



INTERNATIONAL CENTRE FOR
TRADE AND SUSTAINABLE
DEVELOPMENT

BRIDGES

Weekly Trade News Digest

28 November 2000

ISSN 1563-003X

Volume 4, N°45

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WTO GENERAL COUNCIL SLAPS APPELLATE BODY ON *AMICUS* BRIEFS

Convening for a special meeting of the WTO General Council on 22 November, Members sent a strong signal to the seven-member Appellate Body -- the WTO dispute settlement system's court of appeal -- that it must proceed with "extreme caution" in the future with respect to how it deals with non-governmental participation in the dispute settlement process. The cause of the uproar was the Appellate Body's (AB) publication on 8 November of procedures for non-party submissions, or *amicus* briefs, to the current dispute between France and Canada over imports of chrysotile asbestos (see *BRIDGES* Weekly Trade News Digest Vol. 4, No. 44, 21 November 2000, <http://www.ictsd.org/html/weekly/story1.21-11-00.htm>).

The AB had published the procedures (available on the WTO website at: http://www.wto.org/english/news_e/news00_e/ds135_9.doc) in order to provide an orderly process for the submission of *amicus* briefs, of which it had already received (though not accepted) five, and emphasised that it had adopted the procedures "for purposes of this appeal only". Groups were given a short period of time -- until noon on 16 November -- to apply for leave to file briefs.

NGO Requests Rejected

A number of non-governmental organisations proceeded to submit requests for leave to file briefs. WTO officials indicate the number of requests submitted was 13, though other sources indicate the number could be as high as 19. In a move that some NGOs have termed "bait and switch," none of the requests to submit briefs were granted by the AB, which sent notice back to submitting parties indicating that they had failed to comply with the guidelines. The guidelines for accepting requests, outlined in paragraph 3 (a) to (g) of the procedure, are very specific, and require applicants to specify the nature of the interest they applicant have in the appeal. When asked for reasons why it had rejected the requests, the WTO Appellate Body refused to elaborate.

A press release issued by a coalition of NGOs that had submitted an *amicus* brief request (available at: <http://www.ciel.org/asbstospr.html>) expressed disappointment at the AB refusal to explain. "What the WTO gave with one hand, it took with the other. We were encouraged by the WTO's invitation as a sign that it might have finally got the message about the importance of civil society participation. To then be summarily refused without reasons shows gross indifference to the interests of our constituencies and lack of due process," said Aimee Gonzales, WWF International Senior Policy Advisor. WWF International, together with Greenpeace International, Ban Asbestos Network, the International Ban Asbestos Secretariat, the Foundation for International Environmental Law and Development and the Centre for International Environmental Law were pushing to have the voices of affected groups heard at the trade tribunal.

Other groups that submitted requests included the American Public Health Association; the Society of Occupational and Environmental Health; Occupational and Environmental Diseases Association; the International Confederation of Free Trade Unions (ICFTU); a trade specialist professor from Michigan University; and a professional body representing Australian lawyers. None were accepted.

Members Predominantly Unhappy With AB Initiative

Despite the rejection of all requests to file written briefs, an overwhelming majority of Members were critical of the Appellate Body decision to publish *amicus* brief procedures, with only the US expressing support for the initiative. On behalf of ASEAN countries, Singapore stated, "As the rules stand, only parties [WTO Members] and third parties have the right to participate in disputes." Privately, some of the more vocal developing countries suggested that Appellate Body chairman Florentino Feliciano should step down. At the General Council meeting, Members were adamant that non-party participation in disputes, even through *amicus* briefs, was a matter of "rights and obligations," and therefore should be dealt with at the political level rather than by the Appellate Body. India, Pakistan, Egypt and Malaysia asked that the *amicus* brief procedures be withdrawn.

Support for the AB move was even lukewarm among the parties to the dispute, who had been consulted previously by the Appellate Body on the matter. Speaking at the General Council, Canadian Ambassador Sergio Marchi questioned whether the participation of NGOs in WTO dispute settlement was consistent with the principal objectives of the system. In Canada's view, he said, "the Members, not the dispute settlement system, should decide how the issue of *amicus* participation should be dealt with in the future."

For its part, the US stated that it believed the AB acted appropriately in adopting the procedure. "Given that the Appellate Body has the authority to accept and consider *amicus* submissions, and given that a number of persons had either already filed, or expressed an interest in filing, *amicus* submissions, the AB did the only thing it could do," said US Ambassador to the WTO Rita Hayes. "It adopted procedures to manage this issue in a fair, legal and orderly manner...It was merely managing a situation that already existed in the specific context of the asbestos dispute," she said. New Zealand and Switzerland were the only other Members who expressed support for the AB action.

The issue of allowing unsolicited *amicus* briefs to be considered in WTO disputes is not new to Members. It has come up before in the now-stalled Dispute Settlement Understanding review process, which fell apart last year after the failed Seattle Ministerial. *Amicus* briefs have been submitted already in eight WTO dispute settlement cases, including the 1998 Shrimp-Turtle dispute, where the AB reversed the panel's original decision rejecting *amicus* brief submissions. Some observers conjecture that one of the reasons why all requests for briefs were rejected was that the AB reacted to Members' objections and did not want to further exacerbate the issue by allowing non-parties to officially submit briefs.

