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SEATTLE FAILS TO LAUNCH NEW ROUND; WTO MINISTERIAL NEGOTIATIONS SUSPENDED

After more than four days of unrelenting talks, negotiations between the WTO's 135 Members broke down in Seattle on the evening of 3 December. Causes for the stalled Third Ministerial Conference were many. Some delegates blamed the non-transparent decision-making procedures that shut out many developing countries from important negotiating sessions; others pointed to the overloaded and over-ambitious agenda; still others blamed the U.S. for failing to provide sufficient leeway in its position on implementation and other issues and for strong-arming other Members over tying trade to labour standards, and the EU for avoided any commitment to agricultural liberalisation fearing stiff political penalties at home.

The reasons for the failure include all these and more (for a play-by-play account of daily proceedings at the negotiations and civil society activities at the Ministerial, see http://www.ictsd.org/wto_daily/index.htm). According to one disgruntled Caribbean diplomat, "this [Seattle Ministerial] Conference was a meeting that was convened before its time." This view was echoed by the U.S. Trade Representative Charlene Barshefsky, who also acted as the Chair for the four-day meeting: "the issues before us are diverse, complex and often novel," she stated in her closing speech. "And together with this, we found that the WTO has outgrown the processes appropriate to an earlier time."

Ministers have agreed to suspend the work of the Ministerial and assess ways with which to bridge remaining areas where consensus has not been reached. Barshefsky also said that Director-General Mike Moore would be consulting with delegations and attempting to develop an improved process that addresses concerns of both efficiency and inclusiveness.

A draft Ministerial text did emerge on the fourth and final day of formal negotiations. The original 30-plus page document was reduced to 19-page text. Square brackets (indicating areas where Members maintain significant differences) remained, notably in the preambular language outlining sustainable development, in extending Trade-Related Aspects of Intellectual Property Rights (TRIPs) protection to additional product areas, and in the creation of various working groups, including Trade and Debt, Biotechnology, and Transfer of Technology. The text also contained an annex on "Possible Decisions at Seattle on Implementation" that was intended to meet many developing countries' demands that certain aspects of the Uruguay Round agreements vital to their interests (such as anti-dumping, subsidies and textiles) must be fully implemented before further liberalisation can proceed.

One area where Members neared consensus near the end of the Ministerial was in a draft text on agriculture. Under the WTO's built-in agenda, Members are mandated to negotiate liberalisation in services and agriculture beginning in 2000. There is little disagreement on the scope of services talks, but agriculture remains a contentious issue. By Friday, 3 December, delegates had submitted a draft text outlining the scope of negotiations on trade in agriculture, having finally arrived at consensual language that incorporated the concerns of three major groups: the Cairns group of agriculture-exporting countries and the U.S.; the EU and Japan; and a majority of developing countries.

Though the agriculture text is not yet agreed to, it does reflect the diversity of approaches to agricultural liberalisation that exists among Members, and may well serve as a basis for further discussion on mandated agricultural talks. Originally a proposal emanating from the Cairns group, the draft language reflects a push to bring down export subsidies, and calls for "Substantial reductions of export subsidies...in the direction of progressive elimination of all forms of export subsidisation." The term "non-trade concerns" has replaced the EU's and Japan's preferred "multifunctionality," though the need to protect the environment, food security, the economic viability and development of rural areas, and food safety are included, provided these meet the requirements of the Agreements on Sanitary and Phytosanitary Measures (SPS) and Technical Barriers to Trade (TBT). A section on developing country concerns also appears, but only in preambular -- as opposed to substantive -- form. Also, according to delegates close to the Chairperson of the group negotiating the text on labour, the issue was also practically resolved. Consensus is said to have emerged on a text which mandated the WTO to cooperate closely with ILO at the Secretariat and governmental bodies levels.

Due to the suspension of the Ministerial talks, immediate decisions expected at Seattle on duty-free treatment for Least Developed Countries, on review of the Dispute Settlement Understanding, on e-commerce, and on technical cooperation were left in the air.

ICTSD Internal Files

OZONE MEET YIELD MIXED RESULTS

Nearly 700 delegates attended The Eleventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and the Fifth Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer (MOP-11/COP-5) held from 29 November - 3 December in Beijing, China.

