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WTO GENERAL COUNCIL: DOCUMENT DERESTRICTION, HIGH-LEVEL MEETINGS

Meeting for its last session of 1998 last week, the WTO General Council had a busy agenda. Items of interest to BRIDGES readers included the High-Level Symposia on Trade and Environment and on Trade and Development, the review of the 1996 document derestriction decision, the appointment of the new WTO Director-General, and the report of the heads of the IMF, the World Bank and the WTO on the issue of coherence. On the latter point, no agreement was reached and the General Council meeting was suspended until 18 December, when Members will meet again to attempt to reach a decision. As BRIDGES Weekly Trade News Digest goes to press, Thailand's first deputy Prime Minister Supachai Panitchpakdi seemed to be favourite as next Director-General.

Prior to its session, the General Council met as the Trade Policy Review Body and held a discussion on developments in international trade and the trading system, based on the WTO's annual report and in particular, on the report's chapter 4 which examines the process of globalisation and the impact of trade liberalisation on it. Representatives of more than 50 WTO Members spoke, mentioning inter alia the relationship between regional trade agreements and the multilateral trading system, the need to speed up accession procedures and the necessity of increasing technical assistance for developing countries. The EU mentioned the need for a new round of multilateral trade talks, and several countries lamented the lack of liberalisation in agriculture and textiles.

There was no real discussion of document derestriction during last week's General Council meeting. A new proposal for revising the 1996 document derestriction decision has however been informally put forward. It differs only from the prior proposal (reported on in BRIDGES Weekly

Trade News Digest, Vol. 2, No. 40, October 19, 1998, and BRIDGES Between Trade and Sustainable Development, Vol. 2, No. 7, p.3) in that it further delays derestriction of documents, in particular panel reports. General Council Chair, Canada's Ambassador John Weekes, submitted the new proposal after holding consultations with delegations. According to the current proposal, only documents have been translated and are available in all three WTO official languages can be proposed for derestriction. The proposal before last week's General Council makes no change in that reports of panels will remain restricted until they have been circulated to members. It contains a change over the current situation and the previous proposal in that it proposes that after the panel report has been issued to the dispute's parties, the "Findings and Conclusions" portion of the report shall be circulated as unrestricted as soon as it is available in all three language versions. The previous proposal would also have allowed the "Descriptive" part of the report to be made available as an unrestricted document in its original language. One is obviously witness here to a tug of war between the principles of linguistic equality and timely public availability of documents. It is expected that the issue of document derestriction will be on the agenda of 1999's first session of the General Council, currently scheduled for 10 February, and that the Chair, assisted by Deputy Director General Anwarul Hoda, will hold further consultations with delegations between now and then.

The General Council confirmed the objectives, dates and agendas of the High Level Symposium on Trade and Development and the High Level Symposium on Trade and Environment. The modalities for NGO participation are not yet known. The High Level Symposium on Trade and Environment will take place on 15-16 March and will consider: Linkages between trade and environmental policies; Synergies between trade liberalisation, environmental protection, sustained economic growth and sustainable development; and Interaction between the trade and environment communities. The High Level Symposium on Trade and Development will take place on 17-18 March and will consider: Links between trade and development; Trade and development prospects for developing countries; and Further integration of developing countries, including least-developed countries, in the trading system. In the context of the latter meeting, Egypt submitted a very detailed document entitled "Special and Differential Treatment for Developing Countries in the Multilateral Trading System."

On the issue of coherence of policies promoted by the Bretton Woods institutions and the trade system, a report was presented by the three managing heads highlighting areas where co-ordination among the three bodies is taking place. Among the new opportunities for co-operation mention is made of how the "expertise that the IMF and the World Bank have in areas being considered for the WTO - such as foreign direct investment and issues related to sustainable development - can contribute to the WTO's efforts to enhance the trade community's understanding of these issues." The report also enumerates the possibility of the Bank assisting with the assessment of impact of further liberalisation in industrial tariffs, agriculture and other sensitive sectors for developing countries. (See WTO document WT/GC/13).

"Thai seen front-runner in WTO leadership contest," REUTERS, December 14, 1998; ICTSD Internal Files.

