

Agricultural Subsidies Again Emerge as Top Priority of New WTO Round

The WTO General Council met on 12 April to discuss concrete objectives for the Seattle Round of trade negotiations slated to begin early next year. During this 'phase two' of preparatory meetings, Members are expected to come up with specific proposals based on the more general position papers they presented during the first phase of the Ministerial Meeting preparations. Due to the lion's share of Members' attention currently diverted to the appointment of the new WTO Director-General, the meeting only lasted half a day instead of the scheduled two, and yielded a limited number of proposals on the implementation of existing WTO Agreements, as well as agriculture and – to a lesser extent – services and textiles.

Agriculture

The most concrete papers were tabled by Australia and Pakistan. All of Australia's proposals, presented on behalf of the Cairns Group¹, dealt with negotiation goals regarding further liberalisation of the agricultural sector. The first of these (WT/GC/W/166) stated that 'the objective for the agriculture negotiations be, by a specified date, to put trade in agricultural goods on the same basis as trade in other goods and establish a fair and market oriented agricultural trading system which corrects and prevents restrictions and distortions.'

The proposal drew immediate opposition from the European Union and Switzerland who argued that Article 20 of the Agreement on Agriculture expressly recognises that non-trade concerns must be taken into account when further liberalising agricultural trade, and thus implicitly acknowledges that agriculture is different from other sectors covered by WTO disciplines. The Chair of the WTO Agriculture Committee reminded Members that the second preparatory stage of the Ministerial process was meant for tabling concrete proposals, not for deciding their inclusion in the post-2000 trade negotiation agenda.

Australia's second proposal (WT/GC/W/167) was that 'the principle of special and differential treatment for developing country Members remain an integral part of the agriculture negotiations. The resulting framework for liberalisation must continue to support the economic development needs of these WTO Members, including flexibility to implement their commitments, technical assistance and improved export opportunities for products of particular interest to developing countries.'

In its paper on agriculture (WT/GC/W/161), Pakistan said that 'developing countries will look at mandated negotiations as an opportunity to minimise flexibility in domestic support by developed countries and providing more flexibility in this regard to developing and least-developed countries.' It

proposed that the Agreement on Agriculture be clarified or amended so that developing countries 'be excluded from the discipline of import control and domestic support in the food product sector.'

Egypt warmly welcomed Pakistan's suggestion that industrialised countries contribute to a revolving fund to help net food-importing developing countries meet their rising food import bills. New Zealand strongly supported Pakistan's negotiating objective on securing agreement that 'developed countries refrain from "backsliding" towards higher and selective agricultural and industrial protectionism.' Among implementation issues that must be 'addressed and resolved before the new negotiations commence', Pakistan highlighted tariffication through over-valuation of tariff equivalents, developed countries' use of aggregate domestic support schemes, discriminatory and non-transparent quota administration, as well as fulfilment of commitments under the Ministerial Decision on Net Food-Importing Developing Countries.

Australia also suggested that, 'Members agree to the immediate elimination and prohibition of all forms of export subsidies' (WT/GC/W/168), and Pakistan called for the 'immediate elimination of all kinds of domestic support, product specific subsidies and all kinds of export subsidies by the developed countries' (WT/GC/W/161).

US, Cairns Group Spell out Goals

US trade and agricultural officials have also highlighted the elimination of export subsidies and more control over domestic subsidies among their major negotiation goals. Others include greater disciplines on state trading enterprises and the administration of tariff rate quotas. Speaking at a Canadian Agricultural Trade Conference on 19 April, US Secretary of Agriculture Dan Glickman said that the negotiations should 'forcefully address the questions surrounding emerging issues such as biotechnology products. [...] We must guard against using science as a disguise for trade barriers. Particularly controversial issues – such as proper use of biotechnology – can help feed a hungry world in a reasonable fashion using less pesticides and less water; but we also have to measure the public trust to ensure the independence of the process.'

At the same conference, Canada's International Trade Minister Sergio Marchi admitted that his country had some difficulty in developing a consensus on a negotiating position on agricultural trade issues. Although Canada is a Cairns Group member, Minister Marchi said that there was 'a great diversity of often competing interests' between national and regional priorities, as well as between agricultural producers and food exporters.

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In a related development, the Cairns Group on 19 April issued a Ministerial Statement expressing disappointment in the European Union's agricultural reform package adopted in March. While reducing market-distorting price support, the Agenda 2000 agricultural reforms would increase other distorting forms of support, such as direct compensation payments, with the result that EU producers would continue to be shielded from international market signals, the ministers said. 'It is important that the EU fully participate in the move towards a market-oriented agricultural system which puts trade in agricultural goods on the same basis as trade in other goods. The Agenda 2000 agricultural reforms will not provide a sufficient contribution by the EU to the forthcoming WTO agricultural negotiations. It is not acceptable to the Cairns Group that the most efficient agricultural producers are penalised while barriers to capital, technology and industrial goods are reduced to a minimum or eliminated.'

In response to the Cairns Group statement, EU Agriculture Commissioner Franz Fischler said that 'it must be clear to all of our WTO partners that the outcome of Agenda 2000 is not an opening bid on the part of the EU for the WTO negotiations but rather the policy with which the outcome of these negotiations must be compatible. If the sentiments expressed by the Cairns Group are an accurate reflection of their position in the forthcoming negotiations, then it is quite clear that we have large differences to narrow between both parties.'

Services

Regarding the mandated negotiations on services, Pakistan submitted a paper (WT/GC/W/160) on the movement of natural persons under the General Agreement on Services (GATS). It identified the use of economic needs tests (ENTs) as a major impediment to the movement of natural persons, as they 'imply that the relevant government agency would grant access if certain conditions were met that reflected the economic needs of the population or their demand for such services.' It suggested that countries agree on certain services sectors where the movement of natural persons would be exempted from the ENT requirement, as well as on more transparent and objective implementation of visa and work permit regimes, and mutual recognition of qualification and licensing regulations.

In late March, Canada's International Trade Minister Sergio Marchi said the forthcoming services negotiations should review how trade remedies, such as anti-dumping rules, might be applied to services. The Canadian magazine industry, struggling to keep Canadian editions of foreign magazines out of the market, is pressing the government to examine how such rules could be extended to the advertising sector (for more information on the magazine dispute, see Bridges Year 3 No.1, page 8).

Textiles

In a paper on the implementation of the Agreement on Textiles and Clothing (WT/GC/W/159), Pakistan highlighted the minimal market openings provided by the Agreement so far, due to industrialised countries' back-loading the removal of quotas on commercially significant items to the very end of the process in 2005, as well as their frequent recourse to safeguard and anti-dumping measures. However, Pakistan did not propose re-opening the Agreement. Instead, it suggested that countries that restrain textile imports 'undertake to implement positive measures to manifest their commitment towards liberalising trade in this sector.' Among such

measures, restraining countries should include 'at least 50 percent of the products under restraint, spread equally over all four groups (i.e. yarns, fabrics, made-up textiles and clothing, *ed.*), in the third phase of integration.' The third phase, currently running, will end on 1 January 2002. In addition, Pakistan called for a reaffirmation that the restraining countries would refrain from frequent and repeated recourse to safeguard and anti-dumping action, and for the implementation of positive measures in favour of small suppliers and least-developed countries. Pakistan also submitted a paper on the Dispute Settlement Understanding. For a summary of the highlights, please see page 8.

Next: Proposals on New Issues

The General Council will meet on 3-4 May to discuss proposals regarding the so-called 'new issues' that Members may want to include in the next round of trade talks. These include the development of WTO disciplines on investment, competition policy and the transparency of government procurement rules. Members are divided on whether to extend the negotiations into these areas; the EU is the most ardent advocate for their inclusion, with India, Pakistan and Egypt leading the opposition. That the negotiations will involve further reductions in industrial tariffs seems practically a foregone conclusion, as the main trading powers – the US, the EU, Japan and Canada – have expressed support for it. Other new issues could involve trade and environment, labour and institutional reforms regarding the WTO's relations with civil society. For a summary of Members positions on 'new issues', please see Bridges Year 3 No.1, page 1.

On 20-21 May, Members will hold a formal Special Session to review the proposals put forward in phase two so far, with further discussions taking place from 7-8 June (see box below).

¹ The Cairns Group consists of Argentina, Australia, Brazil, Canada, Chile, Colombia, Fiji, Indonesia, Malaysia, New Zealand, Paraguay, Philippines, South Africa, Thailand and Uruguay.

Second Phase of the Preparatory Process for the 3rd WTO Ministerial Meeting (30 November to 3 December 1999)

May 3-4	Informal Meeting of the WTO General Council
May 20-21	WTO General Council Special Session. Suggested focus: All subjects of the preparatory phase (i.e. implementation, the built-in agenda and the issues of the April session).
7-8 June	Informal Meeting of the WTO General Council
June 21-22	WTO General Council Special Session. Suggested focus: proposals on organisation and management of the future negotiations, including the scope, structure and time-frames.
July 6-7	Informal Meeting of the WTO General Council
July 9	WTO General Council Special Session. Suggested focus: proposals regarding all items above (i.e. March, April, May & June meetings).
July 28-29	WTO General Council Special Session. Suggested focus: proposals regarding all items above and organisation of future work, i.e. phase three of the preparatory process and drafting of the Seattle Ministerial Declaration.