The 1987 Montreal Protocol is the international environmental agreement designed to protect the stratospheric ozone layer. To achieve this goal, governments agreed to phase out chemicals that destroy ozone in the stratosphere: ozone is essential for shielding humans, plants, and animals from the damaging effects of ultraviolet light. Ozone-depleting substances include chlorofluorocarbons (CFCs), carbon tetrachloride, methyl chloroform, and halons. While the use of most ozone-depleting substances has been phased out in developed countries, CFC production facilities in developing countries (such as India and China) as well as in Eastern European countries, notably Russia, still exist.

Delegates adopted 34 decisions including, inter alia, the so-called "Beijing Amendment" that tightens existing phase-out schedules and adds new controls to the Montreal Protocol and the "Beijing Declaration", reaffirming Parties' ongoing commitment to combating ozone depletion. The Beijing Amendment provides for a freeze in the level of production of hydrobromofluorocarbons and hydrochlorofluorocarbons (HCFCs) from 2004 based on 1989 production levels. The Amendment also added bromochloromethane as a controlled substance under the Montreal Protocol and calls for the production and consumption of the substance to be phased out by 2002. The Amendment also calls on Parties to provide statistical data quantifying the annual usage of the toxic substance methyl bromide (a pesticide) used for quarantine and pre-shipment (QPS) applications. QPS applications are currently exempted from the Montreal Protocol.

While most delegates left the meeting optimistic over the progress made, environmental groups expressed disappointment with the lack of concrete measures taken at MOP-11/COP-5 to advance controls on ozone depleting substances (ODS). Pesticide Action Network (PAN) noted that the Protocol is yet to do enough to control and reduce use of the pesticide methyl bromide. PAN noted that QPS applications account over 20 percent of methyl bromide use worldwide, and should not be excluded from the Protocol. Further, PAN called for a freeze of QPS use of methyl bromide to be followed by a reduction.

Greenpeace expressed alarm that delegates had yet to agree on an accelerated ODS phase-out schedule and that the chemical industry continued to promote the use of HFCs and HCFCs. In response, the Alliance for Responsible Atmospheric Policy, a chemical industry coalition, noted that both HFCs and HCFCs are viable solutions to addressing ozone depletion, and that an acceleration of the phase-out schedule would be detrimental.

Delegates also approved funds to replenish the Multilateral Fund for the Implementation of the Montreal Protocol, for the period 2000-2002. The Fund helps developing countries meet incremental costs associated with the implementation of the control measures of the Protocol and finances other associated programs such as technical assistance, information, training and costs of the Fund Secretariat. Delegates approved a budget of US\$477 million for the 2000-2002 period. Developing countries had argued strongly that an amount less than US\$500 million would not be acceptable. The final budget was a difficult compromise amongst delegates, with the main

arguments centering around whether certain funding should be tied to concessions on the part of developing countries.

"Summary of the Eleventh Meeting of the Parties to the Montreal Protocol and Fifth Conference of the Parties to the Vienna Convention," EARTH NEGOTIATIONS BULLETINS, 6 December 1999; "Nations gather to strengthen the ozone layer," ENS, 30 November 1999.

REGIONAL TRADE NEWS

The EU and Mexico on 24 November concluded talks toward a bilateral free trade accord. The agreement covers industrial tariffs, agricultural goods, and preferential agreements in services, public procurement, investment, competition rules, intellectual property, and a bilateral dispute-settlement system. EU exports to Mexico totalled US \$11.7 billion in 1998; Mexican exports to the EU totalled US\$3.9 billion for the same period. Mexico hopes the accord will help decrease its dependence on the U.S. for its export market. The EU hopes the deal will give the bloc greater access to the Canadian and U.S. markets.

At the same time, the EU and the Southern Cone Common Market (Mercosur, comprised of Argentina, Brazil, Uruguay, and Paraguay) launched trade talks toward a free trade agreement. The EU and associate Mercosur member Chile will pursue parallel trade talks. The EU, Mercosur, and Chile hope to conclude an accord establishing the world's largest free trade zone by 2003. The 24 November talks in Brussels were to focus on non-tariff barriers to trade.

