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CLIMATE CHANGE PREP MEETING FALLS SHORT OF EXPECTATIONS

From 4-15 September in Lyon, France, some 2000 delegates and representatives from non-governmental and intergovernmental organisations met for the intergovernmental meetings of the thirteenth session of the Subsidiary Bodies for Implementation [SBI-13] of the United Nations Framework Convention on Climate Change (FCCC).

Despite an intensive series of talks and preparatory sessions, negotiators ended the meeting without achieving any major breakthroughs on a global strategy for controlling emissions of carbon dioxide and other greenhouse gases. "While negotiators made progress here on some technical issues, the urgency of global warming is not being reflected in the pace of the talks," lamented Michael Zammit Cutajar, Executive Secretary of the United Nations Climate Change Convention. According to most analysts, the Lyon negotiations seem to have stalled on entrenched political positions.

The Lyon talks had the goal of preparing for a comprehensive agreement to be hammered out in November. The current two-year phase of climate talks will conclude at a major ministerial meeting (sixth Conference of the Parties, or COP-6) in The Hague, Netherlands, from 13-24 November that is expected to draw an estimated 10,000 participants. According to the UNFCCC Secretariat, this final round promises to be politically difficult, highly technical, and extraordinarily complex.

The issue of trade linkages to climate change remained largely unaddressed in Lyon. The potential for clashes between the climate change and international trade regimes was not discussed, and according to UNFCCC Secretariat officials, such issues will not be on the agenda until COP-6 at the very earliest. It is believed that debate on trade implications will arise mainly in the implementation phase. As outlined from the last SBI meeting in June (see *BRIDGES Weekly Trade News Digest* Vol. 4, No. 24, 20 June 2000, <http://www.ictsd.org/html/weekly/story4.20-06-00.htm>), most Parties are concentrating their energies on the architecture of the regime and do not want to add an extra level of complexity to the already difficult talks.

It is noteworthy that the WTO Secretariat sent a representative to Lyon during the final week of talks, and it is likely there will also be WTO representation at COP-6. As items 1 and 5 of the WTO Committee on Trade and Environment's mandate pertain to the relationship between trade rules and multilateral environmental agreements, it is expected that the WTO will continue to maintain an active interest in the climate change negotiations.

The importance placed on discussions (mainly in side events) on renewable energies is of special interest for international trade concerns. The use of subsidies to encourage renewable energy or fuel switching can reduce greenhouse gas emissions. Such subsidies would have to be considered under the WTO Agreement on Subsidies and Countervailing Measures (SCM). A relevant provision in that respect -- Article 8.2 (c) of the SCM, which allows for "assistance to promote the adaptation of existing facilities to new environmental requirements imposed by law and/or regulations..." -- is up for review at the end of this year under the obligations of Article 31. As things stand on the climate change front, the final outcomes of COP-6 on trade implications remain imprecise.

The key goal at The Hague will be to convince governments to ratify the 1997 Kyoto Protocol. The Declaration adopted last week by heads of state and government at the UN's Millennium Assembly called on governments to ratify in time for the Protocol to enter into force by mid-2002. When this happens, developed countries will be legally committed to cutting their emissions by 5 percent over the next ten years.

The Kyoto Protocol will enter into force and become legally binding once it has been ratified by at least 55 Parties to the FCCC, including developed countries representing at least 55 percent of the total 1990 carbon dioxide emissions from this group. Thus far, just 29 countries -- all developing -- have ratified.

Despite the general lack of political consensus, Executive Secretary Cutajar indicated there was still some progress made in Lyon, notably in the areas of accounting and accountability -- ie., reporting and review of information. Practical details on how to promote capacity-building in developing countries and on how the so-called Clean Development Mechanism should operate were also ironed out. In addition, consensus began to emerge on how to review information supplied by governments about their emissions.

This still leaves a significant amount of work before all the different elements of an agreement are fully elaborated and assembled into a coherent political package. Key issues include: how to define carbon "sinks"; how much credit developed countries can earn from investments in other countries through the Protocol's three "flexible mechanisms"; how the non-compliance regime should work; and what specific actions will be taken to address the special concerns of developing countries.

For further information visit: <http://www.unfccc.de/sessions/00sept/index.html>; information on the daily evolution of negotiations can be obtained from the IISD Earth Negotiations Bulletin at: <http://www.iisd.ca/climate/sb12/http://www.iisd.ca/climate/sb13>.

"UN official calls for political leadership on global warming," UNFCCC PRESS RELEASE, 15 September 2000; ICTSD Internal Files.

WTO RULES IN FAVOUR OF FRENCH ASBESTOS BAN; NGOS REMAIN SCEPTICAL

A WTO dispute settlement panel report released on 18 September upheld a French ban on chrysotile "white" asbestos, rejecting a Canadian complaint. Canadian trade officials have indicated that they will appeal the ruling, arguing that the WTO's task was to determine whether the ban complied with multilateral trade agreements, not to rule on safety or on the principle of safe use of chrysotile asbestos. Nevertheless, the ruling is the first time a WTO panel has upheld arguments put forward by a defending party to safeguard public health: among its arguments for maintaining the ban, France (represented at the WTO by the EC) maintained that the measure was "necessary to protect human health, within the meaning of Article XX(b) of the GATT." The ruling, however, has garnered some criticism from concerned environmental groups.

At the request of Canada, the panel was set up on 25 November 1998 to examine the December 1996 French measure prohibiting imports of asbestos and products containing asbestos. In its communication to the panel, Canada claimed that the French ban was inconsistent with a number of articles in the WTO agreements on sanitary and phytosanitary measures (SPS), technical barriers to trade (TBT) and Article III of the GATT (on nondiscrimination). Brazil, the US and Zimbabwe were third parties to the dispute. In an interim report to the parties released on 13 June 2000 and subsequently leaked to the public (see *BRIDGES* Weekly Trade News Digest Vol. 4, No. 24, 20 June 2000; <http://www.ictsd.org/html/weekly/story1.20-06-00.htm>), the panel rejected Canada's claim that the ban constitutes an unnecessary obstacle to trade under Article 2 of the TBT Agreement, arguing that the ban was not a technical regulation and therefore did not fall under the scope of the agreement.

