarify what exactly is to be reviewed and what is at stake with each revision.

Already Committed: The 'Built-in Agenda'

Many of the Uruguay Round agreements set timetables for future work. Some additions and modifications have been made since then. This 'built-in agenda' includes new negotiations in some areas, and assessments of the situation at the specified times in others. Part of the programme has already been completed (for example the market access negotiations in basic telecommunications ended in February 1997 and those on financial services in December 1997). ICTSD has extracted here a selection of the schedule, starting from 1998.

1998

Textiles and clothing: review of the implementation of the agreement (by end of 1997, new phase begins 1 January 1998. Textiles Monitoring Body to report to Goods Council by end of July).

Services (emergency safeguards): results of negotiations on emergency safeguards to take effect (by 1 January 1998).

Anti-dumping: examine standard of review, consider application to countervail cases (1 January 1998 or after).

Rules of Origin: Work programme on harmonization of rules of origin to be completed (20 July 1998).

Sanitary and phytosanitary measures: first review of the operation and implementation of the agreement (in 1998).

Government procurement: further negotiations start, for improving rules and procedures (by end of 1998).

Dispute settlement: full review of rules and procedures (by end of 1998).

1999

Intellectual property: review of certain exceptions to patentability and protection of plant varieties (1 January 1999 or after).

Intellectual property: examination of scope and methods for complaints where action has been taken that has not violated

agreements but could still impair the rights of the complaining country ("non-violation") (by end of 1999).

Agriculture: negotiations initiated (by end of 1999).

2000

Services: new round of negotiations start (by 1 January 2000).

Services MFN exemptions: first review (by 1 January 2000).

Trade Policy Review Body: appraisal of operation of the review mechanism (by 1 January 2000).

Trade-related investment measures: review of the operation of the agreement and discussion on whether provisions on investment policy and competition policy should be included in the agreement (by 1 January 2000, but working parties set up 1997).

Tariff bindings: review of definition of "principal supplier" having negotiating rights under GATT Art 28 on modifying bindings (1 January 2000).

Intellectual property: first of two-yearly reviews of the implementation of the agreement (1 January 2000 or after).

2001

Textiles and clothing: review of implementation of agreement (by end of 2001, new phase begins 1 January 2002. Textiles Monitoring Body to report to Goods Council by end of July 2001).

2004

Textiles and clothing: review of the implementation of the agreement (by end of 2004, full integration into GATT 1 January 2005. Textiles Monitoring Body to report to Goods Council by end of July 2004).

Source: WTO

Dispute Settlement Corner

US Prevails on Computer Technology Classification

The United States won its most financially-significant WTO victory yet with a 5 February dispute settlement panel ruling on the European Union's computer equipment tariffs. The panel found that the EU's tariffs on local area network (LAN) technology violated its obligations under Article II.1 of the GATT Agreement. At issue was the EU's 1995 reclassification of LAN adapter cards as telecommunications equipment rather than computer parts. During the Uruguay Round negotiations, the EU agreed to much lower tariffs for computer parts than for telecommunications products. The US successfully alleged that the reclassification was contrary to the requirements of the EU's tariff schedules and resulted in the impairment of the US's legitimate expectations that LAN equipment would continue to receive the more favourable treatment afforded by the original classification. US companies account for more than half of the European computer networking equipment market, estimated at US\$5 billion per annum.

In related news, countries are starting negotiations to widen the range of products covered by the Information Technology Agreement adopted at the Singapore Ministerial Meeting in 1996. Fourteen members of the WTO Committee of Participants on the Expansion of Trade in Information Technology Products have already submitted 'wish lists' of products they would like to see covered by ITA II, due to be finalised on 30 June.

IPR Claims Continue to Oppose India and US

An arbitrator was to be appointed on 2 March to set an implementation period for India's compliance with the WTO Appellate Body ruling that its system for patent filing violated the TRIPs Agreement. The case, brought by the US, concerned India's obligation to set up a system for filing patent claims on agricultural and pharmaceutical products while bringing its IPR legislation in conformity with WTO requirements. As a developing country, India has until 2005 to fully implement TRIPs, but the Appellate Body ruled that it must nevertheless ensure that patent applications are registered in a fashion that guarantees they will be treated according to their novelty at the time of filing. Transitory arrangements of this sort of are known as 'mail boxes'.

When parties to a WTO dispute cannot agree on an implementation timeframe for a panel decision, an arbitrator may be appointed to decide a 'reasonable period of time' to comply with panel recommendations. In this case, the US claims that India is already three years late in establishing an adequate 'mailbox' and should therefore comply with the the Appellate Body ruling immediately. India argues that needs at least until June 1999 to set up its 'mailbox'. At the WTO, fifteen months is generally considered 'a reasonable period of time' for implementing panel rulings. According to the Dispute Settlement Understanding, the arbitrator must rule within 90 days of the adoption of the panel or Appellate Body report. The 'mailbox' report was adopted on 16 January 1998.

In other IPR news, India and Pakistan have announced their intention to challenge the patent on a fragrant long-grained rice granted by the United States to RiceTec, a Texas-based company, which markets the product as 'basmati' rice. Indian and Pakistani authorities contend that the 'basmati' appellation should properly only refer to rice grown in Northern India and Pakistan. RiceTec, which apparently acquired the germplasm for its patented variety from a gene bank, argues

that the name is a generic term covering any long-grained fragrant rice. In early March, the US Patent and Trade Mark Office said that while a 'narrow rice like basmati' had been patented, no trade mark would be granted under that name. According to a spokesperson, the Office recognises basmati rice solely as a product of India and Pakistan.