The WTO Panel and Arbitration Reports on the EC Banana Regime

By Ernst-Ulrich Petersmann

The long-standing disputes over the EC's import restrictions for bananas reached a new climax on 9 and 12 April 1999 with the circulation of three WTO dispute settlement reports:

- Decision of the Arbitrators on *EC-Regime for the Importation, Sale and Distribution of Bananas – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU* (WT/DS27/ARB);
- Report of the Panel on *EC-Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 by Ecuador* (WT/DS27/RW/ECU);
- Report of the Panel on *EC-Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 by the EC* (WT/DS27/RW/EEC).

On 19 April 1999, the WTO Dispute Settlement Body (DSB), based on the finding of the arbitrators that the EC banana import regime continues to be inconsistent with GATT Article XIII and GATS Articles II and XVII, authorised the USA to suspend WTO concessions in an amount up to \$191.4 million per year, as calculated and recommended by the arbitrators.

How to Protect the WTO System against 'Persistent Violators'?

When the EC Council Regulation No.404/93 on the common organisation of the market in bananas was adopted in February 1993, its apparent inconsistencies with the EC's GATT obligations were widely criticised even within the EC. They were subsequently confirmed in an unprecedented number of GATT and WTO dispute settlement reports:

- the 1993 GATT panel report on *EEC-Member States' Import Regime for Bananas* (DS32/R) concluded that, apart from the inconsistency of the national import quotas with GATT Article XI, the EC tariff preferences for imports of bananas from ACP countries violated Article I of GATT;
- the 1994 GATT panel report on *EEC-Import Regime for Bananas* (DS38/R) found inconsistencies with GATT Articles I, II and III;
- the four 1997 WTO panel reports on *EC-Regime for the Importation, Sale and Distribution of Bananas* (WT/DS27/R/Ecuador, Guatemala-Honduras, Mexico, USA) established inconsistencies with GATT Articles I, III, X and XIII, Article 1 of the Licensing Agreement, and Articles II and XVII of the GATS;
- the 1997 Appellate Body Report (WT/DS27/AB/R) mostly upheld the panel findings;
- the 1998 WTO arbitration award (WT/DS27/15) decided that the 'reasonable period of time' for bringing the EC's import regime for bananas in conformity with the EC's obligations under WTO law would expire on 1 January 1999.

During the more than 6 years of these successive GATT and WTO dispute settlement proceedings, countless GATT and WTO meetings attempted in vain to prompt the EC to bring its import restrictions on bananas into conformity with its GATT and WTO obligations. What went wrong? Does the WTO require new rules and incentives for rendering WTO law more effective? How can the general citizen interest in liberal trade and rule of law be better

protected against the 'capture' of trade policy-making by rent-seeking interest groups?

The Constitutional Problem: Rule of Law Must Begin At Home

International law and foreign policy cannot be understood without taking into account the national legal and political systems for policy-making. It is long since recognised in EC law that international agreements concluded by the EC, such as the WTO Agreement, are an integral part of the EC legal system with legal primacy over 'secondary EC law' adopted by the EC institutions. Both the EC Treaty and the WTO Agreement were ratified by national parliaments in all 15 EC member states without granting the EC institutions power to violate international law. The frequent GATT and WTO dispute settlement findings of violations of GATT and WTO rules reflect a 'constitutional problem' that needs to be taken into account in the search for strengthening the rule of international law for the benefit of citizens:

- Why is it that the more than 100 legal acts by the EC institutions on the implementation, further development and modification of the EC's import regime for bananas could persistently ignore not only GATT/WTO law but also the requirement of the EC's 'treaty constitution' that international agreements 'shall be binding on the institutions of the Community and on Member States' (Article 300)?
- Why did the EC Court of Justice not take into account GATT/WTO law in its so far more than 40 judgements on complaints by EC member states and by adversely affected citizens against the EC's obviously illegal import restrictions on bananas?
- Why does the EC Treaty (Article 133) not provide for parliamentary control of trade agreements concluded by the EC, such as the EC's 1994 'Framework Agreement' with some banana-exporting countries in clear violation of GATT Article XIII?
- How can citizens be protected more effectively against future violations of WTO law and EC law by which 'protection rents' in the order of billions of dollars p.a. are redistributed for the benefit of a few politically influential European banana traders, at the expense of EC consumers and of more efficient banana producers in developing countries, without a lawful and democratically legitimate basis in EC law, and with only marginal benefits for banana producers and exporters in the less-developed ACP countries? (See also comment on page 8, *ed.*)

Need for Clarifying and Strengthening the DSU

The large number – 168 in April 1999 – of invocations of the WTO's Dispute Settlement Understanding (DSU), since its entry into force in 1995, is widely viewed as a vote of confidence in the WTO dispute settlement system. The WTO arbitration award on the banana dispute in April 1999, and the explicit commitment by all complainants to comply with their WTO obligations, confirm that the DSU continues to function as a framework for rule-based rather than power-based policies. The panel and arbitration awards of April 1999 illustrate, however, the need for clarifying and strengthening a number of DSU provisions, notably Article 21 on

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the implementation of dispute settlement rulings and Article 22 on suspension of concessions. For instance:

- If there is 'disagreement as to the existence or consistency with a covered agreement of measures taken to comply with the recommendations and rulings' in terms of Article 21.5 DSU: Under what conditions can such a dispute be submitted to the panel procedure provided for in Article 21.5 already before the end of the 'reasonable period of time' so as to enable compliance with the rights, obligations and time-limits under Article 22, which provides that 'the DSB, upon request, shall grant authorisation to suspend concessions or other obligations within 30 days of the expiry of the reasonable period of time unless the DSB decides by consensus to reject the request' (Article 22.6)?
- Does the reference in Article 21.5 to 'recourse to these dispute settlement procedures' also refer to the DSU provisions on consultations (Article 4), adoption of panel reports (Article 16) and appellate review (Article 17)? Or is such a literal interpretation inconsistent with the expedited nature and objective of the DSU provisions on 'prompt compliance' (Article 21) and compensation or authorisation of suspension of concessions within normally 30 days of the expiry of the reasonable period of time (Article 22)?
- If failure 'to bring the measure found to be inconsistent with a covered agreement into compliance therewith or otherwise comply with the recommendations and rulings within the reasonable period of time' (Article 22.2) has not been determined through prior panel procedures pursuant to Article 21.5: Can the complainant directly resort to Article 22.2 and, '(i)f no satisfactory compensation has been agreed within 20 days after the date of expiry of the reasonable period of time, ... request authorisation from the DSB to suspend the application to the Member concerned of concessions or other obligations under the covered agreements'? Or are unilateral claims of non-compliance with WTO obligations, also in the context of Article 22.2 of the DSU, inconsistent with the principle that determinations of WTO violations shall not be made except 'consistent with the findings contained in the panel or Appellate Body report adopted by the DSB or an arbitration award rendered under this Understanding' (Article 23)?
- Does arbitration under Article 22, notwithstanding the narrow definition of its objects in paragraphs 6 and 7 of Article 22, permit the arbitrator to decide also on the consistency of implementing measures with WTO law? How to ensure that such arbitral decisions are consistent with prior or later panel or Appellate Body findings under Article 21.5 on the WTO-consistency of implementing measures?
- Is there a need for more precise rules so as to avoid conflicts over the principle that 'the level of the suspension of concessions or other obligations authorised by the DSB shall be equivalent to the level of the nullification or impairment' (Article 22.4)? How can the potential trade foregone be calculated in an objective manner?
- Does the negative-consensus rule of Article 22.6 apply only *within* the time-periods specified in Article 22.6?
- Can the defending country self-initiate a panel procedure under Article 21.5 so as to ensure e.g. compliance with Article 22.8 ('The suspension of concessions or other obligations shall be temporary and shall only be applied until such time as the measure found to be inconsistent with a covered agreement has been removed') if countermeasures are maintained notwithstanding the defendant's claim that the offending measure has been brought into conformity with WTO law?

Limited Precedential Value of the Arbitration Award

During the Uruguay Round negotiations on Articles 21 and 22 of the DSU, the above-mentioned questions had been left open due to the time-constraints and uncertainties of the negotiations. The arbitration award of April 1999 responds to some of these questions with interpretations that are convincing in the special context of the banana dispute. For instance, the arbitrators recognised 'that our task is not to examine the relationship of Articles 21.5 and 22 of the DSU'; yet, they rightly concluded that their mandate to decide on the equivalence between the proposed suspension of concessions and the nullification or impairment, and to 'find a logical way forward' for co-ordinating the simultaneous panel and arbitration procedures notwithstanding their different time-limits, also required an examination of whether the revised EC regime was fully WTO-consistent.

This interpretation for the dispute at hand must, however, not prejudice the future co-ordination of Article 21.5 panel procedures and Article 22.6 arbitration procedures so that their respective time-limits (i.e. 90 days under Article 21.5 and 30-60 days under Article 22.6) and their specific functions remain reconcilable.

Need for Strengthening Access to Domestic Courts

The current 'full review' of the DSU should lead to agreed interpretations of Articles 21 and 22 that increase incentives for compliance with dispute settlement findings as well as disincentives for non-compliance. Future WTO Rounds must, however, not ignore the insight that rule of law must begin at home. The more than 6 years of GATT and WTO dispute settlement proceedings over the EC import regime for bananas, and their enormous economic and political costs, could have been avoided if the EC Court of Justice and the national courts in EC member states – in the numerous judicial proceedings instituted by EC member states as well as by banana traders – had protected the rule of law in conformity with the EC's GATT obligations and the WTO Agreement.

WTO law already includes guarantees of individual access to domestic courts. Strengthening these rules – by allowing adversely affected citizens to invoke and enforce, through domestic courts, precise and unconditional WTO guarantees of freedom and non-discrimination – remains the most effective and most democratic mechanism for the enforcement of rules, and for holding governments accountable if they ignore the rules ratified by national parliaments.