While the WTO panel ultimately ruled that France was justified in maintaining the ban under article XX, it pointed out that France had violated WTO rules by discriminating against Canadian asbestos, which it deemed a "like" product to safer domestic substitutes. The "like product" aspect has spurred environmental groups to decry the WTO decision as 'doing the right thing for the wrong reasons' and setting a dangerous precedent for failing to distinguish between toxic and non-toxic products.

"The 'like product' portion of the ruling just doesn't make sense," said Steve Porter, senior attorney at the Center for International Environmental Law (CIEL). "How can they claim that a product that is dangerously toxic and one that is benign are the same? The WTO panel ruling defies common sense." Said Martin Wagner, Director of International Programs for Earthjustice Legal Defense Fund, "The asbestos ruling appears to represent general progress, but many major issues of concern regarding WTO rules and the WTO dispute settlement system remain unresolved."

CIEL, together with the World Wide Fund for Nature (WWF) and the Foundation for International Environmental Law and Development (FIELD), have released a comment on the report that can be

accessed shortly on their websites at: <http://www.ciel.org/>; <http://www.panda.org/>; or <http://www.field.org.uk/>.

The dispute panel decision can be accessed on the WTO website at: http://www.wto.org/english/tratop_e/dispu_e/distab_e.htm#ds135.

Canada also loses Appellate Body decision on patent protection

On 18 September the WTO Appellate Body endorsed an earlier panel ruling against Canada and in favour of the US on the term of patent protection in Canada. The panel had found Canada's patent term for certain pre-1989 patents to be inconsistent with obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

"We are disappointed by the Appellate Body report," said International Trade Minister Pierre Pettigrew. "We will review this ruling carefully and continue our consultations with stakeholders and provinces before making any decision on how to proceed with respect to implementation."

Canadian Industry Minister John Manley stated, "Because this ruling affects only patents filed prior to October 1, 1989, it does not compromise the underlying balance in Canada's patent regime".

Under Canada's Patent Act, the term of protection of patents based on applications filed before 1 October 1989 is 17 years from the date the patent is granted. The WTO panel concluded on 5 May 2000, and the Appellate Body concurred today, that under the TRIPs Agreement a minimum term of 20 years from the date the patent application is filed must be available. Generic drug manufacturers in Canada warned in May that extending the term on drug patents could cost Canadian consumers as much as \$C200 million in higher prices for prescription drugs.

"Canada to appeal against WTO ruling on asbestos," FINANCIAL TIMES, 19 September 2000; "WTO Ruling on Asbestos Case Gets Mixed Reviews from Enviro: Groups Say Process is Flawed Despite Decision to Uphold Ban," EMS, 18 September 2000; "Canada disappointed with WTO Appellate Body Decision," DFAIT Press Release, 18 September 2000.

BUSY WEEK FOR INTERNATIONAL REPORTS

Following hot on the heels of the World Bank's 12 September issuance of its 2000/2001 World Development Report, the past week has been an active one with respect to the release of other major publications related to trade and sustainable development. Below we highlight five of particular interest.

TRADE AND DEVELOPMENT REPORT 2000: GLOBAL ECONOMIC GROWTH AND IMBALANCES. By the United Nations Conference on Trade and Development (UNCTAD), September 2000.

This year, UNCTAD's report examines how monetary policy and trust in markets alone are at odds with economic governance in an increasingly interdependent global financial and trading system. Developing countries' chances of achieving sustained increases in their per capita income, even after a rapid recovery from the 1998 recession, continue to be marred by external vulnerability --

mainly from over-concentration of export items with regard to other competing countries in export markets. In particular, the report argues that, to use new technologies to their full advantage in setting the world economy on a higher growth path, greater use of fiscal policy will be needed, along with appropriate coordination of monetary policy and increased international cooperation. UNCTAD's own prescription in this regard continues to be a large injection of aid along with appropriate domestic policies. The consequent rises in income would close the savings gap in a process where domestic savings overtake output. Private capital, an alternative source of finance as compared to official development assistance, would also be attracted as a result of sustained growth.

The report can be found on the Internet at the following address: <http://www.unctad.org>, in the press and reference section.

WORLD RESOURCES 2000-2001, PEOPLE AND ECOSYSTEMS: THE FRAYING WEB OF LIFE.

By the United Nations Development Program (UNDP), United Nations Environment Program (UNEP), the World Bank and World Resources Institute (WRI), September 2000.

In this report, four major international institutions have combined their efforts to define a vision of economic decision-making for the twenty-first century. The report proposes that incorporating the 'broad spectrum' of benefits generated by stable ecosystems into our economic and development decision-making processes will bring us closer to achieving a sustainable future. The report's "ecosystem approach" presents a pilot analysis of five of the world's major ecosystems -- agro, forest, freshwater, grassland and coastal -- by assessing the "goods and services" produced by each and "their capacity to continue producing them in the future". Price: \$US27.00.

The summary report and the full report are available from UNEP's online bookstore at: <http://www.earthprint.com/cgi-bin/ncommerce3/ProductDisplay?prfnbr=28251&prmenbr=6996&cgrfnbr=455>.

RIGHTS OF EXCHANGE: SOCIAL, HEALTH, ENVIRONMENTAL AND TRADE OBJECTIVES REPORT. By the Government of the United Kingdom's Performance and Innovation Unit, September 2000.

This new report from the UK government -- complete with a foreword by Prime Minister Tony Blair -- is about how to advance sustainable development by improving social, health, environmental, and animal welfare outcomes while maintaining the momentum for an open, transparent and rules-based international trading system. The report's main conclusions are in the form of principles to guide action by the UK Government at both the domestic and international level. It recognises that different governments around the world have different priorities. In addition, the report contains a number of more specific conclusions on policy issues. The focus of the study is on the longer term, not on the agenda for the next trade round, where the UK and EU position has largely been set. According to the drafters of the report, its conclusions are consistent with the specific EU proposals for a trade round, in the terms in which they have been made.

To download a copy of the report visit: <http://www.cabinet-office.gov.uk/innovation/2000/trade/rights.htm>.