If India and Pakistan decide to take the dispute to the WTO, they could try to claim IPR protection for 'basmati' under the geographical indication provisions of the WTO TRIPs Agreement (champagne and Roquefort cheese, for instance, are thus protected). Although the case could be complicated by the countries' lack of geographical appellation legislation and the fact that 'basmati' does not strictly speaking refer to a region, India and Pakistan could argue that the traditional Indian name 'basmati' is employed for a very specific variety of rice grown in a specific geographical area.

Plant variety protection, where it is available, does not cover Indian or Pakistani 'basmati' because it is not a new variety. The challengers' claim to the exclusive use of the name could be strengthened once the complicated issue of ownership of, and access to, *ex situ* collections of plant genetic resources is resolved. The matter is under consideration in two related fora: the Convention on Biological Diversity and the FAO Committee on Plant Genetic Resources for Food and Agriculture.

Paraguay's IPR Protection Under Investigation

In bilateral IPR news, the United States has announced a Section 301 (of the Trade Act 1974) investigation into Paraguay's intellectual property protection, to be completed by mid-August 1998. The US cites 'alarming levels of piracy and counterfeiting', as well as failure to enact adequate and effective intellectual property laws, particularly regarding patents. According to the Office of the US Trade Representative, 'failure by Paraguay to address US concerns prior to the close of the investigation could lead to the imposition of bilateral trade sanctions'.

Access to Japan's Photo Market Monitored

The European Union and the United States have both announced that they will closely monitor Japan's actions regarding market access for photographic film and paper. In the so-called Kodak-Fuji case, a WTO dispute settlement panel last December ruled against the US which sought to prove that Japan resorted to protectionist measures to keep foreign competition out of its photo film and paper market. At the WTO, Japan successfully argued that it had a policy of non-discriminatory access, as well as improved market access for the film sector. Considering these affirmations as commitments by the Japanese government, the US will establish a monitoring and enforcement committee under the Department of Commerce and the Office of the US Trade Representative to ensure that market access actually improves for US companies. A Trade Representative official told the Senate in early March that unilateral trade sanctions under Section 301 of US trade law remained a possibility if Japan did not 'live up to its obligations'. The EU, which was a third party in the complaint, has also made clear that it intends to follow the situation closely. More than 200 deregulation proposals have already been sent to the Japanese government, including suggestions in the field of distribution, competition policy and implementation of the Antimonopoly Act.

EU Commission Proposes to Seek WTO Waiver for Lomé IV until 2005

The European Commission has adopted a recommendation for a Council decision authorising it to negotiate a new 'development partnership agreement' with the African, Caribbean and Pacific countries (ACP) who are currently parties to the Lomé Convention, a treaty that offers preferential market access for ACP goods entering the EU common market. The Convention also covers other forms of collaboration and development assistance. The Lomé Convention will expire in the year 2000.

The new recommendation contains wide-sweeping changes which the Commission proposes to implement gradually: between 1998 and 2000, the EU and its ACP partners would negotiate a political framework treaty as a basis for more substantive trade negotiations to be conducted until 2005. According to this scenario, the EU would request the WTO to extend the waiver granted to Lomé IV – possibly with small modifications – until the new trade arrangements are completed in 2005.

The Commission's proposal would both extend trade and other benefits to more than the current 71 developing country partners, and differentiate conditions according to the partners' level of development, with only least developed countries enjoying preferential trade, aid and other provisions similar to those granted to all ACPs under Lomé IV. In fact, instead of just one treaty, the Commission proposes to create six regional free trade areas: four in Africa, one in the Pacific and one in the Caribbean. According to the Commission, the new agreements would be of a more 'contractual' nature than the four Lomé Conventions, and their implementation/negotiation would involve the full range of civil society rather than just government-to-government interaction.

Speaking at an UNCTAD seminar in January, Michel Rocard, President of the Committee of Development and Co-operation of the European Parliament, said that with the EU's evolution into a political as well as an economic union, the new EU-ACP collaboration framework would also need to include a political dimension. Among elements that could be included in such a framework, he mentioned conflict prevention, the promotion of democracy and good governance. While these issues would involve complex national sovereignty concerns, he stressed the importance of a 'true partnership' where ACP countries would set there their own development priorities as the basis for new trade and aid pacts between the EU and developing countries.

The European Council of Ministers, which needs to approve the negotiation mandate, is expected to finalise its position during the EU Heads of Government Summit in June 1998. Some ACP countries are calling for a summit meeting of their own before negotiations on Lomé IV successor agreement(s) start next autumn.

Towards a New Transatlantic Market Place?

The European Union's Trade Commissioner, Sir Leon Brittan, has submitted a proposal to the European Commission outlining areas for further trade liberalisation between the EU and the United States. While the proposal would not create a new free trade area, it suggests negotiations in four possible areas: removing technical barriers to trade; seeking a multilateral commitment to eliminating industrial tariffs by 2010; achieving a free area for services; and liberalising EU and US regimes on government procurement, intellectual property and investment. According to observers, however, views on the initiative differ considerably among the Union members.