The First report on allegations regarding fraud, mismanagement and nepotism in the European Commission, published by the Committee of Independent Experts at the request of the European Parliament on 15 March 1999, emphasised another constitutional problem: 'It is becoming difficult to find anyone who has even the slightest sense of responsibility' (para.9.4.25). As long as WTO governments prevent their own citizens and courts to defend the rule of law at home, the WTO legal and dispute settlement system will continue to be confronted with numerous 'secondary conflicts' among governments that are spill-overs from welfare-reducing government failures and inadequate protection of rule of law *within* domestic legal systems. It is time for WTO governments to protect more effectively, in WTO law and in national laws, the democratic citizens' right to rule of law and individual access to courts *vis-à-vis* obviously illegal abuses of regulatory powers.

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Dispute Settlement Corner

Trade Sanctions Authorised in Banana Dispute

The Dispute Settlement Body on 19 April granted the United States the right to impose punitive tariffs on a range of European exports worth nearly US\$200 million. The decision followed automatically from the release of three reports on the banana dispute that has opposed the United States, Latin American banana producers and the European Union for more than six years.

The dispute concerns preferential tariff quotas, granted by the European Union to its Lomé Convention partners (ACP countries), as well as licensing arrangements for importers. WTO Appellate Body and panel reports adopted in September 1997 ruled these to be discriminatory. While the EU did amend its banana import regime in response, the complainants – Ecuador, Guatemala, Honduras, Mexico and the US – maintained that the changes did not go far enough in implementing the Appellate Body findings. The case sparked of a protracted procedural fight about compliance with WTO rulings and highlighted serious ambiguities in the Dispute Settlement Understanding's compliance provisions (see separate article on page 3).

As a result of the latest rulings, the EU must, in one way or another, open its market to more Central and Latin American bananas (see 'panel findings' below). Unlike most ACP fruit, these 'dollar bananas' are largely grown on huge plantations, a high percentage of which is owned by US multinationals, which also control distribution. Production and distribution costs in most ACP countries are far higher, and producers claim that duty-free access without guaranteed quotas would not be enough to ensure they do not lose their share of EU markets. Small Caribbean island states heavily dependent on banana exports are particularly vulnerable. In Africa, Côte d'Ivoire, Cameroon and Somalia are likely to be the most affected (see page 8).

The Panel Findings

Two of the reports, released on 12 April – requested by Ecuador and the EU itself – concluded that the EU's revised banana import regime, in force since 1 January 1999, still violated GATT Article XIII (non-discriminatory administration of quantitative restrictions), Article I (most-favoured nation treatment), as well as Articles II and XVII (most-favoured nation status and national treatment.)

In the third report, WTO arbitrators determined that the EU's regime damages the US economy by US\$191.4 million per year. In consequence, the DSB for the first time authorised the use of trade sanctions due to non-compliance with dispute settlement rulings: the US may levy 100 percent import duties on EU products whose combined export value corresponds to the arbitrators' estimate. It was unclear, however, whether the tariffs could be imposed retroactively as of 3 March, as the US maintains it has the right to do (see Bridges Year 3 No.2, page 5).

At Ecuador's request, the panel suggested measures the EU could take to bring its banana import regime into compliance with WTO rules. The simplest way would be to eliminate the separate quotas for ACP and Latin American bananas, while continuing to grant preferential tariffs for ACP bananas under the Lomé Convention waiver. The EU could also seek a tariff-quota for ACP bananas under a WTO waiver; or country-specific quotas possibly combined with duty-free treatment for ACP

bananas. Several trade diplomats said that any waivers for quota arrangements would be difficult to obtain, however. The fact that the panel made no recommendations on ways to amend the discriminatory import licensing system is another indication that preferential tariffs may be only way the EU could continue to support ACP banana producers and importers.

The EU said it would comply with the rulings and seek a WTO-compatible solution together with the complainants and the affected ACP producer countries. The negotiations to reconcile the different interests, as well as enacting the legislative changes, are likely to take months. The US trade sanctions will remain in force until the EU regime is deemed WTO-compatible.

The review reports (WT/DS27/RW/ECU and WT/DS27/RW/EEC) and the arbitration (WT/DS27/ARB) are available on the WTO website <http://www.wto.org>.

India Loses Balance-of-Payments Dispute

A panel report issued on 6 April condemned India's quantitative import restrictions on a large number of agricultural, textile and industrial products. India had maintained that the restrictions were justified under Article XVIII:B of the GATT, which lays out the conditions under which low-income developing countries can restrict imports to overcome balance-of-payment difficulties. The panel found that the measures were not consistent with Article XVIII.11, which requires Members to progressively relax and eliminate such restrictions 'as conditions improve'. Further, the panel considered that the import quotas violated GATT Article XI.1, which prohibits the institution or maintenance of other restrictions than 'duties, taxes or other charges'. The case was brought by the United States.

While the panel rejected India's argument that a Member invoking a balance-of-payments justification had the right to a lengthy phase-out of measures which no longer met the criteria, it stressed that 'our findings and recommendations do not imply that the measures at issue must be removed instantly.' Instead, the panel suggested that the 'reasonable period of time' for implementation might be set at more than the customary 15 months. The panel noted that a number of factors favoured a longer implementation period, including the principle of special and differential treatment. 'This principle should be highlighted, given that Article 21.2 of the DSU requires that "Particular attention should be paid to matters affecting the interests of developing country members with respect to measures which have been subject to dispute settlement",' the panel concluded.

Background

The WTO Committee on Balance-of-Payment Restrictions in 1997 rejected India's argument that the balance-of-payment difficulties it was experiencing justified the restrictions, particularly after an IMF report showed that India's balance-of-payment situation was healthy. India then asked for nine years to phase out the measures, but later reached an agreement with Australia, Canada, the European Union, New Zealand and Switzerland on the gradual removal of the quotas by 2003. The US, however, initiated dispute settlement proceedings when India refused to include more 'priority items' – particularly agricultural goods – in the early stages of the phase-out (see Bridges Vol.1 No.5, page 7).

Dispute Settlement Corner

US May Have to Change Shrimp-Turtle Implementation Plan After Court Ruling

The US government may be in for another round of litigation with conservation groups regarding its shrimp import policy. Challenged by the Earth Island Institute, the Sierra Club and the Humane Society, the Court of International Trade on 2 April issued a preliminary ruling that shipment-by-shipment certification of shrimp imports was 'on its face, not in accordance' with Section 609 of Public Law 101-162. Section 609 requires the government to certify that all marine shrimp imported to the country are caught with methods that protect sea turtles from drowning in shrimp nets.

The WTO Appellate Body ruled in October 1998 that Section 609 did legitimately relate to the protection of exhaustible natural resources, and as such could be justified under GATT Article XX(g). However, it found major flaws in the manner in which the law was applied. In particular, the Appellate Body condemned the requirement that wild-caught marine shrimp can only imported from countries certified by the State Department to mandate and enforce the use of turtle excluder devices (TEDS) on their shrimp trawlers. Imports were banned from other countries, even if the shipment in question was harvested by a TED-equipped vessel. This nation-by-nation certification process, the Appellate Body ruled, had an unjustifiably 'coercive effect' on other governments' policy decisions as it required them to adopt essentially the same policies as those of the US. It also found that by using nation-by-nation rather than shipment-by-shipment certification, the US appeared 'more concerned with effectively influencing' other countries' domestic policies than with assuring that it only imported shrimp caught with methods that did not harm endangered sea turtles (see Bridges Vol.2 No.7, page 9).

Influencing other countries' domestic policies is indeed a major goal of the conservation organisations involved in the case. The US initially implemented Section 609 in a way that allowed imports to be certified on a shipment-by-shipment basis, as well as a nation-by-nation basis. In 1996, conservation organisations successfully challenged this interpretation in the Court of International Trade (CIT). The court agreed that shipment-by-shipment certification was not sufficient to fulfil the law's purpose, i.e. effective protection of endangered sea turtles, and instructed the Administration to import marine shrimp only from nations that were certified as having – and enforcing – legislation requiring the use of TEDs if sea turtles occurred in their waters. The nation-by-nation vs shipment-by-shipment case has since been appealed and counter-appealed by both sides (see Bridges Vol.2 No.4, page 8).

Shipment-by-shipment certification is one the key elements in the US government's implementation plan for the WTO Appellate Body's findings on the shrimp import ban (see Bridges Year 3 No.2, page 5). Before it makes the ruling final next July, the CIT has requested details on the effects of earlier shipment-by-shipment experiences, as well as the public comments received by the State Department on the draft guidelines published in March. If the CIT orders the government to return to nation-by-nation certification only, the State Department is likely to appeal the verdict. The US must comply with the WTO ruling by 6 December 1999, and is expected to present its implementation plan to WTO Members in May.

Beef Hormones Case May Lead to Sanctions

The European Union is seeking a compromise 'interim solution' on the implementation of the Appellate Body's February 1998 ruling against its import ban on beef treated with growth hormones. Both the US and Canada have published preliminary lists of European exports – worth nearly a US\$1 billion and US\$250 million respectively – that could be hit by 100 percent tariffs unless they can reach an agreement about implementation by 13 May, when the EU should comply with the ruling.

The Appellate Body held that the ban – in force for nearly ten years – was not based on sound scientific evidence, and the EU launched a number of studies which it hopes will show that there are legitimate health reasons for the embargo. The EU has said it will not lift the ban before the results of the studies are known, which for some may not be before the end of the year. If the studies show that there are no human health risks, the embargo could be revoked and a labelling scheme for future exports adopted. According to EU authorities, the legal approval process for a labelling scheme could take up to 18 months.