ENVIRONMENTALLY SOUND TRADE EXPANSION IN THE AMERICAS: A HEMISPHERIC DIALOGUE. Edited by Robin L. Rosenberg, The Dante B. Fascell North-South Centre - University of Miami; The International Centre for Trade and Sustainable Development (ICTSD); and the Organisation of American States, July 2000.

This report argues in favour of a "triple-win" scenario in which trade expansion, economic development and environmental protection can be pursued simultaneously. It posits that the Free Trade Area of the Americas represents an opportunity for policy-makers to embed mechanisms within a traditional trade framework which address environment and development concerns increasingly articulated by civil society.

To obtain a copy contact: ICTSD Documentation Centre, tel: (41-22) 917-8498; email: mgalvin@ictsd.ch.

AN INTERNATIONAL INVESTMENT REGIME? ISSUES OF SUSTAINABILITY. By Konrad Von Moltke, International Institute for Sustainable Development, September 2000.

To help celebrate the official opening of the International Institute for Sustainable Development's (IISD) Geneva office on 14 September, the IISD released this paper by IISD Senior Fellow Konrad Von Moltke. The publication addresses the prospects of a new international investment regime, one with the capacity to enhance the objectives of sustainability. With the popular discourse around 'globalisation' having become a central policy issue in recent years, this paper offers the debate a way forward, setting out the dimensions of a new investment regime as opposed to simply reiterating the inadequacies of the present one. After canvassing a history of failed investment regimes, notably UNCTC, the MAI and GATT, Von Moltke argues that the central objective of an international investment regime must be to balance investor rights with investor obligations. To this end, he suggests that the ideal investment regime should attempt to capture the dynamic evolution of sustainable development currently deployed in the framework system of multilateral environmental agreements.

To download a copy, visit the IISD website at: <http://www.iisd.org/about/announce/000914.htm>.

"Ecosystems: Report Recommends New Approach to Eco-Management," WRI PRESS RELEASE, 15 September 2000; "World Bank, UN in NEW Approach to Save Ecosystems," TERRAVIVA, 15 September 2000. ICTSD Internal Files.

UPS AND DOWNS IN ROAD TO CHINESE ACCESSION

Late last week, the US Senate voted down the controversial 'Thompson Amendment' in a 65-32 vote, opening the way for clear passage of the China trade bill currently making its way through the US Congress. The Thompson Amendment, a provision which called on Washington to impose sanctions on Chinese firms that proliferate weapons of mass destruction, was considered by many trade analysts to be the final obstacle in Congress to extending Permanent Normal Trade Relations (PNTR) to China. According to US Trade Representative Charlene Barshefsky, the Senate will vote on the PNTR bill no later than Tuesday 19 September.

On 14 September, plurilateral talks began at the WTO aimed at bringing the multiple bilateral trade deals China has signed with other Members in line with WTO requirements (see *BRIDGES Weekly Trade News Digest* Vol. 4, No. 34, 12 September 2000, <http://www.ictsd.org/html/weekly/story3.12-09-00.htm>). Approval of China's entry to the WTO could be approved by the end of this year, although an early assessment of the plurilateral process indicates that China may be backtracking on some of the concessions it previously agreed to in the bilateral processes.

Specifically, Chinese trade officials have said that it may not be possible for China to meet the deadline for adjusting its intellectual property regime in line with the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. In the area of services, operating licenses promised to European, Japanese, and American insurance companies have not been forthcoming, despite promises made by Beijing. The EU insurance sector, for example, had been promised seven licenses, all of which would be granted within 60 days of the two parties signing the bilateral agreement. The EU-China agreement was signed on 19 May 2000 while thus far only two licenses have been issued.

The remaining identifiable obstacles to China's accession, notably its position on Taiwanese accession and outstanding deals with both Mexico and Switzerland, are not thought to be serious. WTO Deputy Director-General Andrew Stoler, speaking at the World Economic Forum in Melbourne, Australia, noted that, "I don't see any major political or substantive hurdles to China joining the WTO, but there's a lot of work to be done translating bilateral agreements into multilateral ones."

On the matter of Taiwan, Long Yongtu, China's top negotiator said, "I do not want this [Taiwan] issue to get involved in this very important trade negotiation." According to a statement made by China in July, Beijing wants Taiwan to be brought into the WTO as a "Separate Customs Territory" formally recognised as part of China in the WTO. The US and a number of other WTO Members are opposed to such terms, arguing that Chinese accessions talks were not the proper place for such discussions. Nevertheless, it is expected that both China and Taiwan will be admitted to the WTO at the same time.

A formal meeting of the WTO working party on Chinese accession is scheduled for 28 September, at which point trade officials will review progress made thus far and schedule any further talks that need to be conducted.

"Senate to Vote on China Trade Bill by Tue., Trade Rep. Says," DOW JONES NEWSWIRE, 15 September 2000; "US-China Pact Set for Passage After Sanctions Fail," REUTERS, 13 September 2000; "China Plays Down Taiwan Issue in WTO Membership Talks," BRIDGENEWS, 13 September 2000; "Taiwan 'no longer an issue'," FINANCIAL TIMES, 14 September 2000; "China Official Plays Down Taiwan Issue in WTO Entry," REUTERS, 13 September 2000; "China Starts New Round of Talks with WTO Over Membership," AGENCE FRANCE-PRESSE, 13 September 2000; "Switzerland Urged to be 'Flexible' Over China's WTO Entry," AGENCE FRANCE-PRESSE, 12 September, 2000; "Interview: China Trade Min. See NO Delay in WTO Entry," DOW JONES NEWSWIRE, 13 September, 2000; "Officials Report Uneven Progress in Talks on China's Accession," WTO REPORTER, 19 September 2000.

PROSPECTS FOR A NEW WTO ROUND EMERGE AT WORLD ECONOMIC FORUM

Questions abounded at last week's World Economic Forum (WEF) in Melbourne, Australia, regarding the launching of a new round of global trade talks. While a general consensus is emerging among OECD countries that a new round of talks is necessary, agreement on the content of negotiations, when they should occur and where they should be held remains far from certain. WTO Deputy Director-General Andrew Stoler has said that he is optimistic about the prospects of a new round beginning "sometime within the next twelve months". In terms of content, according to Stoler, a great deal of bilateral progress has already been made in the areas of agriculture and services -- in which WTO Members have been negotiating since January 2000 -- but what remains is translating these developments into a multilateral agreement. Thus far, Qatar has been the only country to volunteer to host the next Ministerial.