The United States, reportedly disappointed that agriculture is absent from Sir Leon's list, is studying the proposal. Commentators have suggested that the US might use the negotiations to improve market access for its biotechnology products while pushing for reductions in the EU's agricultural subsidies at the global WTO round of agricultural negotiations set to start by the end of 1999.

The US and the EU are involved in several long-running trade disputes, including the EU's plan for the implementation of the WTO Appellate Body ruling that several aspects of the EU's banana import licensing and quota arrangements violated its WTO obligations. The US is also insistent that the EU lift its ban on beef produced with growth hormones after the WTO Appellate Body found that the ban was not based on an adequate risk assessment. Initial EU reactions to the ruling indicated that the Union would seek to keep the ban in place while performing a new risk assessment that would justify it. The two trading powers also disagree over US legislation that sanctions third parties doing business with Cuba or Myanmar.

Free Trade Area of the Americas: Disagreement Persists over Agriculture, IPRs, Labour and Environment

Agriculture and intellectual property protection proved among the sticking points when trade vice ministers of the Western Hemisphere met in Costa Rica from 10 to 12 February 1998 to pave the way for the formal launch of the Free Trade Area of the Americas talks. The launch is expected to be the high point of the Second Summit of the Americas, to be held in Santiago de Chile from 18-19 April.

MERCOSUR nations (Argentina, Brazil, Paraguay and Uruguay) pushed for a separate negotiating group on agriculture while the US, backed by a number of Central American countries, expressed its preference for discussing agricultural trade liberalisation in the context of broader market access. Another issue on which ministers could not agree was the creation of a separate negotiating group on intellectual property rights, as requested by the United States.

The meeting also highlighted Latin American resistance to US attempts to include labour or environmental concerns in the negotiations agenda. On the other hand, Latin American governments made it clear that US 'fast-track' negotiating authority was not a prerequisite for FTAA negotiations. However, it seems unlikely that FTAA provisions will go further than those of the WTO as the majority of the ministers supported a Costa Rican proposal to create Hemispheric trade rules 'consistent' with WTO provisions.

The Hemisphere's trade ministers will try to resolve outstanding issues on the scope of the negotiations at their fourth meeting on 19 March.

NAFTA Environment Commission Head Resigns

The environmental community is uncertain about the future effectiveness of the NAFTA Commission for Environmental Co-operation (CEC) after the abrupt resignation of Victor Lichtinger, the Commission's outspoken Mexican Executive Director. Mr Lichtinger was widely seen to be pushing for an independent role for the CEC, which monitors the implementation of the NAFTA environmental side agreement, while ultimately responsible to the three NAFTA member governments. Emphasising that the CEC's effectiveness depends on its 'independence, objectivity and credibility', environmentalists fear that government pressure on the Commission will increase with Mr Lichtinger's departure.

Janine Ferretti of Canada has taken over as Interim Executive Director of the Commission until a successor to Mr Lichtinger is appointed.

The ISO 14001 Environmental Management System Standard

By Tom Rotherham

The International Organisation for Standardisation (ISO) is recognised by the WTO and the European Commission as a competent body for the setting of voluntary international standards that may later be used as the basis for legislation (Hauselmann, 1996, p.2).

In 1993, ISO started to develop management system standards to facilitate environmental management. The first of these standards, ISO 14001 (Environmental Management Systems – Specifications with guidance for use) and ISO 14004 (Environmental Management Systems – General guidelines on principles, systems and supporting techniques), were published in September of 1996.

Trade and Sustainable Development Effects of the ISO 14000 Environmental Management Standards

Industrial environmental impacts are generally regulated through quantifiable performance standards. National standards, such as permissible lead content in paint, must be met in order for goods to be granted access to domestic markets. Although the intention of such standards is to protect the environment, they may act as non-tariff barriers to trade: developing countries may be excluded from some international markets because of their inability to meet the environmental standards set by developed countries. In response, the WTO Technical Barriers to Trade Agreement recommends using international standards as the basis for national regulations where environmental protection norms may have trade implications. In this way a common, consistent and predictable footing may be established on which companies can base their environmental policies.

The ISO 14001 EMS standard is not an environmental standard per se, but a management standard that helps organisations formulate, implement and improve upon environmental policies which they themselves establish. The only reference to performance levels in the 14001 EMS standard is the explicit requirement that the environmental policy adopted by an organisation seeking certification must include a commitment to comply *with all legal and regulatory requirements to which it is subject* (ISO 14001, 4.1 c), p.8). This includes not only national, state and municipal regulations, but also any guidelines or frameworks which are endorsed by industry associations to which the company may voluntarily subscribe.

Certification to the ISO 14001 EMS standard provides consumers and contractors with the assurance that the supplier is taking an appropriate degree of responsibility for its environmental impacts. Of course, as was implied above, ‘appropriate’ is defined largely in terms of the national environmental regulatory framework in which the company operates. An inappropriate national regulatory structure will necessarily reduce the degree to which the company addresses its environmental impacts, but will not necessarily be reflected in the success of its bid for certification to ISO 14001. As a result, as long as they both comply with their own regulatory frameworks, two companies with entirely different environmental policies and environmental impacts can both be certified under the ISO 14001 EMS standard. Although many environmental groups have criticised this aspect of the 14000 standards, it should be noted that ISO has neither the expertise, nor the mandate, to establish international environmental performance standards.