Officials from the Association of Southeast Asian Nations (ASEAN), meeting from 25-28 November in Manila, indicated that the regional grouping could eventually expand to encompass East Asia as a whole. Officials expressed their hope in expanding ASEAN to include Japan, China, and South Korea to form a customs union and possibly a common market. The comments were made as ASEAN finance ministers met to discuss ways for the existing ASEAN to move toward closer integration. ASEAN last year agreed to move forward with an ASEAN Free Trade Area (AFTA) by 2003-2008.

Also last week, the Gulf Co-operation Council (GCC) was expected to agree on a common external tariff. The GCC includes Kuwait, Bahrain, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE). The grouping has tried for many years to agree on a common external tariff, expected to be set at between five and seven percent for the estimated US\$80 billion worth of imports flowing into the GCC annual. The deal is expected to help move GCC-EU negotiations towards a trade deal.

"EU, Mexico reach agreement establishing free-trade pact," WALL STREET JOURNAL, 25 November 1999; "Formal talks begin for EU-Mercosur-Chile free trade zone," AGENCE FRANCE-PRESSE, 24 November 1999; "Wary of rivals, East Asia weighs closer integration," INTERNATIONAL HERALD TRIBUNE, 26 November 1999; "Formal talks begin for EU-Mercosur-Chile free trade zone," AGENCE FRANCE-PRESSE, 24 November 1999.

WTO ACCESSION UPDATE

Canada and China on 26 November completed bilateral talks toward China's WTO accession. The agreement requires China to cut tariffs on imports of Canadian goods, including telecommunications equipment, aircraft, canola oil, and paper. China will also provide greater liberalisation for banking and life insurance. China must still conclude agreements with an additional 26 WTO Members, including the EU, Brazil, India, and Switzerland. China's chief trade negotiator Long Yongtu said on 1 December that he expected negotiations with the EU to be concluded later this month; Long noted that talks with the other remaining WTO Members would likely be concluded by February 2000.

Taiwan on 22 November warned that it would not accept a Chinese-dictated title as a condition for Taiwan's WTO accession. Taiwan officials were responding to press reports that China would insist that Taiwan accede to the WTO under the title "Taiwan, Penghu, Kinmen, and Matsu: China." (Penghu, Kinmen, and Matsu are islands controlled by Taiwan.) Taiwan has completed WTO accession talks with all 26 WTO Members that requested talks, with the exception of Hong Kong, which reverted to Chinese control in 1997. China considers Taiwan a renegade province and has said that while it welcomes Taiwan's WTO accession, it would not stand for Taiwan's admission in advance of its own.

The WTO working party on Jordan's WTO accession approved Jordan's application for membership on 24 November. WTO Members could give final approval this week at the Third WTO Ministerial. Jordan's parliament would then have to ratify the agreement, upon which Jordan would become the 136th Member of the WTO.

"Canada OKs Chinese WTO entry," ASSOCIATED PRESS, 27 November 1999; "Taiwan refuses to back down over name row in WTO bid," AGENCE FRANCE-PRESSE, 22 November 1999; "China to welcome Taiwan's entry to WTO," JAPAN ECONOMIC NEWSWIRE, 30 November 1999; "EU, China trade officials meet on China WTO Accession," DOW JONES NEWSWIRES, 1 December 1999; "Jordan gets approval for entry to world trade body," REUTERS, 24 November 1999.

ICCAT AGREES TO SWORDFISH PLAN

Meeting at the 16th Regular Meeting of the International Commission for the Conservation of Atlantic (ICCAT) Tunas, the 27 member-governments agreed to a U.S.-sponsored 10-year program to rebuild North Atlantic swordfish stocks. Swordfish stocks have been significantly reduced worldwide. Environmental groups led calls for an international recovery plan that would restore swordfish within ten years, complemented by a campaign to enlist restaurants and supermarkets in an agreement not to sell swordfish until better conservation measures were adopted.

Regarding compliance measures, ICCAT agreed to trade sanctions against fellow-ICCAT member Equatorial Guinea for non-compliance relating to the ICCAT conservation program for bluefin tuna. Delegates also adopted a trade embargo on swordfish from two non-member countries, Honduras and Belize, for fishing practices that hinder the effectiveness of ICCAT swordfish conservation measures.