Another hurdle to launching a new round lies in the credibility of the globalisation process more generally. Street protests in Melbourne drew attention once again to many sectors' dissatisfaction with the present trend towards increasing global economic integration. The protests highlighted the positions put forward by many non-governmental organisations (NGOs) that the WTO is poorly equipped to deal effectively with the social and environmental implications of the WTO Agreements. Many of the NGOs and social activists converging on Melbourne, such as Vandana Shiva, Director of the Research Foundation for Science, Technology and Natural Resource Policy, argue that alternative models of globalisation that place basic human needs above corporate profitability are necessary to ensure proper development.

Some developing countries, Indonesia for example, used the WEF as an opportunity to decry the promises of global free trade. Luhut Pandjaitan, Indonesia's Trade Minister, attacked the current rules-based trade regime, arguing that those countries which liberalise too rapidly risk incurring unmanageable trade deficits, poor balance of payments and less growth. According to Pandjaitan, "The new round will result in additional obligations and commitments at a time when Indonesia is still absorbing the full impact of the existing agreement on its economy...There is a need for consolidation before embarking on a new round of negotiations. In fact the round itself should be conditional and entirely focused on meeting the aspirations of developing countries."

While market access is an highly legitimate concern for developing countries, Deputy Director-General Stoler said the likelihood of a new round based "exclusively on the interests of developing countries would be a little bit doubtful."

These comments coincide with WTO Director-General Mike Moore's push to have the organisation shift its focus in his second year of office from "confidence-building" to "coalition-building" in order to build momentum for the launch of a new round of trade negotiations. "By building coalitions I mean that people see that there's enough there moving in the right direction on agriculture and services, that there's enough there for them that their needs in regards to implementation are recognised, which builds a coalition for more trade liberalisation," he said in a press interview.

Moore admits that completing the agriculture and services negotiations outside the context of a general round will be difficult, due in part to the fact that developing countries feel as though they have little to gain from a limited negotiating agenda. Nevertheless, "things are moving," he said. "In

agriculture and services and on other issues such as investment and electronic commerce, solid progress has been made."

"Indonesia Questions Benefits of WTO, Opposes New Negotiation Round," BRIDGENEWS, 13 September 2000; "Developing, Small Nations Demand Greater Voice in WTO," DOW JONES NEWswire, 13 September 2000; "Justice First: Dissenters Take the Floor," SMH.COM.AU, 13 September 2000; "WTO Urged to Consider Wider Range of Views," KYODO NEWS INTERNATIONAL, 13 September 2000; "WTO Decides Not to Launch Another Seattle," SMH.COM.AU , 14 September 2000; "Call for WTO to Change Agenda," THE AUSTRALIAN, 14 September 2000; "WTO Stoler Expects New Trade Round Within a Year," BLOOMBERG, 13 September 2000; "Director-General Says WTO To Focus on 'Coalition Building'," BNA WTO REPORTER, 18 September 2000.

NEWS FROM THE REGIONS: ASIA

Proliferation of Regional Agreements

In the fallout from the failed WTO Seattle Ministerial of last year, several Asian countries have begun considering the strategic importance of regional bilateral agreements in the absence of movement at the multilateral level. Most notably, Singapore and New Zealand have agreed to a free trade pact that will eliminate all tariffs between the two countries when the agreement comes into effect early next year; South Korea is pressing both China and Japan to conduct a three-way feasibility study to examine the prospects of a regional free trade zone; and Australia and New Zealand have begun to harmonise their business laws in what some regard as a precursor to merging their stock exchanges.

According to New Zealand Finance Minister Michael Cullen, regional and sub-regional agreements do not run counter to global agreements, rather, "it's seen by us as part of a wider strategy to ensure we are not left out of regional relationships if the WTO process goes on hold for a while." New Zealand, along with South Africa and Oman, has also requested a free trade agreement with India, which maintains the highest tariff regime of any developing country. According to Cullen, both Singapore and New Zealand are well aware that their recently signed trade deal could bode well for future regional negotiations. The agreement may also serve as a template for the slowly-moving Association of South-East Asian Nations (ASEAN), and could help accelerate liberalisation in the Asia-Pacific Economic Cooperation (APEC) region as well.

Bangladesh and the AFL-CIO

Due to pressure from US trade unions, US foreign investment in Bangladesh's two export zones has fallen 51 percent from \$US71.6 million to \$US35 million in 1999-2000. The American Federation of Labour and Congress for Industrial Organisation (AFL-CIO) has submitted a petition to US Trade representative Charlene Barshefsky requesting that America's "generalised system of preferences" (GSP) on Bangladeshi exports be revoked unless trade union activity be permitted in the region. A history of frequent and often violent strikes in the Bangladeshi trade union movement has investors concerned that this activity may affect the productivity of their assets should the GSP be revoked.

"Investment in Bangladesh Export Zones Drops by 51 Percent," AFP, 28 July 2000; "Free Trade Pact no Favourite of Government's," THE ECONOMIC TIMES ONLINE, 11 September 2000; "Singapore Urges APEC Economies to Focus on Trade Facilitation," AFP, 13 September 2000; "Singapore-New Zealand Trade Pact Has Wider Implications, Says Cullen," AFP, 8 September 2000; "Singapore, New Zealand Free Trade Pact to Scrap All Tariffs," 31 August 2000; "New Zealand and Australia Harmonise Business Laws to Free-Up Trade," AFP, 1 September 2000; "South Korea Suggests Free Trade Accord with China, Japan," ASIA PULSE, 16 August 2000; "Korea Pushing for Free Trade Belt with China and Japan," THE KOREAN HAROLD, 4 September 2000.