Bryn's Solution

General Council Chairman Kåre Bryn closed the 22 November meeting with a commitment to undertake two initiatives. First, he indicated he would convey the proceedings of the Council to the AB, instructing it to proceed with "extreme caution" in future on these matters. Second, he would initiate informal discussions with Members to establish procedures on *amicus* briefs, including whether or not panels or the Appellate Body should accept them.

"WTO divided over move to settle trade disputes," BUSINESS TIMES, 24 November 2000; "WTO Appellate Body under fire for move to accept *amicus curiae* briefs from NGOs," WTO REPORTER, 27 November 2000; ICTSD Internal Files.

COP 6: US-EU DIFFERENCES BLAMED FOR FAILURE OF CLIMATE CHANGE NEGOTIATIONS

Despite two weeks of intense negotiations, delegates at the Sixth Conference of the Parties (COP 6) of the United Nations Framework Convention on Climate Change (14-24 November 2000) failed to reach an agreement on the operational matters of the Kyoto Protocol, primarily due to American and European disagreements over a number of issues relating to carbon sinks, compliance and supplementarity. Some see the breakdown of talks at COP 6 as another instance of transatlantic differences which were also blamed for the failure to launch a new round of trade talks at the last WTO Ministerial Conference in Seattle. Negotiations are expected to resume in Spring 2001.

Pronk's Proposal Offered Potential Solution

After delegates had failed to resolve the major issues of contention relating to sinks, compliance measures, supplementarity and funding (see *BRIDGES* Weekly Trade News Digest, Vol.4 No. 4, 21 November 2000, <http://www.ictsd.org/html/weekly/story3.21-11-00.htm>), COP 6 President --and Netherlands Environment Minister -- Jan Pronk issued a proposal on Thursday night outlining

suggestions for a compromise which he admitted would cause pain, but which would result in an equal "sharing of pain". With regard to compliance, the proposal suggested a subtraction of excess emissions from the assigned amount of emission allowances in the next commitment period, subject to a penalty rate of 1.5 percent, as well as submission of a compliance action plan. No reference was made to a Compliance Fund which had been demanded by G-77/China, nor to a ban on transferring assigned amounts for non-compliant countries. Enforcement measures would only apply to Annex I Parties -- the 24 original OECD members, the European Union, and 14 countries with economies in transition -- whereas facilitative measures would not be differentiated between Annex I and non-Annex I Parties.

The issue of supplementarity, i.e. the extent to which greenhouse gas emission targets can be met using the Protocol's flexibility mechanisms (emissions trading, Joint Implementation (JI) and Clean Development Mechanism) vis-à-vis domestic action, had been left largely undefined in the President's proposal, which only stated that targets should be met "primarily through domestic action since 1990". While no quantitative cap would be set for the right of Parties to buy emission credits, the sale of allowances would be limited to 30 percent of a Party's allowable emissions in order to reduce the sales of surplus "hot air" credits from eastern Europe.

Regarding land-use, land-use change and forestry (LULUCF), the President's note suggested including "additional activities" as a means to meet emission targets, such as grazing and cropland management, forest management, and revegetation, but it called for limiting the use of sinks to three percent of a Party's base year emissions. On LULUCF under the Clean Development Mechanism (CDM), activities involving afforestation and reforestation would be eligible as CDM projects. Initiatives to prevent deforestation and land degradation would be excluded from the CDM, but they would qualify for priority funding.

The President's note included proposals for funding mechanisms which would give special consideration to least-developed countries and small island developing states. In particular, the proposal suggested the establishment of an Adaptation Fund to support adaptation projects in non-Annex I countries. Finances would be generated by a two percent levy on the value of all emission reduction credits generated by CDM projects. The note also proposed creating a Convention Fund under the Global Environment Facility. Overall, resources could reach an annual level of \$US 1 billion by 2005. If this level were not reached, a levy would be applied to Joint Implementation and/or emissions trading.

The Tentative Trade Link

Without a final agreement at COP 6, trade implications are necessarily difficult to predict. Besides, trade concerns were not directly discussed, but instead had an indirect influence on the outcomes of the negotiations resulting from efforts to avoid potential losses of competitiveness. Direct trade impacts and potential trade conflicts would be most likely to arise from the use of domestic measures, such as carbon taxes and border-tax adjustments, subsidies, standards and government procurement.

Due to the current lack of a clear definition with regard to supplementarity, the extent to which domestic measures would be used and consequently the scale of possible trade impacts and conflicts are difficult to predict. Other trade conflicts could arise in conjunction with the allocation of emission allowances. Depending on how they might initially be distributed, emission rights could

be seen as a subsidy and might consequently be challenged under the WTO Agreement on Subsidies and Countervailing Measures (SCM). Similarly, the choice of industry sectors for CDM and JI projects could potentially be challenged under the SCM Agreement, in particular if the projects encourage investments into one sector while allowing emissions to increase, thereby potentially conferring an advantage on that sector.