Meanwhile, the WWF and TRAFFIC, a conservation monitoring group, in November released a report warning that fishing nations continue to catch undersized swordfish and bluefin tuna, in violation of international law. The report noted that 83 percent of bluefin tuna catch monitored at Spanish landing sites were below minimum size limits. France, Italy, Japan and Morocco were also cited for catch levels of undersized fish.

On 1 November, Tesco, the UK's largest supermarket chain, announced it will no longer sell Antarctic sea bass (also known as Chilean sea bass) until better conservation measures are adopted to combat overfishing. The environmental group Greenpeace has called for a moratorium on all fishing for Antarctic sea bass until pirate fishing is stopped. Tesco joins two U.S. grocery chains (Whole Foods and Wild Oats) which also committed not to sell the fish.

EU fisheries ministers on 22 November agreed to a plan for reducing fishing fleet to help conserve the dwindling marine fish populations. The agreement ties EU funds for fleet modernisation to adherence to fleet-size limits, with a requirement that EU countries exceeding fleet limits reduce their overall fleet size by 30 percent. Environmental groups criticised the agreement, arguing that it would do little to restore dwindling fish stocks, especially as overfishing is aggravated by greater efficiencies achieved by more modern fishing vessels. The UK voted against the agreement, arguing that funds should not be used for fleet development amid dwindling fish populations.

"Swordfish win, sharks lose at international fishing summit," ENS, 1 December 1999; "European ministers cut deal on fishing fleet capacity," ENS, 23 November 1999; "Argentinean fisheries crisis highlights need for WTO action," WWF PRESS RELEASE, 29 November 1999; "Swordfish and bluefin tuna continue to slip through ICCAT net," WWF PRESS RELEASE, 15 November 1999; . "UK's largest supermarket chain joins call for moratorium to save Antarctic fish and albatross," OCEANS PRESS RELEASE, 1 November 1999.

IN BRIEF

The Cairns Group of agricultural exporting nations on 30 November agreed to expand its membership to include Bolivia, Costa Rica, and Guatemala. The grouping now accounts for one third of world agricultural exports. "Expanded Cairns group calls for agricultural reform," NEW ZEALAND GOVERNMENT PRESS RELEASE, 30 November 1999.

Five out of 10 Canadian provincial governments on 30 November refused to endorse a provision within a U.S.-Canada boundary waters treaty calling for a voluntary ban on Canadian bulk fresh water exports to the U.S. Opponents argued that the provision did not go far enough to protect water resources, and are calling instead for an outright ban on bulk fresh water exports. Canadian officials warned that an outright ban would provoke challenges at the WTO and within the North American Free Trade Agreement (NAFTA). Officials had hoped to gain support for voluntary export restrictions, which could be judged consistent with WTO rules. "Canada uses treaty to keep water exports from WTO," IPS, 25 November 1999; "Hands off," THE ECONOMIST, 4 December 1999; "Canada's efforts to protect water hit turbulence," PLANET ARK, 2 December 1999.

Delegates from 130 countries will meet from 6-10 December in Basel, Switzerland for the Fifth Session of the Conference of the Parties (COP-5) to the Basel Convention on Hazardous Wastes. Inter alia, Ministers are expected to consider: adopting a Protocol for Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal;

technical assistance; partnerships with non-governmental organisations and industry; and various technical issues. "Basel Convention: Fifth Conference of the Parties 10th Anniversary meeting on hazardous waste," UNEP PRESS RELEASE, 2 December 1999.

South Africa is expected to request permission to sell its ivory and hide stockpiles from Kruger National Park when the Convention on International Trade In Endangered Species (CITES) convenes in April 2000. South Africa will likely request to sell about 28 tonnes of ivory worth approximately US\$2.75 million, with revenues directed toward conservation efforts. Zimbabwe, Botswana and Namibia earlier this year were granted permission under CITES to sell a limited amount of ivory (58.8 tonnes combined) to Japan. "South Africa to sell ivory," SADC NRMP BULLETIN, 15 November 1999.