FSC REPLACEMENT REGIME DRAWS CRITICISM FROM EU

In a 315-109 vote, the US House of Representatives on 13 September passed legislation that would replace the US Foreign Sales Corporation tax regime (FSC) with a new system for US corporations with foreign subsidiary investments. The new regime will extend up to \$6 billion in tax breaks for qualifying companies, such as Microsoft and Boeing. In a WTO panel ruling last February, the EU won its WTO dispute against the US FSC on the grounds that since its benefits were trade-dependent, the FSC was considered a distorting subsidy and therefore incompatible with the WTO agreements (see *BRIDGES Weekly Trade News Digest* Vol. 4, No. 8, 29 February 2000, <http://www.ictsd.org/html/weekly/story1.29-02-00.htm>)

The new legislation comes just before the compliance deadline of 1 October established by the WTO panel. The EU, however, has taken exception to the new regime, stating that it remains a trade-dependent subsidy, and has threatened both a counter-action at the WTO and the application of sanctions against the US should the legislation be enacted. Said EC trade spokesman Anthony Gooch, "While the US thinks its recent changes to the regime are strenuous, to us they amount to little more than window dressing."

A few hurdles remain, however, which may impede the enactment of the new tax regime. Given the outstanding number of spending bills which have yet to be voted on between now and the presidential election later this fall, the US Senate may not actually vote on the bill before the deadline. Moreover, this close to an election, passing such controversial legislation -- which effectively confers tax breaks to large corporations -- may not be regarded as politically feasible.

In other related EU-US developments, as part of a plan to get the US to remove \$US 117 million in trade sanctions against the EU in the long-simmering beef-hormone dispute, the EU has lifted veterinary checks on US hormone-free beef imports into Europe. Although the EU's ban on beef treated with growth hormones remains in place, Brussels is pushing for a deal wherein US farmers receive a higher quota for their exports of hormone-free beef in exchange for a lifting of US sanctions. The EU would then engage in compensation payments -- authorised under the WTO Dispute Settlement Understanding -- rather than suffer sanctions. The cumbersome veterinary checks resulted in expensive delays that had discouraged many US ranchers and exporters, who have welcomed the EU's decision. But while the EU move makes a compensation package more likely, the US has indicated that such a deal would only suffice as a temporary measure.

"US House Approves Export Plan Over EU Objections," REUTERS, 13 September 2000; "US Tries to Curtail EU Dispute," FINANCIAL TIMES, 11 September 2000; "House Passes Trade Tax

Breaks Bill," ASSOCIATED PRESS, 13 September 2000; "Beef Hormones: EU Pushes for Compensation Deal with US," WSJ, 14 September 2000.

IN BRIEF

CANADA SEEKS PUBLIC INPUT ON ENVIRONMENTAL ASSESSMENT OF TRADE NEGOTIATIONS. The Canadian Department of Foreign Affairs and International Trade (DFAIT) is seeking comments from Canada's citizens on a draft Environmental Assessment Framework for Trade Negotiations. The public have been invited to view the draft framework and provide comments for 6 October. Comments received will be used to refine and finalise the framework before the end of October. "We want to ensure that Canada achieves coherence in trade and environment policy," said DFAIT Minister Pierre Pettigrew. "Conducting an environmental assessment of trade negotiations is an effective way to maintain this mutually supportive relationship. The Government also wants to ensure that the framework reflects the views of Canadians." The draft framework was prepared by an Interdepartmental Committee chaired by DFAIT with the assistance of provinces and territories, First Nation groups, and representatives from academic, non-governmental organisations and the private sector. The framework can be viewed on the DFAIT web site at: <http://www.dfait-maeci.gc.ca/tna-nac/social-e.asp>. "Pettigrew announces consultations on framework for environmental assessment of trade negotiations," DFAIT PRESS RELEASE, 12 September 2000.

ACP-EU ECONOMIC AND SOCIAL GROUPS URGE MORE INCLUSION IN COTONOU PROCESS. In a positive shift in civil society inclusion in the EU-ACP (African, Caribbean and Pacific states) process, non-governmental organisations (NGOs) were for the first time invited to attend the 22nd ACP-EU Economic and Social Interest Groups meeting in Brussels on 13-15 September. The annual meeting brings together ACP and EU representatives from employers' organisations, trade unions, and representatives of various interests such as farmers' organisations, to discuss ACP-EU issues pertaining to civil society with the European Commission. The main subject of this year's meeting was the new ACP-EU (Cotonou) Agreement and its provisions for civil society participation. In the declaration that emerged from the meeting, the interest groups urged, *inter alia*, that: (i) Economic and Social Interest Groups must be able to establish direct contacts with EU representatives and receive comprehensive information on ways of accessing financial resources; (ii) Economic and Social Interest Groups should be involved from the very start of the process of implementing the Cotonou Agreement; and (iii) the European Economic and Social Committee should be given the responsibility for following up the degree to which economic and social interest groups are involved in the new Agreement. NGO representatives at the meeting suggested that greater dialogue should take place between ACP and EU NGOs and networks such as the ACP Civil Society Forum, on the one hand, and the economic and social interest groups, on the other. This would promote greater understanding between the different civil society actors and quell suspicions on their motives for participation in ACP-EU co-operation. "22nd Meeting Of ACP-EU Economic and Social Interest Groups," EUROSTEP, 15 September 2000.

WTO IN BRIEF

INFORMAL GC SESSION ON IMPLEMENTATION. WTO Members convened on 18-19 September for an informal meeting of the General Council to tackle implementation issues. The

session was held in an effort to resolve outstanding concerns held by many developing countries with respect to redressing what many see as serious imbalances in how the WTO agreements have been implemented since the Uruguay Round (see *BRIDGES* Weekly Trade News Digest Vol. 4, No. 26, 4 July 2000, <http://www.ictsd.org/html/weekly/story2.04-07-00.htm>). As it was an informal session, no decisions were taken, but according to WTO officials, the process that began earlier this summer progressed beyond general statements as Members are now getting down to more specifics. Delegates focused discussion on the range of implementation concerns outlined in paragraph 21 of the 19 October 1999 draft declaration for the Seattle Ministerial. Paragraph 21 lists a range of implementation demands by developing countries, including review of existing WTO agreements on balance of payments, antidumping, textiles, subsidies, TRIPs, sanitary/phytosanitary measures (SPS), and others. Under the implementation workplan hammered out in June, Members are mandated to meet for two more Implementation Special Sessions (on 18-19 October and 18-19 December), and further meetings are expected in 2001. ICTSD Internal Files.