The complainants claim that the issue has already been 'studied to death', the hormones have been proven safe, and that the only way to comply with the ruling is to lift the embargo.

Interim Solution

Before making a definitive decision about the ban, the EU is proposing to negotiate an interim solution, consisting essentially of compensation for lost trade and seeking a mutually satisfactory labelling scheme for potential future exports (see Bridges Year 3 No.2, page 7). Preliminary talks on labels have shown important differences: the EU wants hormone-treated beef to be labelled as such, while the US objects to labelling that is 'misleading' and implies that the products are 'somehow dangerous or of lesser quality'. It suggests that labels read simply 'US Beef'.

The US and Canada say the trade sanctions will go into effect unless the EU establishes a firm date for lifting the ban. Only in that case will they consider temporary compensation and work with the EU on a labelling scheme. So far, the EU has refused to commit to a date, citing uncertainty about the scientific study findings and the timing of their release.

Banning More Beef?

In an unexpected twist, the EU announced on 21 April that – far from lifting the embargo in the near future – it may ban all US beef imports as of 15 June. The action would be based on the only EU scientific study to be completed before the 13 May deadline. The study showed that 12 percent of the supposedly hormone-free beef currently allowed into the EU contained traces of EU-illegal hormones. To take effect, the ban must be approved by the EU's Scientific Veterinary Committee which was to meet on 27 April. While EU and US agricultural experts will work together to investigate where the hormone residues are coming from and how to remove them, US Agriculture Secretary Dan Glickman said: 'What this report should really indicate to the EU is that since there is no scientific justification for its ban in the first place, it should lift the ban instead of trying to administer this "hormone-free" programme.'

TRIPs Council: Article 27.3(b) & Non-Violation Complaints

During its 21-22 April meeting, the TRIPs Council discussed whether the TRIPs Agreement should continue to rule out 'non-violation'¹ grievances in disputes involving its provisions. This discussion is important as it has implications for the scope of application of the TRIPs Agreement, as well as being a possible precedent for prolonging the period available to developing countries to comply with the Uruguay Round Agreements.

According to Article 64 of the TRIPs Agreement, recourse to non-violation complaints concerning intellectual property rights will become available on 1 January 2000, unless there is consensus among all WTO Members to the contrary.

The Council had two position papers before it. One was submitted by Canada, and calls for substantive examination by the TRIPs Council of non-violation nullification or impairment. The paper points out that the non-violation remedy was developed in a context quite different from TRIPs as a means of ensuring market access and that it is not suitable in the context of TRIPs, where it could introduce harmful uncertainty. Allowing recourse to non-violation remedies in this area could constrain Members' use of measures in areas such as social policy, health and environmental protection.

The other paper was submitted by Cuba, Dominican Republic, Egypt, Indonesia, Malaysia and Pakistan. It calls for the time period referred to in Article 64 be extended until the complexity of the implications of non-violation remedies in the area of intellectual property can be better understood. The paper points out that developing countries, currently enjoying transitional periods under the TRIPs Agreement, will be unable to assess the implications of the application of the non-violation remedy in the area of intellectual property by the end of this year.

A number of countries, including Hungary, India, Hong Kong, Japan, New Zealand and Sri Lanka, expressed support for both papers. Some, including India and Egypt, said they would like non-violation provisions removed from the TRIPs Agreement altogether. The US does not support extending the period during which non-violation complaints cannot be made and opposes removing the non-violation provisions. However, observers believe that the US will be isolated on this issue and will have to allow at least an extension of the moratorium. The TRIPs Council will continue to discuss this issue at its July meeting.

At the April meeting, WTO Members continued to disagree about whether the review of Article 27.3(b), due to be completed this year, is a review of the implementation or of the substance of the provision. Article 27.3(b) says that animal and plant inventions do not need to be given patent protection, but that plant varieties have to be protected either by patents or a *sui generis* system. The EU and the US argued that the review's objective is to examine implementation of the provision, although both said that they could be willing to discuss whether the provision itself should be opened to re-negotiation.

Developing countries point out that since they are not obliged to implement the TRIPs Agreement until 1 January 2000, it is pointless to talk about implementation at this stage. Some developing countries – such as India, Malaysia and the Philippines – are thought to be likely to propose changes to the text of Article 27.3(b).

Approximately 30 countries have submitted papers describing their implementation of Article 27.3(b) to the WTO Secretariat. Except

for Zambia and Morocco, all of those who have submitted papers are developed countries. The WTO Secretariat is compiling a synthesis of the papers received, which should be available shortly.

The TRIPs Council is expected to address the procedural issue of whether or not to consider a change to the text of Article 27.3(b) during its next session, in July.

¹ A 'non-violation nullification or impairment' measure is one which, while it does not conflict with the provisions of the Agreement, has the effect of nullifying or impairing a 'benefit' ensured under a treaty. The rationale for such a provision is to protect the overall balance of concessions *reasonably expected* when the agreement was reached.

General Council to Address LDC Waiver

Much of the ordinary business of the WTO has practically ground to a halt as Members struggle to find a consensus on the organisation's next Director-General. The topic dominated the General Council session of 14 April to such an extent that only two other items (observer status for Yemen, and accession proceedings for Lebanon) got adopted on an 11-point agenda. Even so, Members once more failed to pick a successor to Renato Ruggiero, who will step down on 30 April. The two remaining candidates are Thailand's Deputy Prime Minister Supachai Phanitchaphak and New Zealand's former Prime Minister Mike Moore. If no consensus emerges around either by 30 April, the WTO is likely to be headed by one of the four current Deputy Director-Generals until a new Director-General can be appointed.

Among the items that fell on the wayside on 14 April was the potential adoption of a decision on a waiver for preferential tariff treatment for least-developed countries (LDCs). The gist of the draft decision (G/C/W/135/Rev.1) was that 'the provisions of paragraph 1 of Article I of the GATT 1994 shall be waived until 30 June 2009, to the extent necessary to allow developing country Members to provide preferential tariff treatment to products of least-developed countries, designated as such by the United Nations, without being required to extend the same tariff rates to like products of any other Member.' Such a waiver has long been sought by least-developed countries, since a fair proportion of their international trade is with other developing countries rather than industrialised ones. However, under the GATT, developing countries must extend most-favoured nation treatment to all their trading partners while developed countries may grant preferential access to LDC (and other developing country) exports under the 1979 Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries, as well as the 1994 Decision in Favour of Least-Developed Countries.

Another non-discussed item on the agenda was the 'Review of Procedures for the Circulation and Derestriction of WTO Documents'. The issue has regularly appeared on the General Council's agenda after the May 1998 WTO Ministerial Declaration directed Members to 'consider how to improve the transparency of WTO operations'. The Secretariat has prepared an update on the state-of-play of the discussions (WT/GC/W/117/Rev.1), reproducing the key written and oral proposals made at the October 1998 General Council Meeting (see Bridges Vol.2 No.7, page 3).

The General Council meeting was suspended rather than adjourned. Agenda items not dealt with on 14 April, will be addressed when it resumes – after Mr Ruggiero's successor has been selected.

Review of the Dispute Settlement Understanding

During the 12 April General Council Special Session on preparations for the Seattle Ministerial Conference (see page 1), Pakistan tabled a proposal 'for further examination, clarification and modification of some of the provisions of the Dispute Settlement Understanding' (WT/GC/W/162). Although the proposal was presented within the framework of the Ministerial preparations, most observers believe that the DSU review will be completed by its deadline next July rather than be included in the next round of trade negotiations. Recommendations arising from the review will be submitted to ministers in Seattle, where any changes to the DSU will have to be adopted by consensus.

Pakistan's proposals fall into three categories: selection of panel members, the role of the Appellate Body, and compensation and suspension of concessions. On the first topic, Pakistan suggests that Members request the Secretariat to prepare a paper explaining the procedures followed at present in the preparation of the 'indicative list' of individuals that possess the necessary qualifications to serve as panel members.

To ensure that the Appellate Body (AB) limits itself to examining the 'issues of law' covered in panel reports, Pakistan proposes the AB be should be required to 'remand' the case to the original panel for re-examination if it considers that the latter did not address all the facts and legal issues involved.

Pakistan also requests that 'in all cases, where the Appellate Body considers broader or different interpretation [of WTO provisions, *ed.*] would be justifiable and equitable taking into account contemporary developments, it should refer the matter to the General Council for consideration and for making such modifications in the relevant rules as the Member countries consider appropriate.' According to Pakistan, the AB over-reached its mandate when – in the shrimp-turtle case – it ruled that 'in the light of contemporary concerns' the reference to 'exhaustible natural resources' in GATT Article XX(g) 'originally intended to cover "physical resources" must now be broadened to cover "living resources".' This interpretation, Pakistan argues, has significantly increased the possibility of Article XX being invoked to justify restrictive trade measures and has resulted in the 'diminution of the rights available to Member countries under GATT.'

In light of the 'uncertainty' created by the AB's ruling in the shrimp-turtle case that panels may take into account unsolicited information submitted by non-governmental groups, Pakistan considers it 'necessary to clarify that provisions of Article XIII.2 would not permit panels or the Appellate Body to take into account "unsolicited information" including "amicus briefs" from private parties.'

Another concern of Pakistan's is the right to cross-retaliation in case of non-compliance with WTO rulings. 'In essence these provisions imply that for a perceived lapse in the areas of services and intellectual property by a developing country, retaliation against it could be taken in the goods sector.' It calls for a clarification specifying that retaliation against developing countries may only take place under the same Agreement as the violation itself. Pakistan further suggests that when a developing country Member is entitled to financial compensation, the amount should be independent of the requirement to remove the offending measure and should be determined taking into account such factors as the measure's impact and duration, as well as the time it would take to develop exports after the measure was removed.