Improving trade opportunities

There are two basic ways in which the ISO 14001 EMS standard is expected to improve trade opportunities for certified companies.

Foreign market access

While ISO 14001 does not specify product characteristics, it has the potential to be a less trade-restrictive approach to assuring that foreign products entering domestic markets have been produced in an environmentally responsible manner.

Certification to the ISO EMS standard is expected to help companies access markets with stricter environmental requirements than their own. For example, the recent bridging document that identifies the differences between the European Union’s (EU) Environmental Management and Audit Scheme (EMAS) and ISO 14001 is expected to be instrumental in improving the access of Central Eastern European companies to the EU market. Complemented by the bridging document, ISO 14001 provides a management system framework upon which the more stringent EMAS can easily be established. ISO 14001 is helping companies to develop the EMS infrastructure and experience needed to facilitate EMAS requirements (Mazurek, 1997).

Other trading blocks are also endorsing ISO 14000. At its July 1996 Ministerial Meeting on Sustainable Development, the environment ministers of the Asia Pacific Economic Co-operation’s (APEC) 18 member states agreed to promote the ISO 14000 Series. There are already some reports of companies losing business because of failure to conform to ISO 14001 – B&Q, a British home improvement company, reportedly dropped one of its tropical timber suppliers because of failure to attain certification (Roht-Arriaza, p. 304).

Domestic market access

Many analysts expect that ISO 14000 implementation will follow the same path as the ISO 9000 Quality Management Standard. In the case of ISO 9000, businesses and governments, especially in Europe, began requiring certification as a condition for contracting. In the US, the Environmental Protection Agency (EPA) is involved in discussions with other federal government agencies concerning a decision to use ISO 14001 in conjunction with procurement policies. There are also reports that the Japanese government may require certification for its procurement policies. In Australia, the Victoria State government requires an EMS (but not necessarily ISO 14001) as part of its integrated license scheme (Roht-Arriaza, p. 299).

ISO 14001 encourages companies to take into account the environmental impacts of their suppliers and contractors. The standard states that ‘the organisation *shall establish and maintain* a procedure to identify the environmental impacts of its activities, products or services that it can control and over which it can be expected to have an influence [...]’ (ISO 14001, 4.2.1, p. 9; italics added). Clearly an organisation has a degree of control over whom it decides to do business with, and may also influence the environmental policies of suppliers seeking contracts. This may prompt a ripple effect of ISO 14001 implementation throughout supply chains.

Barriers to trade

Although it may limit the extent to which nations can tacitly impose non-tariff barriers to trade, ISO 14001 raises some trade barrier issues of its own.

First, a lack of the certification infrastructure (e.g. consultants, auditors, institutional experience with environmental management

Continued on page 12

Developing Country Trade Issues: Standards, continued from page 9

systems, etc.) needed to implement ISO 14001 could restrict the ease with which companies, particularly in developing countries, adopt the standard. For example, it is estimated that reliance on foreign consultants and auditing firms for ISO 9000 raised the initial costs of certification for Malaysian companies by a factor of two or three (Long & Sulaiman, p. 16), thus putting Malaysian firms at a disadvantage compared to companies in countries that face lower certification costs.

Second, even where the infrastructure does exist locally, there is often a lack of mutual recognition between the auditing standards in developed and developing countries. There have been claims that some auditing firms have been lenient in their assessments in order to encourage more business. This lack of credibility wastes investments and results in pressure to hire expensive foreign firms. In spite of a number of initiatives aimed at resolving this lack of mutual recognition, the problem is likely to persist.

For the most part, these barriers to trade involve the restriction of developing country access to developed country markets. If these barriers are not removed, trade patterns may shift. Companies in developing countries may find it easier to target markets in other developing countries rather than cope with the comparative cost disadvantages imposed by the ISO 14001 EMS standard.

Investment effects

Because of the comparative advantage associated with the existence of an adequate certification infrastructure, investment flows may begin to reflect the degree to which certification is facilitated within a country. This may also extend to issues such as subsidisation policies and incentive mechanisms that are offered by governments. It is expected that several countries will offer relaxed inspection and licensing agreements to companies that obtain certification to ISO 14001. For example, South Korea has suggested that it will exempt certified companies from surprise regulatory compliance inspections (Roht-Arriaza, p. 302).

The 14001 EMS standard may present additional investment effects in the context of transnational corporation (TNC) supply chains. The importance of public image and the fact that developed country markets increasingly expect assurances of environmental responsibility suggest that TNCs will be more likely to adopt ISO 14001. The supply chain 'ripple effect' mentioned earlier is expected to affect the contracting and investment patterns of TNCs. New contracts and investments may be directed more and more to those regions where companies' compliance with the standard is more widespread.

Certification to ISO 14001 depends on conforming to the applicable regulatory structure. If it becomes an important condition for market access, certification may distract attention from the actual regulations to which the organisation is conforming. If it is cheaper to produce ISO 14001 certified goods in a country with lax environmental regulations without adversely affecting the marketability those goods, companies may decide to set up in countries with weak environmental legislation. Countries with high certification costs due to a lack of the necessary infrastructure may also try to compensate for this by reducing (or not improving) their environmental regulations (and hence, costs of compliance).