TRIMs COMMITTEE ADOPTS ANNUAL REPORT. In a brief meeting on 19 September, the WTO Committee on Trade-Related Investment Measures (TRIMs) -- under new Chairman Oscar Hernandez of Venezuela -- adopted its annual report (G/TRIMS/W/19) and forwarded it to the Council for Trade in Goods (CTG). The Committee did not take up any TRIMs extension issues, as these are now being dealt with in the CTG and the General Council. The report is primarily a listing of those Members who have submitted notifications of any trade-related investment measures inconsistent with the TRIMs Agreement. ICTSD Internal Files.

CORRIGENDUM

In last week's issue of *BRIDGES* Weekly Trade News Digest (Vol. 4 No. 34, 12 September 2000) "NAFTA Methanex Case Could Threaten Public Health Laws," it was reported in error that under NAFTA Chapter 11, measures taken for "public purposes" could be exempt from the obligation to pay compensation. NAFTA Article 1110 clearly states that: *"No Party may directly or indirectly nationalise or expropriate an investment of an investor of another Party in its territory or take a measure tantamount to nationalisation or expropriation of such an investment ("expropriation"), except: a) for a public purpose; b) on a non-discriminatory basis; c) in accordance with due process of law and Article 1105(1); AND d) on payment of compensation in accordance with paragraphs 2 through 6."*

This means that even in cases wherein the first three conditions of Article 1110 are met, compensation must still be paid.

We apologise for this interpretative oversight.

EVENTS

Coming Up This Week

18-22 September, Montevideo, Uruguay: UNEP WORKSHOP ON MANAGEMENT OF DIOXINS. For information contact: Murray Newton or Heidi Fiedler, UNEP Chemicals (IRPTC);

tel: (41-22) 979-9111; fax: 797-3460; email: mnewton@unep.ch or hfriedler@unep.ch; Internet: <http://irptc.unep.ch/pops>.

19 September, Geneva, Switzerland: WTO TRADE-RELATED INVESTMENT MEASURES (TRIMS) COMMITTEE. On the agenda: notifications, observer status for international intergovernmental organisations (including the ACP, COMESA, and the IADB), and presentation of the committee's annual report. For information contact: Luis Ople, WTO Information and Media Relations Division, tel: (41-22) 739-5374.

19 September, Hotel Intercontinental - Moreno 809 - Buenos Aires, Argentina: SEMINARIO DE COMERCIO, INVERSIONES Y DESARROLLO SOSTENIBLE. En este evento, disertarán expertos nacionales y internacionales en el tema del Comercio Internacional y el Desarrollo Sostenible. La entrada es libre y sin cargo. Para mas información contacte: Verónica Miguel CEADS (Consejo Empresario Argentino para el Desarrollo Sostenible), Esmeralda 155 - 8° "42" Buenos Aires; tel: (54-11) 4327-3163 / 4328-9593; fax: 4328-4512; email: nmiguel@pecom.com.ar.

19-22 September, Geneva, Switzerland: SECOND EMERGING MARKETS INTERNATIONAL FAIR. For information contact: Fondation EMA, CP 731, 1211 Geneve 4, Switzerland; tel: (41-22) 348-3701; fax: 827-2310; email: info@ema2000.ch; Internet: <http://www.ema2000.ch/>.

19-28 September, Prague, Czech Republic: WORLD BANK/IMF JOINT ANNUAL MEETING OF THE BOARDS OF GOVERNORS. A program of seminars will run from 23-26 September; the plenary sessions of the Boards of Governors will run from 26-28 September. For information visit: <http://www.worldbank.org> or <http://www.imf.org>.

20 September, Geneva, Switzerland: EMA WORKSHOP ON SUSTAINABLE DEVELOPMENT AND PROFITABILITY. Convened by the EMA Foundation. For information contact: Claire Peracino, EMA Foundation, CP 731, 1211 Geneva 4, Switzerland; tel: (41-22) 827-2642; fax: 827-2310; Internet: <http://www.ema2000.ch/uk/program.html>.

20 September, Cambridge, MA, USA: BIOSAFETY REGULATION AND ITS CONSEQUENCES FOR RURAL DEVELOPMENT IN MEXICO. Presentations by Professor Amanda Galvez, Universidad Nacional Autonoma de Mexico and Professor Michelle Chauvet, Universidad Autonoma Metropolitana. For information contact: cid_events@harvard.edu; Internet: <http://www.cid.harvard.edu/events/>.

20-29 September, Geneva, Switzerland: JOINT FAO-WHO MEETING ON PESTICIDES RESIDUES. For information contact: Amelia Tejada at FAO <amelia.tejada@fao.org>; tel: (39-6) 5705-4010; fax: 5705-6347; Internet: <http://www.fao.org/waicent/faoinfo/agricult/agp/agpp/pesticid/events/c.htm>. From IISD Linkages, <http://www.iisd.ca/linkages/journal>.

21-22 September, Geneva, Switzerland: WTO TRIPS COUNCIL MEETING. Included on the agenda: observer status for international intergovernmental organisations; review of national implementing legislation; technical cooperation; review of the provisions of article 27.3(b); review of the implementation of the agreement under article 71.1; and non-violation complaints. For information contact: Peter Ungphakorn, WTO Information and Media Relations Division, tel: (41-22) 739-5412; email: peter.ungphakorn@wto.org.

22 September, Geneva, Switzerland: WTO COMMITTEE ON TRADE AND DEVELOPMENT. On the agenda: observer status for ad-hoc observers and OPEC, technical cooperation, and chairman's report on consultations on market access for LDCs. For information contact: Lucie Giraud, WTO Information and Media Relations Division; tel: (41-22) 739-5075; Internet: http://www.wto.org/english/tratop_e/devel_e/devel_e.htm.

22-23 September, Boston, USA, Harvard University: INTERNATIONAL CONFERENCE ON BIOTECHNOLOGY IN THE GLOBAL ECONOMY: SCIENCE AND THE PRECAUTIONARY PRINCIPLE. For information contact: Derya Honca, Science, Technology, and Innovation, Center for International Development, Harvard University, 70 John F. Kennedy Street, Cambridge, MA 02138, USA; tel: (1-617) 495-1923; fax: 496-8753; email: Derya_Honca@KSG.harvard.edu; Internet: <http://www.cid.harvard.edu/cidbiotech/bioconfpp/home.htm>.