A Caribbean View on the WTO Banana Rulings

Understanding the implications of the three separate but linked WTO rulings relating to bananas is far from easy. But for many thousands of small farmers throughout the Caribbean the outcome of what may happen next is of critical importance to their livelihoods, the economic survival of many Caribbean economies and the stability of the region as a whole.

Acceptance now of the WTO rulings by the EU may create a basis for the last and most difficult phase of the banana war: a negotiated peace settlement that provides Caribbean farmers with the security they require.

The reports issued on April 12 were the ones that may have the greater long-term impact on the Caribbean. The first of those confirmed that while it was acceptable for the EU to give preferential treatment to ACP bananas under the Lomé Convention, which has a WTO waiver, the quota and the licensing systems designed to encourage marketing companies to continue to bring ACP fruit into the EU market, discriminated against Latin suppliers and US marketing companies.

The second and parallel panel requested by Ecuador, made recommendations on the type of regime that the WTO might consider acceptable for ACP bananas.

'The United States remains open to a negotiated resolution. Our conditions remain simple – a WTO consistent regime and one that enables vulnerable Caribbean countries to continue to export their bananas.' This statement made on 6 April by Peter Scher, the United States Special Trade Negotiator, indicates that – for the first time – the US accepts that having won the trade war in which innocent civilians, the banana farmers of the Caribbean, have been caught up, the problems of ACP producers must be taken into account. It now seems prepared to find through direct dialogue with the EU and one hopes with the Caribbean as well, a way to create a WTO compatible banana regime that will ensure the maintenance of the industry in the region.

This is potentially better news, but as always the devil will be in the detail and the position to be taken with the US Congress by US multinationals such as Chiquita.

Caribbean banana producers are clear. They now require a regime that gives them certainty and at least ten years of stability in an arrangement, which even if it is outside of the Lomé Convention, must continue to honor the Lomé treaty commitments on bananas in full. That is to say a system that provides assured access to the EU market and a viable return for traditional volumes of fruit. This, they argue, is only possible if a new WTO compatible system is established that continues to limit the volume of bananas on the EU market. A tariff-only system as has been suggested by some, would not achieve this as it would lead to the small volumes of Caribbean fruit being displaced by high-volume low-cost Latin and other fruit. If the way around this were to be through additional measures then, it is suggested, there are possible models not too far from ideas previously promoted by the United States Special Trade Representative's Office.

David Jessop, Executive Director of the Caribbean Council for Europe. Abridged with the author's permission from This Week in Europe of 16 April, 1999. For the full text, please see <http://www.oneworld.org/euforic/cce/99apr16.htm>

No Change in NAFTA Investor-State Provisions

The trade ministers of the North American Free Trade Agreement, met on 22-23 April in Ottawa. Among the issues on their agenda was a possible clarification to the treaty's investor-state dispute settlement provisions (contained in NAFTA's Chapter 11), under which companies can sue governments for compensation for measures 'tantamount to nationalisation or expropriation of [...] an investment'. This clause was successfully used by the US-based Ethyl Co. against the Canadian government, which last July settled out of court a US\$250 million law suit for US\$13 million, as well as cancelled an inter-provincial trade and import ban of the gasoline additive MMT. The ban was established due to concern about MMT's environmental and public health effects, but the government later said scientific evidence did not support the measure. The case, and others like it not yet adjudicated, have incensed the environmental and consumer movements and to a large extent accounts for civil society opposition to any NAFTA-type investment agreement in other fora (see next page).

Sensitive to such pressure, Canada sought an 'interpretative statement' that would spell out the exact meaning of the term 'tantamount to expropriation' and clarify that the clause could not be used to challenge legitimate government regulatory activity. Mexico blocked the attempt, saying the Agreement worked well in its present form. The ministers' final communiqué only notes that they will continue discussions on 'a range of substantive issues, including certain provisions in chapter Eleven'. The ministers also 'reaffirmed the value of continuing co-operation with our respective labour and environment ministries on issues of mutual interest', and stated their interest in further discussing 'transparency and openness in the NAFTA work programme.'

The ministers also confirmed their intention to work toward the launch of 'negotiations for further liberalization sufficiently broad-based to respond to the range of interests and concerns of all Members within the WTO framework, and to conduct such negotiations in a timely manner. We also reaffirmed our interest in a prompt conclusion of this year's review of the Dispute Settlement Understanding in order to implement the results immediately thereafter and other ongoing work by the Seattle Ministerial.'

FTAA Civil Society Committee Postpones Meeting

The Committee of Government Representatives on the Participation of Civil Society in the Free Trade Area of the Americas (FTAA) has postponed a meeting scheduled for 10-11 May in Miami. The Committee was to review the views expressed by civil society in written submissions on 'trade matters related to the FTAA process', but its Secretariat was unable to prepare executive summaries for the 72 submissions it received in time to hold the meeting as planned (see next page for details).

The meeting was expected to be tense, as the 34 governments involved in the FTAA process disagree on the Committee's role and the scope of its activities (see Bridges Vol.2 No.8, page 13). According to press reports, the US would like the executive summaries to be made publicly available on the FTAA website, while Canada and others consider that the documents are 'owned by their submitters' who should decide whether they want to make them public. New dates for the meeting have not yet been set.

Contact: Chairman of the CGR, ECLAC, fax: (1-202) 296-0826, e-mail: mailto:eclac@tmn.com, web: <http://alca-ftaa.org>

EU Biotechnology Regulation Revision Postponed

The European Commission on 30 March rejected key amendments proposed by the European Parliament to its draft revision of EU law governing the deliberate release of genetically modified organisms (GMOs). The Commission prepares EU legislation for the approval of the Council of Ministers, which shares final decision-making on the GMO issue with the European Parliament. As the parliamentarians said they would not withdraw the rejected amendments, the revision will move to a conciliation committee process, where its completion is likely to take months.

The Commission objected to three amendments in particular: the Parliament suggested that regulatory GMO licences be granted for 12 years if there is concern about environmental impacts, and that unlimited licences be approved for GMOs considered without environmental threats by EU authorities. The Commission had proposed a seven-year approval period for all GMOs. 'Given the scientific and environmental uncertainties involved with GMOs, a seven-year time limit would be more appropriate than a 12-year limit', a Commission spokesperson said.

The Commission also rejected the Parliament's request of strict liability provisions making companies responsible for any damage caused by a GMO, arguing that there was no need for a liability scheme for just the specific area of biosafety. And finally, the Commission estimated that it was too early to decide on a ban on GMOs containing an antibiotic gene. A Commission scientific panel should deliver its report on the issue in May. On the other hand, the Commission approved the Parliament's request for stricter monitoring of GMOs, as well as an increase in the power of an ethical committee on GMOs.

The Council of Ministers was expected to adopt the revised directive at its next meeting in June, but Germany, the current EU president, has now scheduled only an 'orientation debate' on the issue during the meeting. A German trade official said there was 'such a wide divergence' among member states that it would be 'futile to try and reach a common position'. Indeed: France, Luxembourg and Austria have already refused permission for EU-approved varieties of corn (see Bridges Vol.2 No.7, page 14). Greece announced on 31 March that it had banned all planting of genetically engineered crops for a year pending a full study on the potential health hazards of such crops. The government also plans to propose a two-year moratorium on the sale of genetically modified seeds. In addition, Greece is calling for an EU-wide moratorium on commercial releases of all GMOs. The Dutch parliament is also currently debating a moratorium on GMO crops.

The revision of Directive 90/220 has been underway for nearly two years. The US in particular has been concerned that during the period, the EU approval process for GMOs has 'ground to a halt'. Assistant US Trade Representative for Agricultural Affairs James Murphy told the Congress Agriculture Committee in March that no plant variety produced through biotechnology had passed through the EU's approval process for nearly a year (see related item on page 11).

In related news, Paddy Ashdown – the UK's outgoing liberal democratic leader and possibly a future EU Commissioner – in early March called for setting up a WTO working party to look at the linkage between WTO rules and GMOs before the matter is 'thrown to the next round'. The US Agriculture Secretary Dan Glickman has also said the WTO was the proper forum for considering questions about biotechnology research and GMOS.

Civil Society Campaigns and Positions around the Millennium Round, Global Investment Treaty

Several campaigns regarding further trade liberalisation and a multilateral investment treaty are currently underway. Co-ordinated by different organisations, the campaigns and events interlink through extensive use of e-mail and the internet. The examples below are intended to give an idea of these groups' concerns, but do not nearly cover all organisations involved in the process.

WTO Negotiations

'We, the undersigned members of international civil society, oppose any effort to expand the powers of the World Trade Organization (WTO) through a new comprehensive round of trade liberalisation. Instead, governments should review and rectify the deficiencies of the system and the WTO regime itself.' Thus starts the 'Statement from Members of International Civil Society Opposing a Millennium Round or a New Round of Comprehensive Trade Negotiations', signed in late April by nearly 500 non-governmental organisations from around the world.

The signatories call on governments to review, with civil society's full participation, 'the WTO's impact on marginalised communities, development, democracy, environment, health, human rights, labour rights and the rights of women and children.'

While signatures are still accepted, several NGOs are already using the statement to support their arguments in their consultations with governments.