Sustainable development effects

The ISO 14001 EMS standard requires top management to establish and commit to an environmental policy. Although difficult to quantify, the primary benefit of the ISO 14001 standard is likely to be the long term effect that it will have on management culture. By integrating a

concern for the environment into the decision-making process, environmental impacts become important considerations when assessing the effectiveness of industrial management. In this way, the ISO 14001 EMS standard addresses the root of sustainable development: linking the success of industrial enterprises with concern for the natural environment.

Implementation of an EMS may allow firms to improve their compliance with existing national laws. This will reduce the costs of compliance with environmental legislation and reduce exposure to liability for environmental impacts. Especially if financing agreements become increasingly linked to issues of environmental liability, the implementation of an EMS is likely to expand a company's access to capital. Third-party certification to the 14001 standard is a credible way for a company to demonstrate that environmental impacts are effectively managed.

Although governments in many countries do attempt to monitor compliance to environmental regulations, the sheer size and complexity of the task makes effective monitoring difficult. Companies seeking certification to the ISO 14001 standard must *establish and maintain* a procedure to monitor and measure the environmental aspects of their activities (ISO 14001, 4.4.1, p.12). Although this information need not necessarily be made public, third-party certification of the EMS will certainly identify areas where the company is failing to comply with performance requirements. By shifting the onus of monitoring onto the company, the ISO 14001 standard both increases the amount of monitoring undertaken and internalises its cost. Of course, the company is free to pass this cost on to its customers, but this still improves the extent to which 'the polluter pays'.

The ISO EMS standard raises the importance of voluntary guidelines. ISO 14001 states that a company's environmental policy must 'include a commitment to comply with relevant environmental legislation and regulations, and with other requirements to which the organisation subscribes' (ISO 14001, 4.1 c), p.8). These may include industry codes of practice, agreements with public authorities and non-regulatory guidelines (ISO 14001, A.4.2.2, p.16). Effectively, such guidelines become binding within the EMS standard framework. If the ISO 14001 standard is adopted widely, advocacy groups will have another tool to pressure companies to adopt stricter environmental guidelines.

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Hazardous Waste Export Ban Upheld, Contents Clarified

The Fourth Meeting of the Conference of the Parties to the Basel Convention on Transboundary Movements of Hazardous Wastes, held in Malaysia from 23-27 February, ended years of confusion by clearly specifying which substances are covered by the Convention. Broad categories of hazardous waste had been defined earlier, but the waste recycling industry lacked clear guidelines as to which exact compounds within those categories were covered by the Basel Convention's export ban on hazardous wastes from OECD to non-OECD countries. Delegates adopted two lists: one specifying wastes covered by the Convention (i.e. arsenic, mercury, lead, asbestos and dozens of other chemicals and substances), and the other listing wastes that can be exported for recycling to non-OECD countries (including scrap iron, non-hazardous chemical catalysts and solid plastics, among others). The explicit classification of wastes in one category or another was thought to allay industry concerns and pave the way to more countries joining the Convention.

The 'Basel Ban' concerns hazardous wastes exports from OECD to non-OECD countries. The definition 'OECD/non-OECD' will change to 'Annex VII countries' once an amendment to the Convention, adopted in 1995, enters into force. While the amendment is already ratified by Norway and the European Union, observers estimate it will take another four to five years for it to gather the 62 ratifications required for entry into force. Annex VII status was the subject of intense discussion in Kuching, both because of the expense of hazardous waste disposal and recycling in OECD countries, and because of some developing countries' interest in providing competitive recycling facilities for imported toxic wastes.

The Annex currently comprises members of the OECD and the European Union, as well as Liechtenstein. Israel, Slovenia and Monaco requested in Kuching to be considered for Annex VII status. All three were turned down after delegates agreed to 'leave Annex VII unchanged until the amendment contained in III/1 enters into force'. The decision was not reached easily: while most of delegates considered Annex VII to be closed and non-amendable, some countries – in particular the US, Canada, Australia and New Zealand – supported the development of criteria for Annex VII status. They are likely to evoke eventual Annex VII criteria within the Technical Working Group and the Sub-group of Legal and Technical Experts mandated to 'explore issues related to Annex VII' and to 'provide Parties with detailed and documented analysis' at the next meeting of the Conference of the Parties, likely to take place in late 1999.

Environmental organisations following the Basel Convention were among the staunchest opponents to any enlargement of Annex VII. Arguing that the Convention's ultimate purpose was to reduce hazardous waste production and cross-border movement to a minimum rather than ensuring that disposal and recycling technologies were adequate in importing countries, they claimed that an open-ended Annex VII would undermine incentives for hazardous waste producers to shift to cleaner production methods. As long as it was possible for countries to qualify for Annex VII status, the growing list of destinations for hazardous waste shipments would make exporting a more attractive option for producers than limiting the generation of such wastes, environmental groups predicted. They also doubted that meaningful international criteria could be developed or adherence to such criteria enforced.

Delegates agreed to make more resources available to developing countries in order to assist them in minimising and safely disposing of hazardous wastes. Regional training centres have already been established for Asia and the Pacific, and Central and Eastern Europe.