26 September, Montreal, Canada: GLOBALISATION: BACKGROUND AND CONTEXT. Hosted by the International Research Collective (IRC), the conference seeks to share knowledge and analysis about the FTAA leading up to next spring's Summit of the Americas. For information contact: the IRC, tel: (1-514) 937-3200; email: lombrenoire@tao.ca.

26 September, Geneva, Switzerland: WTO DISPUTE SETTLEMENT BODY. On the agenda (inter alia): status report by the EC on the banana dispute; report of the appellate body and panel in the US-antidumping act of 1916 dispute. For information contact: Lucie Giraud, WTO Information and Media Relations Division; tel: (41-22) 739-5075.

26 September - 2 October, Brussels, Belgium: THIRD EC-CIVIL SOCIETY WTO ISSUES GROUPS CONSULTATIONS. The issues to be discussed are: services, the environment and sustainable development, health, and agriculture. For more information and how to register, visit: http://europa.eu.int/comm/trade/2000_round/3meetig.htm.

26 September, Geneva: WTO DISPUTE SETTLEMENT BODY. For information contact: Gabrielle Marceau, tel: (41-22) 739-5519; fax: (41-22) 739- 5788.

26 September, Montreal, Canada: GLOBALISATION: BACKGROUND AND CONTEXT. Hosted by the International Research Collective (IRC), the conference seeks to share knowledge and analysis about the FTAA leading up to next spring's Summit of the Americas. For information contact: the IRC, tel: (1-514) 937-3200; email: lombrenoire@tao.ca.

WTO Events

An updated list of forthcoming World Trade Organisation meetings is posted at: http://www.wto.org/english/news_e/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 the different bodies. Unless otherwise indicated, all WTO meetings are held at the WTO, Centre William Rappard, Rue de Lausanne 154, 1211 Geneva, Switzerland.

27 September, Geneva, Switzerland: WTO COMMITTEE ON AGRICULTURE. For information contact: Peter Ungphakorn, WTO Information and Media Relations Division, tel: (41-22) 739-5412.

28-29 September, Geneva, Switzerland: WTO THIRD SPECIAL (NEGOTIATING) SESSION OF THE COMMITTEE ON AGRICULTURE. On the agenda: completion of initial consideration of proposals presented at 2nd special session; presentation and consideration of further proposals submitted; proposals previously considered to which Members may wish to revert; presentation of technical papers; and Chair's outline of his report to General Council. For information contact: Peter Ungphakorn, WTO Information and Media Relations Division, tel: (41-22) 739-5412.

2-3 October, Geneva, Switzerland: WTO WORKING GROUP ON THE INTERACTION BETWEEN TRADE AND COMPETITION POLICY. For information contact: Lucie Giraud, WTO Information and Media Relations Division; tel: (41-22) 739-5075.

3 October, Geneva, Switzerland: WTO COMMITTEE OF PARTICIPANTS ON THE EXPANSION OF TRADE IN INFORMATION TECHNOLOGY PRODUCTS. For information contact: Lucie Giraud, WTO Information and Media Relations Division; tel: (41-22) 739-5075.

5 October, Geneva, Switzerland: WTO COUNCIL FOR TRADE IN SERVICES. This meeting will focus on review of MFN exemptions. For information contact: Nuch Nazeer, WTO Information and Media Relations Division, tel: (41-22) 739-5393.

5-6 October, Geneva, Switzerland: WTO COUNCIL FOR TRADE IN SERVICES. Special Session. For information contact: Nuch Nazeer, WTO Information and Media Relations Division, tel: (41-22) 739-5393.

Other Forthcoming Events

27 September, Geneva, Switzerland: HELPING THE ACP INTEGRATE IN THE WORLD ECONOMY: SETTING THE AGENDA FOR RESEARCH AND SUPPORT. ECDPM/ ICTSD are organising a one-day meeting, with the objective to contribute to setting an agenda for practical research, capacity building, dialogue and information on trade issues for ACP regions and countries. The focus of the meeting will be on evolving ACP-EU trade relations. Two crucial dimensions will be addressed: (i) the future of multilateral trade negotiations and the WTO; and (ii) the uneven progress of ACP regions towards the formation of trade areas. Given the restricted budget, only a limited number of participants and resource persons will be able to be reimbursed for accommodations and economy class travel. For information contact: Kathleen van Hove, ECDPM, the Netherlands, tel: (31-43) 350-2929; fax: 350-2902; email: kvh@ecdpm.org or contact: Christophe Bellman, ICTSD, Switzerland, tel: (41-22) 917-8495; fax: 917-8093; email: cbellman@ictsd.ch.

3-4 October, St. Peter, Minnesota, USA: GLOBALISATION 2000: ECONOMIC PROSPECTS AND CHALLENGES. The 36th Nobel Conference will examine the momentous changes in the world economic order that have occurred or are in process as the 20th century comes to a close. Speakers include Jeffrey Sachs, Jagdish Bhagwati, and Nobel Prize-winning economist Robert Mundell. For information visit: <http://www.gac.edu/news/campusevents/nobel/2000.html>.

3-6 October, Cartagena, Colombia: REGIONAL WORKSHOP ON THE ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE. Convened by the FAO and UNEP. For information contact: Gerold Wyrwal, at FAO <gerold.wyrwal@fao.org>; tel: (39-06) 5705-2753 fax: (39-06) 5705-6347; Internet: <http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPP/Pesticid/Events/c.htm>.

4-6 October, Vienna, Austria: INTERNATIONAL CONFERENCE ON IMPLEMENTATION STRATEGIES FOR ENVIRONMENTALLY SUSTAINABLE TRANSPORT. This conference will be hosted by the Austrian Government. For information contact: Cecelia Cerredo, Transport Unit, OECD Environment Directorate, 2 rue André Pascal, 75775 Paris Cedex 16; tel: (33-1-45) 24-98-40; fax: 24-78-76; email: cilla.cerredo@oecd.org; Internet: <http://www.oecd.org/env/ccst/est>. From IISD Linkages, <http://www.iisd.ca/linkages/journal>.