Contact: Friends of Earth, UK, tel: (44-171) 490-1555, fax: 490-0881, e-mail: ronnieh@foe.co.uk, web: <http://www.foe.co.uk/>

Similar sentiments were expressed by the 320 activists and academics from 40 countries who gathered in Bangkok from 23-26 March for a conference on 'Economic Sovereignty in a Globalising World: Creating People Centred Economics for the 21st Century.' In a report published in Focus on Trade #34, the conference organiser, Focus on the Global South, described some of the conclusions: 'Strong consensus was clear on several key issues: immediate and radical reform of the IMF, debt cancellation and abolition of HIPC [the World Bank/IMF Initiative for Heavily Indebted Poor Countries, *ed.*], no new round of the WTO, and total opposition to any variation of the Multi-lateral Agreement on Investment. In addition, the rights and responsibilities of national governments to set economic policies determined through domestic democratic processes was upheld. The urgent need to quell the power and volatility of finance was repeated throughout the conference as was the importance of supporting a job-creating, equitable and environmentally sustainable real economy.'

Contact: Focus on the Global South, tel: (66-2) 218-7363/7364/7365, fax: 255-9976, e-mail: admin@focusweb.org, web: <http://focusweb.org/>

By late February, nearly 400 organisations and individuals had signed a letter opposing negotiations on a multilateral investment treaty in the WTO. The letter said that moving investment talks from the Organisation for Economic Co-operation and Development (OECD) to the WTO would 'place great pressure on developing countries to negotiate and eventually join an agreement that would have disastrous effects on their development prospects.' The co-signers maintained that 'promises to include environmental and social concerns are likely to be only an eyewash to co-opt the public to accept the basic tenets of the MAI', and called on all

governments to reject any proposal to negotiate an investment agreement in the WTO. 'The proposals by the EU and other major countries to start a "Millennium Round" or a "comprehensive future agenda" for the WTO should not be used as a device to sneak in an investment negotiation process in the WTO.'

The letter calls on governments to work instead to establish 'global and national guidelines, rules and regulations to place obligations on investors and corporations so that their activities and products serve the needs of people within a framework of internationally fair, socially just and environmentally sound development.'

Contact: Third World Network, tel: (60-4) 226-6728, fax: 226-4505, e-mail: tw@igc.apc.org, web: <http://www.twonorg.sg/> or: Public Citizen Global Trade Watch, e-mail: mstrand@citizen.org, web: <http://www.citizen.org/pctrade/tradeframe.html>

In a detailed paper entitled 'The Coming WTO Negotiations', 13 Danish non-governmental environmental and development organisations presented their positions and proposals to their government. The collective message urges the Danish government to 'work towards setting the advancement of sustainable development as the prime objective of a coming round of WTO negotiations' and calls for progress in: integrating environmental considerations into WTO rules and agreements; making development concerns and poverty eradication in developing countries a main priority in world trade regulation; mainstreaming gender in trade regulation; integrating respect for fundamental workers rights into WTO agreements; expanding regulation of world markets to include investment and competition conditions; and, making the WTO more democratic.

Contact: John Nordbo, Co-ordinator of the '92 Group, e-mail: jnordbo@ms-dan.dk

The FTAA Process

On 19 April, civil society groups from the Western hemisphere presented a letter to the investment working group for the Free Trade Area of the Americas. They wished 'to inform governments early in the negotiating process that civil society will oppose efforts to write an MAI or NAFTA-style investment agreement for the Western Hemisphere through the FTAA.' Citing concerns about an investment agreement's effects on 'democratic procedures, economic development, financial stability, environmental protection, and human rights', the letter said civil society organisations opposed 'binding investor-to-state arbitration rules as the centerpiece of an FTAA investment agreement', calling it 'a closed avenue by which corporations can bypass normal political and legal channels and attack democratically enacted laws.'

Contact: Mark Vallianatos, Friends of the Earth, US, tel: (1-202) 783-7400, fax: 783-0444, e-mail: mvallianatos@foe.org

Non-governmental groups from North and Latin America have submitted 72 proposals to the Committee of Government Representatives on the Participation of Civil Society in the Free Trade Area of the Americas (FTAA). Eighteen of the 30 Latin American proposals were submitted by business and labour groups, four by academia and five by public interest NGOs. In North America, business and labour counted for 21 proposals compared to 23 submissions from civil society groups and academic institutions. Please contact the Secretariat for copies (see address on page 9).

OECD to Work on GMO Issues

The Organisation for Economic Co-operation and Development hosted a conference on 29-31 March on 'Biological Resource Management: Connecting Science and Policy', in an effort to defuse the frequently emotional rhetoric surrounding biotechnology issues. Participants included representatives of the scientific community, governments, business, consumer organisations and specialist press.

The conference highlighted the gap between the 'risk-averse' approach to genetical engineering taken by most European governments – under pressure from the public – and the essentially American solution of regulating 'on the basis of perceived harm, not on the technology'. As reasons for European misgivings about GMOs, participants suggested a distrust of scientists exacerbated by the 'mad cow' scare, and consumer suspicion concerning the concentration of crop seeds and other agricultural products in the hands of a few powerful companies. John Beringer, a UK scientist, said that the EU's decision to regulate 'anything that was genetically modified, gave off the idea that GM crops were fundamentally harmful.' (See related article on page 9).

While they drew no definitive conclusions, participants agreed that science alone would not win over a skeptical public: more concrete evidence of the benefits of biotechnology crops would be needed, and consumer organisations' opposition could be attenuated by a credible labelling scheme for GMO foods.

The OECD proposes to play a co-ordinating role in future scientific, ethical and regulatory discussions relating to the GMO debate. The March 1999 issue of the *OECD Observer* is largely devoted to the biotechnology debate.

Contact: Meggan Dissly, OECD Media Relations Division, tel: (33) 1-45 24 80 94; fax: 1-45 24 80 07.

Regional briefings, seminars and workshops related to UNCTAD X preparations

to inform NGOs of the issues to be addressed at the Conference, and to allow for the formulation of ideas and potential input from the civil society perspective:

May: Briefing in the 2nd week in Korea for Korean-based NGOs; Briefing by UNCTAD Secretary-General Rubens Ricupero on **17 May** in Rio de Janeiro during the Workshop for the Use of Risk Management and Collateralized Finance in the Coffee Sector; Possible briefings in Stockholm and Oslo with the collaboration of SIDA and NORAD;

June: Consultations with trade unions to be held on one day during the ILO Governing Council Meeting on 1-17 June; Briefing in Barbados and Trinidad and Tobago for the Caribbean region; Briefing at two-day meeting in Harvard, Boston, on **4 June**; with an opening address by Mr Ricupero; briefings in New York, and in Washington, D.C. to coincide with the Spring conference of the Global Policy Forum on the Tobin Tax and financial regulatory mechanisms, with possible hosting by UNA/USA.

For the full schedule, please contact Alisa Clarke at UNCTAD.

Preparations and Issues for UNCTAD X

UNCTAD hosted a briefing for representatives of civil society on 19 March on its tenth quadrennial Conference, UNCTAD X, to be held on 12-20 February, 2000. The meeting was attended by some 20 representatives of NGOs and business organisations.

Andrew Whitley, Chief of UNCTAD's External Relations, spoke of the planned preparatory activities for UNCTAD X, which would be addressing the theme 'Applying the lessons of the past to make globalisation an effective instrument for the development of all countries and of all people'. These would comprise a process of stock-taking, and would involve intellectual, intergovernmental and civil society tracks. He stated that UNCTAD was seeking to recapture the energy of the 1970s which propelled discussions on trade and development. The main projects being pursued were:

- a series of regional preparatory briefings around the world for civil society organizations between March and August 1999. This had been initiated with a first briefing for Swiss-based NGOs held in Geneva on 9 March 1999, and a second meeting that sought to engage those civil society organizations attending the WTO Symposia in Geneva. These will be followed by UNCTAD's annual Consultations with NGOs on 19-21 September, and the conclusions of the NGOs present at this event will be presented at the 25 October Trade and Development Board Session through a representative steering group;
- the creation of a 'Cahier d'espérances' or 'Book of Hopes', which would collate grassroots contributions from around the world on the theme of the Conference;
- an Internet discussion forum through which papers on the Conference theme would be presented by civil society organisations and related dialogue thereby engendered; and
- poster and essay competitions.

Discussion followed on the contribution of UNCTAD's *Trade and Development Reports* to UNCTAD X issues; the need for the stimulation of a 'competition culture' in developing countries; more assertive advocacy for developing country interests and the social and environmental dimensions of trade; and the work being undertaken in the area of investment. Interventions also drew attention to UNCTAD's position on globalisation and the corresponding role of transnational corporations and civil society. The issue of co-ordination among various international institutions was also considered, as were developing country concerns with the impact of the Uruguay Round and the prospects for the next WTO Round.

UNCTAD officials noted that an important element in the studies that will make up the 1999 *Trade and Development Report* (special focus on balance-of-payments problems) would be the growing acceptance of a post-Washington consensus as illustrated by UNCTAD's recent Raul Prebisch Lecture delivered by Joseph Stiglitz, Senior Vice President and Chief Economist at the World Bank (see Bridges Vol.2 No.7, page 8). They proposed the idea of an alternative 'Southern consensus' in view of the fact that the Washington-consensus contributed to the emergence of monopolistic trends through 'mega-mergers'. The speakers advocated special and differential treatment for developing countries, with the aim of an equitable 'playing field' and said this was an area which could be pursued at UNCTAD X.

A summary report of the meeting is available from UNCTAD.