EU EXPECTED TO MOVE ON BANANAS THIS WEEK

The EU this week is expected to extend an olive branch to the U.S. in an effort to settle the two sides' dispute over whether the EU has gone far enough in its revised banana import regime to

comply with the spirit of a 1997 WTO Panel ruling. The proposal could revive EU-U.S. banana talks, which broke down earlier this month. (See BRIDGES Weekly Trade News Digest Vol. 2, No. 47, December 7, 1998 and BRIDGES Weekly Trade News Digest Vol. 2, No. 44, November 16, 1998).

It is expected that the EU will ask a WTO Dispute Settlement Panel to rule as soon as possible whether its revised regime does comply with the 1997 ruling. The EU until now has been dissuaded from conceding this option, as it would suggest that the EU was indeed unsure whether its regime does comply. It is unclear whether this option, if put forward as expected December 15, would satisfy the U.S. It does come closer to previous U.S. demands that a WTO panel review the EU revised banana regime by January 15.

The EU and U.S. are scheduled to hold a summit on overall trade relations at week's end. The EU proposal would be an effort to keep the banana dispute from overshadowing that meeting between U.S. President Bill Clinton and European leaders. The EU announcement would also coincide with the publication December 15 of the U.S. list of products subject to 100 percent duties effective late next month unless the EU changes its revised regime. The U.S. list is expected to target products from EU member-states that have opposed opening the EU banana market, such as France, Austria and Finland.

"Dispute: EU softens banana line with U.S.," FINANCIAL TIMES, December 14, 1998; "EU ready to ask WTO to review its banana policy," JOURNAL OF COMMERCE, December 15, 1998; "U.S. strategy in banana tiff: divide and conquer," JOURNAL OF COMMERCE, December 9, 1998; "U.S. rejects Ruggiero request to meet with EU to resolve banana fight," INSIDE US TRADE, December 11, 1998.

OECD TALKS ON MAI OFFICIALLY END

The Organisation for Economic Co-operation and Development (OECD) December 3 announced, "Negotiations on the MAI are no longer taking place," officially ending three years of frustrating negotiations toward a Multilateral Agreement on Investment (MAI). The end to ailing negotiations was precipitated in October when France announced it was withdrawing from negotiations. (See BRIDGES Weekly Trade News Digest Vol. 2, No. 43, November 09, 1998). The MAI had been vigorously opposed by labour, environment and citizens' groups for not incorporating labour and environment standards and for lack of transparency. The OECD had also been strongly criticised for its failure to include developing countries in negotiations; these, led by India, Egypt, Pakistan and Malaysia expressed strong suspicion and opposition toward the MAI and its presumed mandate over developing countries.

The OECD statement offered no direction as to where talks on investment would go next. It seems unlikely at this stage that talks would move to the WTO, although some reports say France and other European countries would like to move MAI talks there in order to expand participation from the 29 OECD countries to the 132 WTO member countries, including developing countries left out from OECD talks. Many developing nations remain wary of WTO MAI-type talks, arguing that WTO members should focus instead on implementing existing WTO agreements before embarking on regulating new issues. The U.S. thus far remains sceptical that a MAI agreement could be concluded at the WTO. The decision on whether to start WTO talks on a MAI-type agreement is

linked to the general issue of what issues to include in a new round of international trade talks, if such a round is indeed launched at the third WTO Ministerial Meeting at the end of 1999.

"Informal Consultations on International Investment, OECD PRESS RELEASE, December 3, 1998; "WTO seeks to extend deadline for completion of investment talks," INTERNATIONAL TRADE REPORTER, December 2, 1998; "OECD nations announce end of negotiations for investment rules," INSIDE US TRADE, December 11, 1998; "L'accord multilateral sur les investissements officiellement enterré," LE MONDE, December 6-7, 1998; "OECD reaffirms need for international investment rules," AGENCE FRANCE-PRESSE, December 3, 1998; ICTSD Internal Files.

WTO DISPUTE SETTLEMENT REVIEW TO CONTINUE INTO 1999

The WTO General Council last week agreed to the request submitted to it by the Dispute Settlement Body, to prolong the review of the Dispute Settlement Understanding (DSU) until mid-1999. According to the provisions of the DSU, the review should have been concluded by the end of this year, but the number of suggestions for changes to the DSU have been larger than expected, particularly in the light of the fact that the Dispute Settlement Mechanism (DSM) is considered to be working very well on the whole.