6 October, Hannover, Germany: CONFERENCE ON THE INFORMATION SOCIETY, GLOBALIZATION AND SUSTAINABLE DEVELOPMENT. This international conference will be held in the EXPO Convention Center in Hannover, Germany. For information contact: FAW Research Institute, Harald Pandl, PO Box 2060, D-89010 Ulm, Germany; tel.: 49-731-501-555; Internet: <http://members.tripod.com/ruddyconsult/expo2.htm>. From IISD Linkages, <http://www.iisd.ca/linkages/journal>.

11-13 October, Hanover, Germany: WORLD TRADE AND ENVIRONMENT: DO WE NEED NEW REGULATIONS AND INSTITUTIONS? Sponsored by Loccum Protestant Academy in collaboration with the UN Environment Programme. The general goal of the consultation is the creation of a coherent global regulatory framework covering the ecological implications of world trade, respected and supported by WTO, UNEP, UNCTAD, UNCSD, and OECD. Conference fees: DM 240.00, including accommodation and meals. For information contact: Dr. Andreas Dally, Evangelische Akademie Loccum, Postfach 21 58, D-31545, Rehburg-Loccum, Germany; tel: (49-5766) 81-108; fax: 81-128; email: Andreas.Dally@evlka.de; Internet: <http://www.loccum.de>.

13-24 November, The Hague, Netherlands: SIXTH CONFERENCE OF THE PARTIES TO THE FRAMEWORK CONVENTION ON CLIMATE CHANGE. For information contact: the UNFCCC Secretariat, tel: (49-228) 815-1000; fax: 815-1999; email: secretariat@unfccc.de; Internet: <http://www.unfccc.de>. From IISD Linkages, <http://www.iisd.ca/updates/upcoming.html>.

RESOURCES

If you have a relevant resource (books, papers, bulletins, etc.) you would like to see announced in this section, please forward a copy for review by the BRIDGES staff to hcameron@ictsd.ch. Submissions of publications to ICTSD's documentation centre would also be welcome (contact mgalvin@ictsd.ch).

THE CLEAN DEVELOPMENT MECHANISM: BUILDING INTERNATIONAL PUBLIC-PRIVATE PARTNERSHIPS UNDER THE KYOTO PROTOCOL - TECHNICAL, FINANCIAL AND INSTITUTIONAL ISSUES. The study, published by the UN Conference on Trade and Development (UNCTAD), examines the issues surrounding the project approval, implementation and recognition of Certified Emission Reductions (CERs). The study also focuses on the

importance of private investments in promoting sustainable development and reducing Greenhouse Gas Emissions. For information contact: Greenhouse Gas Emissions Trading Project, UNCTAD Division on International Trade in Goods and Services and Commodities (DITC), tel: (41-22) 917-5853 or 917-5676; fax: 917-0044 or 917-0274; email: ghgemissionstrading@unctad.org.

GENETICALLY ENGINEERED FOOD: A SELF DEFENSE GUIDE FOR CONSUMERS. By Ronnie Cummins, 2000. The book, published by Marlowe & Company, examines the environmental and health concerns of genetically engineered food and presents new research on US food companies and their use of genetically engineered foods. To obtain a copy contact: Mark Ritchie, IATP, 2105 First Ave. South, Minneapolis, Minnesota 55404 USA; tel: (1-612) 870-3400; fax: 870-4846; email: mritchie@iatp.org; Internet: www.iatp.org.

TRADE MEASURES PURSUANT TO MULTILATERAL ENVIRONMENTAL AGREEMENTS - DEVELOPMENTS FROM SINGAPORE TO SEATTLE. By Risa Schwartz. The article appears in Review of European Community and International Law (RECIEL) Vol. 1:9, 2000. The article explores the relationship between Multilateral Environmental Agreements and the Multilateral Trading System from the perspective of the Member states of the WTO. Four years of proposals concerning the clarification of MEAs with in WTO rules are summarised. To request a sample copy contact: Blackwell Publishers, UK, email: jnlsamples@blackwellpublishers.co.uk, quoting the name of the journal, RECIEL.

EU & INTERNATIONAL TRADE LAW: THE ENVIRONMENTAL DIMENSION. By Dr. Geert Van Calster, 2000. This book, published by Cameron May, examines WTO agreements and their application to trade and environmental issues. While the author suggests that the WTO look at the success of the EU in trade and environmental dilemmas, the author warns the WTO not to take the EU's actions as sure-fire solutions. To obtain a copy contact: Cameron May LTD, 69-71 Bondway, London SW8 1SQ, UK; tel: (44) (020) 7582-7567; fax: 7793-8353; email: orders@cameronmay.com; Internet: <http://www.cameronmay.com>.

TRADE, ENVIRONMENT AND SUSTAINABLE DEVELOPMENT IN SOUTH ASIA. SAWTEE Briefing Paper No. 2, 2000. This paper analyses the state of trade and environment in South Asia and suggests ways and means to promote sustainable development in the region keeping in mind the interface between trade and environment. To obtain contact: Ratnakar Adhikari, PRO PUBLIC, P.O. Box 14307, Gautam Buddha Marg, Anam Nagar, Kathmandu, Nepal; tel: (977-1) 268681; fax: 268022; email: rmadi@propublic.wlink.com.np or propublic@wlink.com.np.

SUSTAINING THE RAG TRADE: SOCIAL AND ENVIRONMENTAL TRENDS IN THE UK CLOTHING RETAIL SECTOR, by Nick Robins and Liz Humphrey, 2000. Over the last decade, the clothing sector has been at the forefront of efforts to raise the social and environmental standards of international trade. The challenge now facing the 'rag trade' is how these efforts can be transformed into a coordinated strategy for the sustainable development of the supply chain. Focusing on UK retailers, Sustaining the Rag Trade outlines the key market and sustainability challenges facing the sector, the corporate responses to them and their implications for developing country suppliers. The report contains case studies of leading clothing chains, including Marks and Spencer, Next, C&A, Bhs, and Littlewoods. To obtain a copy contact: IIED Bookshop, 3 Endsleigh Street, London WC1H 0DD, UK; fax: (44) (020) 7388-2826; email: bookshop@iied.org.

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