Contact: Alisa Clarke, NGO Liaison Officer, UNCTAD, e-mail: Alisa.Clarke@unctad.org

Competition Policy at the WTO

Competition policy is based on the idea that competition enhances economic efficiency. Composed of a set of national rules, competition policy (CP) aims to prevent business from acting to the detriment of the common good by reducing or eliminating competition, as such practices can reduce incentives for technical development and lead to the impairment of investment and of quality of goods and services. To ensure this does not happen, competition authorities investigate complaints arising from restrictive business practices and enforce their findings through legal action.

Empirical evidence shows that competitive markets are more innovative and efficient than those where industrial power is too concentrated. However, it can be argued that in some circumstances monopolies can better improve welfare than competitive structures, for instance when achieving a sufficient return for investment in technology requires a high volume of output. Also, governments may want to provide scope for flexibility in CP implementation in order to secure competitive advantage in international markets for national industries of strategic interest. In addition, exemptions such as the preservation of domestic employment can be justified from a public interest point of view.

Unlike the United States, which adopted its first CP scheme in 1890, few countries had competition laws until the 1950s. Since the early 1990s, however, a rapidly increasing number of countries have passed CP rules, although important players such as Malaysia and Singapore have not. As a result, while competition policy is an increasingly accepted concept at the international level, nations still have very different levels of maturity in its development and implementation.

In addition, national practices vary considerably according to the balance favoured by countries between public interest and economic efficiency, the nature of their legal systems (common law versus a civil code approach) and their levels of economic and technological development. International collaboration on competition policy investigations has been limited by difficulties national agencies have in sharing confidential data and does in practice take place in a limited number of bilateral agreements between developed nations.

In the WTO context, rules provide only limited requirement for CP. GATT provisions address certain issues related to CP such as monopolies, technical standards and licensing. The latest significant development was the plurilateral Telecommunications Agreement, which contains the obligation to allow service providers of other Members access to public telecommunications networks on a reasonable and non-discriminatory basis. CP is also part of the Work Programme adopted at the 1996 Singapore WTO Ministerial (i.e. issues recognised as needing further study).

Competition Policy in the Seattle Round

Whether or not CP should be included in the next round of trade negotiations is the subject of debate in the preparatory process for the Seattle Ministerial. This debate has two main elements:

First, the absence of global rules on enhancing competition sharply contrasts with the global nature of business. In fact, an increasing number of competition cases have important international components and the adoption of competition rules at multilateral level could serve as a balancing factor to globalisation-related investment and mergers.

Second, competition policy could contribute to the overall objectives of the WTO, including the promotion of trade. As trade and investment liberalisation increasingly reduces entry barriers, the competitive structure of markets becomes a more and more relevant issue for market access concerns.

However, discussions between the trade and CP communities at international level are marked by the difficulty in finding a common ground between the two disciplines. Competition policy is by its nature centred on promoting competitive markets and any harmonisation process is difficult to integrate into a WTO *quid pro quo* mode based on incremental exchanges of concessions.

Where countries stand in this debate depends on a series of interconnected elements: (1) their appreciation of the importance of the trade distortions provoked by the limited co-operation at the international level; (2) their opinion about the anticipated level of efficiency that such a set of multilateral rules would achieve; (3) the degree of flexibility that this common core of rules would provide for the public interest element of CP, particularly with regard to special and differential treatment for developing countries, and; (4) their overall strategy for the forthcoming trade negotiations.

Whatever the case, WTO Members agree that setting up an international authority with its own powers of investigation and enforcement is an unfeasible option.

Country Positions on Competition Policy

The EU is the main promoter of a multilateral agreement on competition policy. It pleads for the adoption of a set of 'core principles' at the multilateral level that would be reflected in basic national competition rules. This legislation should be coupled with adequate enforcement provisions and a right of access to domestic authorities. It would also include common approaches to address anti-competitive practices of international cartels such as price and output fixing, market sharing and bid-rigging. Finally, a mechanism could be defined to settle disputes in clearly specified circumstances.

It is worth keeping in mind that this position is part of a broader EU strategy aimed at easing combined pressures from developing countries, the United States and the Cairns Group on the already mandated negotiations on agriculture. The more comprehensive the negotiations – including, *inter alia*, competition policy – the better the chances of trade-offs between different sectors.

Canada draws lessons from the functioning of the TRIPs Agreement for competition law and policy at the multilateral level. It considers that despite important differences, the transition period formula provided by TRIPs could provide a suitable model for addressing the case of national regimes not yet in force.

The United States, although sharing the concern for more co-operation at the international level, defends an evolutionary approach that could better take into account the fast evolution of antitrust laws at national level. Specifically, it would like to deepen case-specific co-operation mainly on a bilateral basis. On a parallel and complementary track, it proposes to take more advantage of the potential represented by co-operative work at regional and multilateral levels that involves discussing common problems and practical experiences in antitrust enforcement and CP.

Continued on page 14

CSD Addresses Oceans, Sustainable Consumption

As this issue of Bridges went to press, delegates at the seventh session of the Commission on Sustainable Development (CSD) were drafting a decision on government action to ensure that the world's oceans are sustainably managed. The Commission was set up in 1992 to monitor the implementation of Agenda 21, the environment and development action plan adopted at the Earth Summit in Rio de Janeiro. Among the major themes of this year's meeting were oceans and consumption patterns.

Curbing over-fishing is one of the key issues in the sustainable management of the world's oceans, and the main reason for this over-exploitation is the vast over-capacity of the global fishing fleet. In February, governments adopted an International Action Plan for the Management of Fishing Capacity, which requires them, *inter alia*, to reduce the capacity of their fleets, and to gradually eliminate subsidies that contribute to over-capacity in the fisheries sector (see Bridges Year 3, No.1, page 14). Working on the CSD decision on oceans, delegates agreed that over-exploitation of marine living resources was due to 'illegal, unregulated or unreported fishing', as well as 'unsustainable or uncontrolled distant water fishing'. Argentina, Canada, the EU, Iceland, Japan, Korea, Mexico, Panama, Russia and the US supported mandating the FAO to give priority to regulating such activities through the development of a global action plan.

International Commission on Sustainable Consumption Launched

According to Agenda 21, changing consumption patterns should be addressed with a dual objective: to promote patterns of consumption and production that reduce environmental stress and meet the basic needs of humanity; and, to develop a better understanding of the role of consumption and ways to bring about more sustainable consumption patterns. A new Commission launched during the CSD meeting aims to do both.

The International Commission on Sustainable Consumption will develop an action plan for sustainable consumption for the 'Earth Summit 3' in the year 2002. Launching the Commission on 21 April, its Chairman, former UK Environment Minister John Gummer, said that debate on sustainable consumption patterns had up to now failed to 'find the link between what we know must be done and what governments are actually doing.'

To achieve that aim, the 15-member Commission has a mandate to 'look specifically at the socio-cultural dimensions that shape consumption and production patterns'. It plans to direct a research programme to identify 'forces and agents behind large-scale changes in consumption patterns and the agents that influence these forces', as well as to compare existing initiatives 'to identify the main drivers of consumption patterns in developed countries.'

The Commission's members include academic, government and business experts who will focus in particular on such issues as energy use and climate change, food consumption and land-use, housing, transport and demography. In its initial statement, the Commission noted that technological and market-based solutions were insufficient to offset the effects of ever-rising consumption. For instance, the last 20 years have seen a two-thirds increase in global household energy use, the number of cars has doubled, and air traffic has quadrupled.

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Basel Convention Liability Protocol Still Not Concluded

Meeting from 19-23 April in Geneva, the Ad Hoc Negotiating Group in charge of preparing a Liability Protocol for the Basel Convention on the Control of Transboundary Movements of Hazardous Waste made what delegates called 'substantive progress' but did not manage to finalise the treaty.

Delegates agreed on the type of damage that would be compensated for, as well as provisions on strict liability instead of fault-based liability alone. Liability will extend from the moment the waste is loaded for transport until disposal is completed, and liable parties must be covered by insurance, bonds or other financial guarantees.

Differences still subsist, however, on how to assign strict liability, whether a financial cap should be set for damage claims, and whether to establish an international fund to cover clean-up operations until the liable party is identified, as well as emergency measures immediately after an incident. According to the draft text, compensation for hazardous waste spills could be claimed for up to ten years after the incident, but it is not yet agreed whether it should be paid by the generator or the exporter, or possibly by whoever is in charge of the shipment when the accident occurs.

The Protocol would be the first legal instrument to deal with liability and compensation ever adopted under a multilateral environmental agreement. A special meeting is likely to be organised in September to finalise the text, and governments are expected to adopt it at the fifth Conference of the Basel Convention Parties, scheduled for 6-10 December 1999.

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FAO Commission Needs More Time to Finish IU Revision

FAO's Commission on Genetic Resources for Food and Agriculture (formerly the Commission on Plant Genetic Resources) met in Rome from 19-23 April to discuss the revision of the International Undertaking on Plant Genetic Resources with the aim of bringing it into harmony with the provisions of the 1992 Convention on Biological Diversity. The International Undertaking (IU) is a treaty on access to, and exchange of, germplasm for plant breeding purposes, first formally adopted by FAO in 1983.

The 161 countries represented at the Commission made some progress on the text, but not sufficiently to conclude the negotiations, as had been hoped. Discussion has therefore been extended through one or more additional meetings of the Chair's Contact Group, with a new deadline of November 2000 (or as soon as possible) for completion of the text.

The chief sticking point is how broad or narrow the list of crops to be included within the Multilateral System should be. The contact group did agree on language for Farmers' Rights, but several countries and most NGOs are hoping they will re-open it in the next Contact Group meeting because the language is weak, and makes Farmers' Rights subject to national legislation, which many NGOs consider a step backward even from the International Convention for the Protection of New Varieties of Plants (UPOV) and the WTO TRIPs Agreement.