Amongst the main issues being discussed in the context of the DSU review are set out below. For more details and country positions, see BRIDGES Between Trade and Sustainable Development, Vol 2, No. 4, p. 7, No. 7, p.7 & No. 8, p. 9). Transparency of the DSM is one of the points of discussion which has been the most aired, and on which country positions diverge the most. Elements of the issue of transparency include early release of panel reports and public access to country submissions, non-state actors' right to submit *amicus briefs* to panels, and open panel hearings to the public.

Developing countries argue that the DSU's special and differential treatment provisions in favour of developing countries have not yet given the benefits hoped for. Some are advocating creation of an independent unit to provide legal assistance to developing countries involved in DS proceedings. Other issues put forward are the composition of panels, compliance and implementation procedures, and rules relating to multiple complaints.

ICTSD Internal Files.

EU APPLIES PRECAUTIONARY PRINCIPLE TO BAN ANIMAL FEED ANTIBIOTICS

An EU ban on the use of four antibiotics used in animal feed moved forward last week as the proposal won approval from ten out of 15 ministers to the European Commission (EC). (See BRIDGES Weekly Trade News Digest Vol. 2, No. 44, November 16, 1998.) EU Agriculture Commissioner Franz Fischler proposed the ban, concerned that use of the antibiotics could build up resistance in human consumers. When the proposal moved to EU farm ministers this week, it passed, with 12 countries voting in favour. The ban, which would go into effect January 1, is controversial because scientists have yet to show any connection between the four antibiotics and increased human resistance to medicines.

Sales of the four antibiotics are worth US\$350 million a year to the four manufacturers that produce and market them. The affected manufacturers and opponents of the ban take issue not only with the potential sales revenue lost, but also the premise under which the EU is pushing the ban forward.

The EU is utilising the "precautionary principle" in justifying the ban - a principle used to allow taking preventive measures when scientific evidence is lacking. This principle - which is often cited in international environmental policy - is the same principle France is using to justify its ban on genetically modified seeds and feedstuffs, the source of a trade dispute between the U.S. and France. Critics charge the principle holds up billions of dollars of investments without any real guarantee that the bans improve consumer safety. "The precautionary principle undermines good policy by denying both due process and fair treatment," said an executive with Pfizer Inc., one of the four-affected manufacturers.

Consumer groups argue the precautionary principle is entirely justified. "Consumers will not tolerate a policy process that requires substantial evidence of death and disease before public health action is justified," according to Jim Murray, head of Europe's main consumer lobby, the EEUC.

The ban would not affect imported meat.

"EU to ban four animal feed antibiotics," FINANCIAL TIMES, December 3, 1998; "EU seeks ban on 4 animal feed antibiotics," WALL STREET JOURNAL, December 7, 1998.

MERCOSUR SUMMIT: SOCIAL-LABOUR DECLARATION SIGNED

Officials from the Southern Cone Common Market (MERCOSUR, comprising Argentina, Brazil, Uruguay, Paraguay and associate members Bolivia and Chile) met last week for their semi-annual summit. The meeting yielded agreements on two sectors, sugar and autos, which have been the source of much internal tension within the grouping. With respect to autos, the four full MERCOSUR members agreed that any new government subsidies for the auto industry must win approval from all four MERCOSUR members. Members also agreed to standardise technology levels among auto manufacturers in MERCOSUR countries. Argentine officials said the auto agreement would "create equality between the four countries and auto sectors, and give consumers greater choice."

MERCOSUR leaders also signed a so-called social-labour declaration establishing a Social Labour Commission comprised of government, labour groups and businesses, designed to be a forum for ensuring compliance with basic worker's rights. Labour groups staged protests at the summit, calling for an even greater commitment to workers' rights by demanding that MERCOSUR include social clauses in any free trade agreements negotiated. Labour activists acknowledged however that the social-labour declaration signed last week was at least a step in the right direction, as it calls for a dialogue on labour issues. Trade liberalisation, privatisation and regional financial difficulties have led to a decline in the labour movement in MERCOSUR countries, forcing labour activists to fight harder to ensure workers' rights are fully considered within the economic group.