Controlling illegal traffic was another subject on the COP agenda. Increased co-operation between the Secretariat and the World Customs Organisation, as well as Interpol, was seen as one way to identify more illegal waste shipments and to track those responsible. National authorities in developing countries also need strengthening and training, delegates agreed. A form, designed to facilitate paperwork and streamline procedures, was adopted for reporting confirmed cases of illegal traffic.

None of the Convention's provisions apply to non-Parties which include, among others, the United States, Thailand, Kenya and Iraq. However, the treaty's 116 state members, as well as the EU as a regional integration organisation, must apply 'no less environmentally sound' provisions than those of the Basel Convention when concluding bilateral, multilateral or regional arrangements with non-Parties. Several regional hazardous wastes treaties have been concluded over recent years, including the Bamako Convention which prohibits hazardous or radioactive waste imports to many African countries. National legislation also forbids hazardous waste imports to many countries.

Contact: Basel Convention Secretariat, 13 chemin des Anémones, 1219 Geneva, Switzerland, tel: (41-22) 979-9111, fax: 797-3454.

Biosafety Negotiations Continue

Delegates met in Montreal from 5-13 February for the fourth round of negotiations on the Biosafety Protocol, due to be adopted late in 1998. Progress was made on a number of issues, yet significant differences remain in key areas, such as liability and the scope of advance informed agreement (AIA). The challenge before negotiators was to narrow the differences between the various options proposed by different delegations for the texts of the articles of the Protocol. This work of moving from a list of options for each article to a consolidated text was necessary for actual negotiations to begin.

Delegates considered several issues – those relating to principles and objectives, general obligations, non-discrimination, socio-economic considerations and liability and compensation, *inter alia* – that had only been subject to preliminary discussion at the third session of the Open-ended Ad Hoc Working Group on Biosafety (BSWG).

Significant progress was made regarding exchange of information and designation of national focal points (Article 19), public awareness and participation (Article 22) and capacity building (Article 21). Some delegates had initially suggested that there be no separate provision on either public awareness and participation or on capacity building, or that these issues be relegated to the preamble. BSWG-4 finally decided to include separate articles on both these questions although final agreement still needs to be reached on their actual text.

Delegates had to grapple with the central but difficult issue of advance informed agreement (AIA) as well as questions related to risk assessment and risk management. AIA is at the heart of the Protocol, yet options vary widely on how to establish the mechanism. BSWG-4 created two new articles: 3A on Scope of the Protocol, and 3B on Application of the AIA Procedure. Current options for Article 3A range from having no provision, saying that the scope of the Protocol is equivalent to AIA, or detailing which transboundary movements of living modified organisms (LMOs) are covered by the Protocol and which are excluded. Articles 4 – 11, on which options also vary widely, relate to AIA and cover issues such as AIA notification procedure, response to notification and a possible simplified procedure.

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Biosafety Protocol, continued from page 13

'Socio-economic considerations' (Article 26) also divide delegations to BSWG. Inclusion of a provision on the subject is important for developing countries and others who believe that one cannot but take people into account when considering biotechnology's application. A number of developed countries said that the complexity and breadth of socio-economic issues make implementation of such a provision impractical. Options amongst which delegates must choose during coming sessions of the BSWG are whether to have no provision, to require a seven-year advance notification regarding certain LMOs or to provide for financial and technical assistance to affected developing countries.

Liability is a notoriously difficult issue to resolve in the context of international environmental agreements, as experience in the Basel Convention on Transboundary Movements of Hazardous Wastes has shown. Some observers believe that it will only be possible to conclude negotiations on the Biosafety Protocol by the end-1998 deadline if the issue of liability is left aside. Article 14 of the Convention on Biological Diversity contains a provision on liability and it is the view of many developed countries that this provision, with general international law, sufficiently covers issues of liability and compensation, but can, if necessary be completed by domestic laws. Several developing countries strongly favoured including liability provisions, with one proposal calling for a strict liability regime for transboundary harm from LMOs given their ultra-hazardous nature. The options between which delegates to the next session of the BSWG will have to decide are whether to include a provision on liability or not, or whether to consider the issue at the first Meeting of the Parties.

The next session of the Working Group (BSWG-5) will take place in Montreal, from 17-28 August, and BSWG-6 is tentatively scheduled for late November 1998.

Contact: CBD Secretariat, tel: (1-514) 288-2220, fax: 288-6588

ASEAN, continued from page 1

These large businesses continue to use fires for land clearing, not because of tradition but because it is a cheaper alternative to other, less polluting methods. The trend to increase production, especially in the oil palm and timber industries, and therefore to clear land cheaply has been magnified by international trade and foreign investment. Economic policies have also failed to make polluters pay, or give incentives to promote more sustainable practices. The economic crunch in Indonesia has exacerbated the problem.

Moreover, while the use of fire is illegal under Indonesian law, sanctions have not been effectively enforced by provincial officials. The Indonesian Ministry for the Environment does not have direct jurisdiction over the agricultural and forestry lands involved. Nor can it command provincial authorities to enforce the laws. Many observers blame institutional weakness and corruption at the local level. Additionally, with its economic problems, there are doubts that Indonesia presently has the financial wherewithal to stop the problem, even if the political will should exist.