EVENTS & RESOURCES

For a more complete list of events, please refer to ICTSD's web calendar at <http://www.ictsd.org/html/calendar.htm>

❑ WTO MEETINGS

An updated list of forthcoming WTO meetings is posted at <http://www.wto.org/wto/about/meets.doc> Please bear in mind that dates and times of WTO meetings are often changed, and that the WTO does not always announce the important informal meetings of different WTO bodies. Unless otherwise indicated, all WTO meetings are held at the WTO, Centre William Rappard, Rue de Lausanne 154, 1211 Geneva, Switzerland.

15 December: COUNCIL FOR TRADE IN GOODS. For information contact Nuch Nazeer, WTO tel: (41 22) 739-5393.

OTHER EVENTS

3 - 5 December: GOVERNANCE OF THE OCEANS. Organised by Wilton Park, this conference will address topics including: How can the international community manage the oceans more effectively?; What more needs to be done to follow up the Spring 1999 Commission on Sustainable Development?; Which policy options are most realistic?; and Are there ways of generating greater public and political support for urgent action?. Speakers include Satya Nandan, Secretary General, International Seabed Authority, Maureen Walker, Deputy Director, Office of Ocean Affairs, U.S. State Department, John Caddy Chief, Marine Resources Service, Food and Agriculture Organisation, and Patricio Bernal, Executive Secretary, Intergovernmental Oceanographic Commission. For information contact Wilton Park, te: (44-0) 1903-817766, fax: 1903-897647, email: admin@wiltonpark.org.uk, web: <http://www.wiltonpark.org.uk/>

6-9 December, San Antonio, Texas: ENVIRONMENTAL STEWARDSHIP IN THE NEW MILLENNIUM. Hosted by the Headquarters Air Force Center for Environmental Excellence, this 4th Annual Joint Services Pollution Prevention Conference will discuss Hazardous Waste Management. The forum is designed for exchanging ideas, success stories, case histories and technologies related to P2 and hazardous waste management. For information contact Alison King, tel:(1-703)247-9478, email: aking@ndia.org, web: <http://www.ndia.org/interview/register.ndia?~Brochure~040>

6-10 December, Kingston, Jamaica: NINTH INTERGOVERNMENTAL MEETING ON THE ACTION PLAN FOR THE CARIBBEAN ENVIRONMENT PROGRAMME. This is the Sixth Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. For information contact: UNEP Caribbean Environment Programme, Regional Co-ordinating Unit, 14 - 20 Port Royal Street Kingston, Jamaica, W.I., tel: (1-876) 922 - 9267, fax: 922 - 9292, email: uneprcuja@cwjamaica.com; Internet: <http://www.cep.unep.org/>

6-10 December, Basel, Switzerland: FIFTH SESSION OF THE CONFERENCE OF THE PARTIES (COP-5) TO THE BASEL CONVENTION ON HAZARDOUS WASTES. For information contact Secretariat of the Basel Convention, tel: (41-22) 979-9111, fax: 797-3454, email: bulskai@unep.ch, web: <http://www.unep.ch/basel/index.html>

7-8 December, London, UK: CONFERENCE ON COMMUNITY FORESTRY. Organised by the Countryside Agency, in conjunction with the Forestry Commission and England's Community Forests. This conference will address how community forestry can provide an integrated approach to the regeneration of landscapes in and around towns and cities and how to provide social, economic and environmental benefits. For information contact, R. Walsh, Entec UK Ltd, Gables House, Kenilworth Road, Leamington Spa, Warwickshire, CV32 6JX, England, email: walsr@entecuk.co.uk

13-15 December Tucson, Arizona, USA: U.S.-AFRICA ENERGY MINISTERS CONFERENCE. Approximately 600 participants are expected to attend the event including African energy ministers, international organisations, private sector representatives, regional African organisations, and academic institutions. For more information contact: Jayne Brady, tel: (1-202) 586-5806; or Mary Okoye, tel: (1-520) 791-4204, web: <http://www.africaenergyorg/>