"Argentina agrees to lower tariff on Brazil sugar by 10%;" "Mercosur signs auto policy framework deal," DOW JONES, December 10, 1998; "A movement in decline stands up to MERCOSUR summit," IPS, December 8, 1998.

WORLD BANK CARBON TRADING PLAN UNDER FIRE

The World Bank has delayed - pending further consultation with non-governmental and other interested organisations, a plan to control the US\$150 billion annual global carbon trading market. The World Bank plan details a scheme in which the Bank would charge five per cent commission on all pollution allowance trades. A global carbon-trading scheme is called for under the Kyoto Protocol on climate change, and would establish a system by which developing countries can sell their pollution allowances to developed countries in return for cleaner combustion technology investments. The U.S.-based Institute for Policy Studies published a report sharply critical of the World Bank plan, in which it said the Bank is in clear conflict with the World Bank mandate to work toward poverty alleviation and sustainable development. The plan, the report noted, would create a situation under which the Bank would fund fossil fuel projects in developing countries and then profit off the pollution produced from those projects via its carbon trading scheme. The World Bank is the largest public funder of fossil fuel projects in the developing world -- fossil fuels are the single greatest contributor to climate change.

Japan is forging plans to enter the emerging business of carbon dioxide emissions trading. Russia reportedly figures prominently in Japanese plans. It is estimated that the Japan's per tonne cost to reduce carbon dioxide emissions domestically is US\$200 versus US\$20 via trading emissions credits with Russia. Environmentalist voiced concern over the Japanese plan, as it could signal merely a shift toward a low-energy policy rather than a reduction in carbon dioxide production. Japanese carbon emissions have grown by 10 percent since 1990.

"Profiting from pollution," SAN JOSE MERCURY NEWS, November 22, 1998; "World Bank called on energy lending policy," CNN, December 2, 1998; "Environment: Eagerly, Tokyo jumps into emissions trading," IPS, December 4, 1998.

JAPAN PRESSING AHEAD WITH RICE TARIFFICATION

Japan continues to move forward with a plan to implement a rice tariffication scheme in spring 1999 (See BRIDGES Weekly Trade News Digest Vol. 2, No. 46 November 30, 1998). The proposed scheme would replace the current Japanese "minimum access" policy for rice imports, implemented as part of its commitments under the General Agreement on Tariffs and Trade (GATT), which obliges Japan to import rice equal to eight percent of total domestic consumption by 2000. Japan began importing rice at a rate of four percent consumption in 1995 and committed to an annual 0.8 percent increase in imports each year.

By adopting tariffication, Japan would now be allowed to slow its mandatory increase in imports to 0.4 percent per year, while applying tariffs on rice imports up to 1000%. The tariffication scheme is one option prescribed under GATT, Japan is still expected to face strong opposition to its rice policy from rice exporting countries when WTO agriculture talks get underway next year. Japanese smaller farmers unions and some non-governmental organisations are lobbying the government to rethink the policy, fearful that tariffication paves the way for elimination of rice tariffs all together as pressure mounts on Japan in those trade talks. These opponents argue that the policy would ultimately undermine Japanese food self-sufficiency, and say also that the policy ignores the importance of protecting and enhancing the self-reliance of small farmers both in Japan and other

countries. Japan's largest rice-growers lobby, the Central Union of Agricultural Co-operatives (Zenchu) said it would support the tariffication scheme.

The U.S., Australia and Thailand worry that tariffication would limit the guaranteed access for their rice exports. U.S. Trade Representative Charlene Barshefsky last week requested consultations with Japan before the tariffication scheme is adopted. Japan rejected the request saying that it is under no obligation to hold consultations on the matter, as long as the tariff rate falls within a WTO prescribed range. Specifically for U.S. rice, Japan has proposed a 300 percent tariff, which would price U.S. rice imports about 25 percent above domestic product.

In other regional news, Japan and South Korea have begun talks on a free trade agreement. South Korea hopes to use increased trade with Japan as a way to pull itself out of a deep recession. Japan hopes its relationship with South Korea would help balance China's growing economic strength in the region.