Regional and International Reaction

Regional assistance and action might be expected to become more important in the absence of effective remedies at the national level. ASEAN environment ministers had agreed on a Co-operation Plan on Transboundary Pollution in June 1995, setting out broad policies and strategies to deal with atmospheric and other forms of trans-

boundary pollution. In December 1997, the ministers agreed to a new Regional Haze Action plan to provide further commitments and detail.

Both plans set out laudable principles of prevention, mutual assistance and co-operation. Statements aside, however, the ASEAN plans are not treaties with legally enforceable obligations. Nor are there provisions for progress by different countries to be monitored, or for regional institutions to assist implementation at the national level. The emphasis remains on the co-ordination of national plans, rather than providing a regional response or inter-country assistance.

Further details of national plans under the Action Plan are to be completed by March 1998 and compared by ASEAN officials the next month. Doubt, however, remains on the ability of ASEAN as an organisation to compensate for the omissions of the Indonesian national system. This is primarily due to the ASEAN norm of non-intervention in the domestic affairs of member states and the dominant role that Indonesia, its largest member, plays in the grouping.

International attention and assistance for the haze pollution in South East Asia has not been wholly absent. The problem caught international media attention briefly in 1997. Despite this, the international community has failed to date to properly take note of the recurrence of the fires, their global impact on climate change, and to co-ordinate efforts to find a solution. Donations of fire-fighting gear by various countries and assistance in water-bombing, notably by the US, has been piecemeal and unsustained. There has also been a lack of attention to the root causes to prevent fires and promote alternative land-clearing methods. In February 1998, Klaus Töpfer, Executive Director of UNEP, called for concerted global attention to tackle the problem.

Conclusion

ASEAN countries have often come under criticism from environmentalists and NGOs, particularly in respect of tropical deforestation and the lack of conservation efforts. As a grouping, ASEAN has been better known for taking a pro-developing country stand at the 1992 Earth Summit and for lobbying successfully against Austrian eco-labels on tropical timber. To date, many countries in the region have been impacted by industrialisation on the one hand, and the continuing problems of poverty and lack of infrastructure on the other.

ASEAN members have undertaken some steps towards improving environmental co-operation amongst themselves, and with other states. There have also been fledgling initiatives to better integrate economic development with environmental concerns through measures such as environmental impact assessments and the diffusion of environmental technology. The effectiveness of such measures, however, suffers from ASEAN's preference for non-interference in the domestic affairs of member states and for non-binding plans, instead of treaties. Whatever environmental efforts ASEAN has taken must be adjudged to pale in comparison with the present environmental crisis arising from the fires in Indonesia and the resulting haze pollution.

The difficulties that Indonesia and ASEAN face in dealing effectively with the problem demonstrate the continued need for efforts at the international level to supplement national and regional attempts. Compounded by the on-going economic crisis, the haze pollution will require nations both within and outside the region to grapple with ways to give practical expression to the ideal of sustainable development.

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INTERNATIONAL CENTRE FOR TRADE AND SUSTAINABLE DEVELOPMENT

The International Centre for Trade and Sustainable Development (ICTSD) was founded in September 1996 as a link between the trade, environment and development communities. It seeks to facilitate access to the multilateral trading system, promote understanding and disseminate information on issues and events concerning sustainable development and international trade. Please contact us for more information or to subscribe to ICTSD publications.

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ICTSD News

Meetings

On 16 March, ICTSD, IUCN-the World Conservation Union and the International Institute for Sustainable Development are co-sponsoring a policy dialogue entitled **‘Coming to Grips with the Environmental Agenda in Trade’**. The objective is to find ways to complement the work of the WTO on trade and the environment. The dialogue will seek to achieve greater clarity on the balance between positive and negative impacts of trade liberalisation on the environment, to examine responsibilities for the environment in the trade context, and to explore mechanisms for enhancing the coherence between the environmental and trade agendas.

Steve Charnovitz of the Yale Center for Environmental Law, Victor Lichtinger, former Chair of the NAFTA Commission for Environmental Cooperation, Jagdish Saigal of UNCTAD, Robert Repetto of WRI, Sunita Narain of CSE, David Shark of USTR, Klaus Töpfer, Executive Director of UNEP, Amb. Chak Mun See, Chair of the CTE, Amb. John Weekes, Chair of the WTO General Council and Amb. Celso Lafer, former Chair of the General Council, are among distinguished dialogue participants. The proceedings will later be published in book form.

A Roundtable on the Upcoming WTO Agreement on Trade-related Intellectual Property Rights Review will be organised by ICTSD, the IUCN Environmental Law Centre, the Institute for Agriculture and Trade Policy and the Sociedad Peruana de Derecho Ambiental on 19 March at the Geneva Executive Centre. Key issues will include patenting life forms and the development of effective *sui generis* systems for the protection of plant varieties.

In October 1998, ICTSD intends to hold the first of a series of annual international conferences in Geneva, focusing on **regional integration approaches to addressing trade liberalisation in the context of sustainable development**. In addition to the relationship between regional agreements and the multilateral trade system or global environmental governance, the conference will particularly concentrate on the application of the subsidiarity principle to trade and sustainability issues. The central question will be under what circumstances can regional co-operation and integration provide a platform for addressing national, regional and global sustainability challenges.

Contact: Miguel Jimenez-Pont, ICTSD Dialogues Programme, tel: (41-22) 979-9492, fax: 979-9093.