For further information, contact José Esquinas-Alcázar, FAO, tel (39-06) 52251, fax 522-3152, email: jose.esquinas@fao.org

Fair Trade Arranges a Match in India

On 17 March, an unusual project was announced at a press conference in Calcutta's Park Hotel: for the first time a product produced in line with Fair Trade criteria, i.e. ensuring an adequate income for the producers as well as incorporating (where feasible) minimum ILO labour standards, was not only sourced in India, but also marketed in the same country, complete with a Fair Trade quality assurance for the customers. Fair Trade South-South, instead of the traditional South-North.

Consumers in Europe and elsewhere have had access to Fairly Traded commodities such as coffee, tea and spices, as well as handicrafts including silk scarves, wooden toys and the like for quite some time. Lately, more industrially-manufactured products such as stainless steel and footballs have become available under Fair Trade criteria, too. By comparison, the latest addition to the list of Fairly Traded products may seem rather modest: safety matches, produced in Southern India, in a region called Sivakasi.

For many labour rights activist, Sivakasi is synonymous with child labour, as is indeed the match making industry there. Unlike in Europe, matches in India are mostly produced by hand: outer box, inner box, arranging the splints in frames for dipping into paraffin and then the head solution, and finally filling the boxes are badly paid jobs often subcontracted to workers' homes, and thus often involving child labour. Counting 50 sticks each into 100 boxes pays between one and two rupees (about US\$0,01-0,05); pasting 144 inner boxes (using veneer wood and paper) brings in about US\$0,13.

When Fair Trade e.V., a German-based non-governmental association specialising in helping disadvantaged producers gain market access under Fair Trade conditions, decided to attempt to demonstrate that things could be different in match making, too, it sought to establish not just the government minimum wage, but find out how much an average family actually needs in order to pay for food, shelter, clothing, educational and medical needs, and have some money left over for emergencies. This 'Fair Trade premium' calculation showed the piece rates would need to be adapted about 50 percent over previous averages for contract work.

Next, Fair Trade e.V. needed to find a producer unit willing to enter into a partnership that would allow the implementation of the necessary changes – including higher wages and outside monitoring – which are the basis for finding customers willing to pay a higher price in order to make up for the increase in labour costs. A local consultant identified an NGO which already had established three match making units as income generating projects in the Sivakasi area – business as usual up to now.

What was unusual, however, was that after the first two orders (totalling 650,000 boxes) had gone to two customers in Germany (an alternative trade organisation and an NGO involved in programmes to combat child labour), the third customer willing to switch to this Fair Trade source of matches was an Indian hotel group: the Apeejay Surrendra group runs three five star hotels, with the the Park Hotel in Calcutta's Park Street as its flagship. As with most upper quality hotels in India, guests will find matchboxes in their rooms and on restaurant tables; matchboxes, which without fail will have been produced in Sivakasi. The Park took the plunge and accepted a new, untried supplier. It also accepted the Fair Trade price for the matches, supplied its artwork – incorporating the 'Fair Trade Quality' signet and the slogan 'No child labour. Sustainable Development' – and ordered a year's supply.

Until the day of the press conference, technical problems kept all involved on tenterhooks, the last obstacle being that the truck carrying the first consignment was held up at an intra-state border because of a missing document. In order to have some boxes for the press conference at least, a staff member of the Fair Trade shop in Calcutta travelled 700 km to where the truck was held up and got a few hundred boxes released.

Enough, in any case, for the owner of the Park hotel, the representative of the Indian Fair Trade federation, and the representative of the German Fair Trade e.V., to not only explain the scheme to some 30 journalists, but also to demonstrate that a Fair Trade match strikes as well as its (conventional) predecessor: Fair Trade works, within India, too. And guests at the Park hotels will be told about it in the welcoming folders in their rooms.

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Competition policy, continued from page 12

Most developing countries agree on the need to implement efficient competition policies at the domestic level. However, India insists that the development dimension should be inherent in trade and competition policies, which should be flexible enough to balance the interests of competition (consumer interest) and the interest of society as a whole (public interest). Consistent with its overall strategy focused on the rejection of a comprehensive round of trade negotiations, at the multilateral level India favours the continuation of the present educative process at the WTO and considers any additional steps as premature.

Brazil promotes the enhancement of international co-operation and cost-sharing for ever more internationalised and expensive CP investigations. Specifically, it would like the definition of core principles at the international level (including national treatment and MFN) to be integrated into co-operation agreements with different commitments corresponding to the development level of each country. Brazil also favours other educative tools at the international level, including a world report on competition.

Other Members, such as Hong Kong and ASEAN, would like to explore further the possibility of replacing anti-dumping duties with domestic competition laws – a model already used in the Canada-Chile Free Trade Agreement.

Conclusion

Considering the variety of opinions and factors at stake, the option of negotiating a multilateral agreement within the WTO framework is still open to question. Beyond the uncertainties related to the comprehensive nature of a possible 'Millennium Round', difficulties in enhancing international co-operation between national agencies will play an important role in future discussions.

There is a risk that multilateral rules and disciplines adopted at the WTO will make the market access dimension of CP prevail over the objective of promoting fairer global competition. In that case, the implementation of the WTO national- and most-favoured nation treatment principles could effectively contribute to breaking anti-competitive structures in national markets. But without parallel and effective action taken on international enforcement of competition, this could – ironically – further facilitate concentration of industry power at the global level.

Prepared by Miguel Jimenez-Pont, Director of ICTSD's Dialogues Programme

African Seminar on Trade and Sustainable Development

About 60 representatives of governments, the private sector and civil society, mostly from francophone African countries, gathered in Grand Bassam, Côte d'Ivoire, from 6-8 April to discuss the issues and perspectives for international trade, environment and development in Africa. While the seminar participants agreed on the importance of the issues, they noted that African expertise and analysis in this field were scarce. Furthermore, existing expertise is not co-ordinated, and thus does not assist African governments in developing effective negotiation positions that would take into account sustainable development concerns.

The seminar addressed five broad areas concern: trade-related intellectual property rights; environmental norms, ecolabels and certification; the WTO Agreement on Agriculture; coherence between the objectives and policies of international financial and trade institutions; and the implications of the regional free trade areas with which the EU plans to replace the Lomé Convention within five or ten years. They agreed that if the next round of multilateral trade negotiations was to be more focused on rule-making than market access concessions, African countries would – in spite of their relative economic weakness – have an opportunity to make trade rules better reflect their priorities.

Recommendations

Reaffirming the need for Africa's greater participation in international negotiations, and in order to reinforce the negotiating capacity of African states in the WTO and the multilateral environmental agreements currently under discussion in international fora, the participants recommend:

- The participation of African countries in the third WTO Ministerial Conference, for which preparations must be undertaken without delay;
- Capacity-building for trade and environment, particularly with regard to economic and legal instruments for environmental protection, at national, sub-regional and regional levels;
- Networking African capacities in this field and co-operation with other existing networks in Africa and elsewhere in the world;
- Opening national debate on international negotiations to civil society;
- The organisation, at national and regional levels, of pluri-institutional preparatory working groups with the support of existing regional organisations;
- The establishment of regional consultation mechanisms between African countries regarding the upcoming negotiations. The renegotiation of the Lomé Convention could constitute a spring-board for better incorporation of sustainable development concerns in international negotiations;
- Seeking alliances with other countries in favour of taking these aspects into account in international negotiations;
- That African countries put on the agenda of the next multilateral trade negotiations African priorities, such as food security;
- Organisation of national follow-up workshops in line with the conclusions of this seminar in co-operation with the different ministries involved inviting the private sector, scientists, NGOs and other interested organisations;
- That national measures be taken at the end of these workshops aiming to develop proposals that reflect the strategic interests of African countries.

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May 17-18 Brussels	EU Agriculture Council Contact: See address above	June 16	WTO Dispute Settlement Body Contact: Paulo Barthel-Rosa, tel: 5095, fax: 5761
May 17-18	WTO Council for Trade in Services Contact: A.-Hamid Mamdouh, tel: 5435, fax: 5771	June 16-18	WTO Textiles Monitoring Body Contact: J.-P. Lapalme, tel: 5223, fax: 5765
May 19-21	WTO Textiles Monitoring Body Contact: J.-P. Lapalme, tel: 5223, fax: 5765	June 21-22	WTO General Council Special Session (for the 3 rd Ministerial Meeting) Contact: Peter Pedersen, tel: 5848, fax: 5460
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June 3-4 Cologne	European Council Meeting Contact: Martin Erdmann, German Foreign Office, tel: (49) 228-17-2058, fax: 228-17-3245		
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June 8-11	WTO Committee on Technical Barriers to Trade Contact: Vivien Liu, tel: 5455, fax: 5620		
June 10-11	WTO Working Group on the Interaction Between Trade and Competition Policy Contact: Robert Anderson, tel: 5198, fax: 5790		
June 14	WTO Committee on Rules of Origin Contact: Eki Kim, tel: 5584, fax: 5770		
June 14-15	WTO Council for Trade in Services Contact: A.-Hamid Mamdouh, tel: 5435, fax: 5771		
June 14-15 London	Implementing the Kyoto Protocol Contact: Philippa Challen, Royal Institute for International Affairs, tel: (44-171) 957-5700		
June 14-18 Vienna	Second Session of the Criteria Expert Group on Persistent Organic Polluters Contact: Jim Willis, UNEP Chemicals, tel: (41-22) 979-9111, e-mail: jwillis@unep.ch		

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<http://www.wtoseattle.org/> - The internet site of the Seattle Ministerial Conference Host Committee.