"U.S. asks Japan to hold talks on rice tariff plan," KYODO NEWS INTERNATIONAL, December 4, 1998; "Early acceptance of rice tariffs is right policy now, for long run," THE NIKKEI WEEKLY, December 7, 1998; "Japan may strain rice relations," AUSTRALIAN FINANCIAL REVIEW, December 9, 1998; "Japan not to hold prior talks on rice imports," KYODO NEWS INTERNATIONAL, December 4, 1998; "Japan, South Korea explore free trade," THE NIKKEI WEEKLY, December 7, 1998.

WTO IN BRIEF

The EU last week renewed its call to use the WTO as the forum for harmonisation of customs procedures and documentation around the world. Canada offered support for the proposal, but the U.S. noted that existing WTO bodies could reach the same end. South Korea noted the EU proposal went beyond the WTO mandate. Importers and exporters are reported to favour the move, because the WTO has better ability to enforce rules than existing agencies. "WTO urged to promote customs harmony," JOURNAL OF COMMERCE, December 9, 1998.

Brazil last week complained to the WTO over an EU import regime for instant coffee. Brazil said the EU discriminates against Brazilian instant coffee exports in favour of instant coffee from Andean Pact and CARICOM countries, both of which have programmes in place to combat drug trafficking. Brazil does not have such a programme in place. "Brazil takes EU to WTO," FINANCIAL TIMES, December 10, 1998; "Brazil to discuss high import taxes on soluble coffee with WTO," BRAZIL TO DISCUSS HIGH IMPORT TAXES ON SOLUBLE COFFEE WITH WTO," FUTURES WORLD, December 12, 1998.

The 20-member Common Market for Eastern and Southern Africa (COMESA) is to conduct an educational programme aimed at enabling its member states to understand and comply with global trade rules under the WTO. The programme, begun last week, includes seminars and workshops for trade officials, political decision-makers and other officials from the public and private sectors. "COMESA Initiates Education Programme On WTO," PAN AFRICAN NEWS AGENCY, December 10, 1998.

IN BRIEF

Four environmental groups last week filed suit to force the U.S. government to apply the Endangered Species Act and the Environmental Policy Act to the 1996 Softwood Lumber Agreement (SLA) between the U.S. and Canada. The environmental groups argue that the SLA encourages overcutting in British Colombia, harming grizzly bears in Canada and other wildlife in nearby U.S. states. "Environmental groups sue over U.S.-Canada softwood lumber pact," DOW JONES, December 10, 1998.

Over 20 major U.S. companies last week announced they would no longer sell wood and paper products made from old-growth forests. Under an agreement negotiated by the Coastal Rainforest Coalition, the companies (including Kinko's, Nike and Hewlett-Packard), are to phase out use of old-growth products over the next year, increase use of recycled products, and increase use of alternative "tree-free" paper sources. "Corporations forsake ancient forest products," IPS, December 10, 1998.

An US\$500 million deal between an U.S. fishing corporation and the Pakistan government faces opposition from citizens' and environmental groups which argue the deal threatens to strip a 200-mile coastal region of its fish populations within a year. Environmental groups have called for a social and environmental impact study to be conducted before the deal moves forward." U.S. Company Could Wipe Out Pakistani Fishing Grounds," ENS, December 3, 1998.

Africa is being targeted by multi-national corporations desperate for a market to sell genetically engineered products which have been rejected elsewhere, environmental groups have warned. Another problem is the privatisation of state-owned seed distribution companies in countries such as Zimbabwe, said participants in the first Euro-African Green Conference, held in Nairobi early this month. "Environment: Groups involved in genetic engineering target Africa," IPS, December 3, 1998.

EVENTS & RESOURCES**• EVENTS****WTO Meetings**

15 and 17 December 1998: Trade Policy Review Body (Canada). For information, contact Lucie Giraud, WTO, tel: (41-22) 739 50 75.

16-17 December 1998: Working Party on Russia. For information, contact Hans-Peter Werner, WTO, tel: (41-22) 739 52 86.