Resources

A CD-Rom (in English and Spanish) intended to assist those involved in the Free Trade Area of the Americas negotiation process is under preparation at ICTSD. Co-produced by Cultura Ecológica of Mexico, the disk will contain full texts of the most relevant multilateral environmental agreements and other major documents, as well as all regional and multilateral trade treaties that bind countries of the Western Hemisphere. Documents relating to the FTAA process will also be included.

ICTSD's efforts to make our materials available in Spanish and in French are starting to bear fruit. Discussions are under way with ENDA-Tiers Monde in Dakar, Senegal, and Fundación Futuro Latinoamericano in Quito, Ecuador, to produce and distribute regional versions of Bridges in French-speaking Africa and Spanish-speaking Latin America.

All WTO meetings take place in Geneva. Dates are subject to change, please contact the WTO for confirmation.
All WTO phone and fax numbers start with (41-22) 739. Only extensions are provided in this list. Internet: <http://www.wto.org>

March 9-14 Brussels	INC-5 for a Legal Instrument on the PIC Procedure for Hazardous Chemicals in International Trade Contact: UNEP IRTPC, tel: (41-22) 979-9111, fax: 797-3460, e-mail: IRTPC@unep.ch	April 6-7	WTO Trade Policy Review Body (India) Contact: Peter Tulloch, tel: 5089, fax: 5765
March 13	WTO Dispute Settlement Body Contact: Paulo Barthel-Rosa, tel: 5191, fax: 5761	April 18-19 Santiago	Second Summit of the Americas Contact: OAS Trade Unit, e-mail: sice@sice.oas.org
March 16	WTO Committee on TRIMs Contact: Mark Koulen, tel: 5224, fax: 5790	April 20-22	WTO Textiles Monitoring Body Contact: J.-P. Lapalme, tel: 5223, fax: 5765
March 16	WTO Committee on Rules of Origin Contact: Eki Kim, tel: 5584, fax: 5770	April 20-May 1 New York	Sixth Meeting of the UN Commission on Sustainable Development Contact: A. Vasilyev, tel: (1-212) 936-5949, fax: 963-4260, e-mail: vasilyev@un.org
March 16	WTO Council for Trade in Goods Contact: Suja Rishikesh, tel: 5485, fax: 5770	April 21	WTO Council for Trade in Goods Contact: Suja Rishikesh, tel: 5485, fax: 5770
March 16-17 Brussels	EU Agriculture Council Contact: Council of the European Union, tel: (32-2) 285-6111, fax: 285-7377/81	April 21-22 Washington, DC	Conference on Trade, Global Policy and the Environment (Open to the public) Contact: Per Fredriksson, World Bank, tel: (1-202) 473-7341, fax: 477-0968, e-mail: pfredriksson@worldbank.org
March 16-18 San José	Fourth Americas Business Forum Contact: Marco V. Ruiz, tel: (506) 299-2882, fax: 299-2884, e-mail: Info@alca.co.cr		
March 17-18	WTO NGO Symposium on the Committee on Trade and Environment's Work Programme Contact: Scott Vaughan, tel: 5091, fax: 5774		
March 19 San José	Fourth Western Hemisphere Trade Ministerial Contact: OAS Trade Unit, e-mail: sice@sice.oas.org		
March 19-20	WTO Committee on Trade and Environment Contact: Sabrina Shaw, tel: 5482, fax: 5620		
March 19-20	WTO Committee on Trade and Agriculture Contact: Paul Shanahan, tel: 5095, fax: 5760		
March 20 & 23	WTO Committee on Rules of Origin Contact: Eki Kim, tel: 5584, fax: 5770		
March 25	WTO Dispute Settlement Body Contact: Paulo Barthel-Rosa, tel: 5095, fax: 5761		
March 26	WTO Council for Trade in Services Contact: A.-Hamid Mamdouh, tel: 5435, fax: 5771		
March 26-27	WTO Committee on Rules of Origin Contact: Eki Kim, tel: 5584, fax: 5770		
March 30-31	WTO Working Group on the Relationship between Trade and Investment Contact: Mark Koulen, tel: 5224, fax: 5790		
April 1-3 Geneva	Expert Meeting on Existing Regional and Multilateral Investment Agreements and Their Development Dimensions Contact: Office of the Secretary of the Board, UNCTAD, tel: (41-22) 917-4815, fax: 907-0056		

PUBLICATIONS/DOCUMENTS

Shaffer, Gregory. 'Trade and the Environment: Options for Resolving the WTO Shrimp-Turtle Case'. *BNA International Trade Reporter*, Vol. 15, No. 7

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INTERNET AND OTHER RESOURCES

Bridges Weekly Trade News Digest - ICTSD's weekly summary of trade news relevant to the environment and development communities. To subscribe, send e-mail to: Majordomo@igc.apc.org. Leave the subject line blank. In the body of the message write: subscribe traddev. For fax and mail copies contact ICTSD. Also available on our web site at <http://ictsd.org>.

IISD conference on the trade impacts of changing patterns of production and consumption - <http://www.iisd.ca/susprod/>. An on-line debate between 9 and 23 March, moderated by the authors of a draft report on the effects of northern environmental concerns on southern producers. Feedback from the on-line conference will be included in the final report.