RESOURCES

WHEN TRADE IS TOXIC: THE WTO THREAT TO PUBLIC AND PLANETARY HEALTH.1999. By Jim Puckett. This book focuses on how the World Trade Organization (WTO) threatens environmental protection and public health. It discusses trade in toxics, threats to the precautionary principle, and explains the current status of the WTO's discussion of "chemical and allied products" sector, slated for expedited agreement to promote trade. Also discussed are attempts by Australia to limit the treaty on persistent organic pollutants (POPs). 38 pp. Free with donation to Basel Action Network (BAN). To order contact: Asia Pacific Environmental Exchange (APEX), 1827 39th Ave. E., Seattle, Washington 98112, tel: (1-206) 720-6426, email: apex@seanet.com or contact BAN, email: info@ban.org, web: <http://www.ban.org>

INVISIBLE GOVERNMENT -- THE WORLD TRADE ORGANIZATION: GLOBAL GOVERNMENT FOR THE NEW MILLENNIUM? 1999. By Debi Barker and Jerry Mander. This book provides an introduction to development and the structure of World Trade Organisation (WTO) and explains the implications for environment, agriculture, food, public health, intellectual property rights, etc. The section dealing with environment covers key WTO provisions and rulings having environmental effects and discusses status of trade agreements on wood products and water. The agriculture, food, and public health section includes explanation of rulings on bananas, beef,

dairy products, and pesticide residue levels. 45 pp. US\$5 for IFG members, US\$8 for non-members. To order contact: International Forum on Globalisation, 1555 Pacific Ave., San Francisco, CA 94109, tel: (1-415) 771-3394, fax: 771-1102, email: ifg@ifg.org, web: <http://www.ifg.org>

STILLBORN IN SEATTLE: THE WTO DEBACLE — AN OPPORTUNITY FOR THE FTAA? December, 1999. By Robin Rosenberg. This short paper discusses why the Seattle Ministerial, intended to launch the Millennium Round of multilateral trade negotiations, failed and considers how this failure may be good news for the regional trade integration process in the Americas. For example, the Free Trade Area of the Americas (FTAA) could benefit from having negotiators freed up from global liberalisation talks to focus on the more far-reaching goals of a free trade agreement among a community of democracies with much more cohesion than the disparate and conflicting interplay of interests at the WTO. For more information contact the North-South Center, University of Miami, 1500 Monza Ave., Coral Gables, FL 33146-3027, tel: (1-305) 284-6868, fax: 284-6370, email: rrosenberg@miami.edu

THE BATTLE IN SEATTLE: CAFOD BRIEFING. December, 1999. By Duncan Green. This briefing paper from the Catholic Fund for Overseas Development looks at the Seattle WTO Ministerial and addresses such topics as what was at stake in the talks and developed versus developing countries' positions on such issues as labour standards, the environment, and globalisation. The paper concludes with a consideration of whether the breakdown in talks was a good or bad thing. For information contact Public Policy Unit, CAFOD, Romero Close, Stockwell Road, London, SW9 9TY, tel: (01-71) 733-7900, fax: 274-9630, email: hqcafod@cafod.org.uk. To view paper see web: <http://www.cafod.org.uk/seattle99.htm>

POSITION VACANCY

WWF is recruiting a Head, Trade and Investment Unit. The head will provide coordination and leadership for the WWF Trade and Investment network and directly manage the Trade and Investment Unit, in WWF International's Conservation Policy Department in Gland, Switzerland. The main focus of the work will include: reform of the World Trade Organisation; providing policy analysis and advocacy on multilateral policies on Foreign Direct Investment; managing fund-raising for trade and investment activities in WWF; developing campaigning and lobbying for policies which promote sustainable trade or FDI in environmentally sensitive economic sectors; providing support on trade and investment issues to WWF's Global Campaigns and regional programmes. The post holder will also represent WWF on public platforms on trade and investment issues, including press events, international conferences and in international negotiations.

The candidate will have: a university degree in environmental sciences, economics or law; minimum seven years experience in environmental policy issues, including at least three years at an international level; an ability to write concise and clear policy materials, including both technical papers and more advocacy-oriented documents; fund-raising and advocacy skills; management experience. The candidate must be fluent in spoken and written English. Interested candidates should send a covering letter and CV to Miriam Fuhrer, Human Resources Department at WWF International, Avenue du Mont Blanc, 1196 Gland, Switzerland, fax: (41-22) 364-7850. The closing date is Monday, 3 January 2000.

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