18 December 1998: General Council. Members will discuss the selection of the next WTO Director-General. For information, contact Keith Rockwell, WTO, tel: (41-22) 739 50 07.

Other Meetings

INTERNATIONAL DEVELOPMENT CONFERENCE - GLOBAL MEETING OF GENERATIONS: 13-15 January 1999 in Washington, DC, U.S. For more information contact the

International Development Conference, tel: (202) 884-8580; fax: (202) 884-8499; e-mail: idc@idc.org

ANPED MEETINGS ON SUSTAINABLE PRODUCTION AND CONSUMPTION: ANPED, the Northern Alliance for Sustainability, will organise two meetings to be held from 31 January to 3 February 1999. For information, contact the ANPED international Secretariat, tel: 31-(0) 30-2310300; fax: 31-(0)30-2340878; e-mail: anped@antenna.nl; Internet: <http://www.antenna.nl/anped>

RECOVERY, RECYCLING, REINTEGRATION: From 2-5 February, 1999, Geneva, Switzerland. The Fourth World Congress will address issues associated with the environmental, economic and social implications of resource recovery and reduction techniques. It will cover the most advanced technologies and the latest findings of R&D in industry and academia. Language: English. Contact: PEAK Ltd., Maria Buhler, R'99 Project Manager, Seefeldstrasse 224, CH- 8008 Zurich, Switzerland. Tel: (41-1) 386 44 44; Fax: (41-1) 385 44 45; Email: buehler@peak.ch

• RESOURCES

THE SUSTAINABLE AGRICULTURE INITIATIVE ACTION REPORT. This report will be released in the second quarter of 1999. The Sustainable Agriculture Initiative is a UK based non-governmental organisation dedicated to enhancing agricultural yields and sustainability in developing countries. The Action Report, published by the Novello Press, will be distributed to agricultural practitioners and policy formers throughout Asia, Africa and Latin America. Containing 120 individual, interlinked papers contributed by over 70 organisation dedicated to agriculture and edited by AJ Fairclough, the Action Report is based on working recommendations for agricultural practice and the integration of modern appropriate technology. For more information, or to be considered for inclusion in the Preferred Partner Schedule, contact Jeremy Flay at The Sustainable Agriculture Initiative: jeremy@susagri.net

TRADE LIBERALISATION AND THE ENVIRONMENT: THE CASE OF THE URUGUAY ROUND". In their paper on "Trade Liberalisation and the Environment: The Case of the Uruguay Round, M.A. Cole et al. estimate the pollution and monetary impacts of the Uruguay Round of trade negotiations. Using the Industrial Pollution Projection System (IPPS) developed by the NIPR team as part of their methodology, the authors' analysis indicates developing and transition regions will generally experience an increase in major air pollutants. The abstract is available on NIPR, while the full paper is available through the World Bank's link to Blackwell Publishers, publishers of The World Economy. See http://www.worldbank.org/nipr/work_paper/cole.htm

UNEP STUDY ON ECONOMIC INSTRUMENTS RELEASED. A new study, "Instruments of Change Motivating and Financing Sustainable Development", has been written for UNEP by Dr. Theodore Panayotou of the Harvard Institute for International Development, and makes a major contribution to that debate, says UNEP Executive Klaus Toepfer. The book takes stock of the available economic and related instruments such as tradeable permits, user fees, pollution charges, subsidies, environment taxes and fines, among many others. The publication is available from Earthscan Publications Limited, London, at fax: (44-171) 278 11 42; email: earthinfo@earthscan.co.uk; or from the UNEP Environment, Economics and Trade Unit, Geneva, fax: (41-22) 796 92 40; email: etEU@unep.ch

LEVELLING THE FIELD: WILL CAP REFORM PROVIDE A FAIR DEAL FOR DEVELOPING COUNTRIES? This Discussion Paper--released by the Catholic Institute for International Relations (CIIR)--identifies how the European Commission's proposed changes for the short term might affect developing countries. Offering a careful analysis of the so-called "Agenda 2000" proposals, the authors warn that the changes might actually hurt developing countries unless specific safeguards are put in place. The Paper can be obtained by contacting CIIR at tel: 44 (0) 171 354 0883; fax: 44 (0)171 359 0017; email: ciir@ciir.org

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