The negotiations ended with the US and EU blaming each other for the collapse of the talks. The US regarded the EU negotiators' failure to obtain a mandate from all 15 members as the main factor that undermined a deal, after an apparent bargain between the EU and US was rejected by dissenting states. For its part, Europe saw the US' lack of commitment and its insistence on including sink activities as the principal causes for failure. Environmental groups have described the chaotic breakdown of talks on Saturday as a fiasco, and placed the blame squarely on the shoulders of the US, Canada, Japan and Australia. Negotiations are likely to continue at COP 6 Part II in May/June 2001, using the occasion of scheduled meetings of the Subsidiary Bodies as a continuation of the "suspended" COP 6.

"Climate Rescue Package Too Painful For Some," ENVIRONMENT NEWS SERVICE; 24 November 2000; "Climate talks failure highlights EU, US tensions," REUTERS, 27 November 2000; "Outrage greets US-EU failure to cut climate deal," REUTERS, 27 November 2000; "World powers trade charges on climate talks' failure," REUTERS, 27 November 2000; ICTSD Internal Files.

ASEAN FOCUSES ON REGIONAL CONCERNS

Hot on the heels of last week's Asia-Pacific Economic Cooperation (APEC) forum Leaders Summit in Brunei, the 10-member Association of South East Asian Nations (ASEAN) convened an informal summit in Singapore from 22-25 November to discuss the future of the aspiring economic zone. While the Brunei discussion last week concluded with APEC leaders declaring their full support for a new round of multilateral trade negotiations, the dominant theme at the ASEAN gathering was regionalism.

At the meeting, ASEAN countries agreed to permit exemptions from tariff reductions under the Common Effective Preferential Tariff protocol, or CEPT. The measure is intended to help struggling member economies cope with the rapid adjustments associated with open trade and to aid infant industries. Malaysian Trade Minister Rafidah Aziz defended CEPT, arguing that it will not "unravel" the region's trade aspirations, but simply provide some protection to those in difficulty.

Member countries also welcomed discussions on the possibilities of extended regional free trade with China, Japan and South Korea, the so-called ASEAN plus three grouping. Several ASEAN members, however, have cautioned that this idea is still in the formative stage and is not meant to signal that negotiations are underway.

In related developments, Singapore and New Zealand on 14 November signed the SNZ Closer Economic Partnership (CEP), a bilateral trade deal. Singapore is also planning bilateral agreements with Japan, Canada, Australia and Mexico. More recently, the US Trade Representative Charlene Barshefsky announced the US' intention to negotiate a deal with Singapore which she said will include both environment and labour provisions. The unilateral announcement by the outgoing

Clinton administration came as a surprise to members of the US Congress, while the Singaporean embassy in Washington was notified of the idea only a few days prior. Some fear the implementation of these bilateral agreements will undermine ASEAN's plans for a free-trade zone of its own while destabilising the multilateral system.

In the year since the WTO's Seattle imbroglio, the world has been witness to the proliferation of regional and bilateral trade agreements. Trade analysts speculate the rise of regionalism in the area amounts to a hedge against the slow pace of liberalisation at the multilateral level, and for Asia-Pacific countries a hedge against China's WTO accession. With China poised to receive WTO Membership in the coming months, many Asian countries fear that capital migration from South East Asia to China will jeopardise the region's plan for economic stability. Such regional agreements are thought to provide a degree of market predictability in the face of regional economic uncertainty.

ASEAN is comprised of Singapore, Thailand, Indonesia, Malaysia, Philippines, Brunei, Vietnam, Laos, Myanmar and Cambodia.

"ASEAN Approves Escape Clause In Free Trade Agreement," AFP, 23 November 2000; "Singapore-NZ Trade Pact Sparks Fears Over WTO Authority," FINANCIAL TIMES, 15 November 2000; "Beijing Advocates China-ASEAN Free Trade Zone of 1.7 billion," AFP, 25 November 2000; "Congress, Business Surprised By Singapore FTA Announcement," INSIDE US TRADE, 24 November 2000.

FURORE OVER STARLINK TRIGGERS REGULATORY RETHINK

Rising international discontent over the discovery of genetically modified (GMO) corn not approved for human consumption in US food exports has led US regulatory authorities to consult experts and the public in order to exercise damage control and to prevent future incidents. StarLink corn -- the GMO at the root of the tangle -- contains a protein that protects the plant against the European corn borer but may cause allergic reactions in humans. In 1998, the US Environmental Protection Agency (EPA) approved the crop for livestock feed but not for human consumption (see *BRIDGES Weekly Trade News Digest* Vol. 4, No. 41, 31 October 2000, <http://www.ictsd.org/html/weekly/story7.31-10-00.htm>).

On 25 October, the makers of the controversial StarLink corn, Aventis CropScience, lodged a submission with the US Environmental Protection Agency asserting that the corn poses no allergic risk to consumers. Aventis has petitioned the EPA for a four-year temporary approval for tainted foodstuffs that, if approved, would avert a costly full-scale recall of the product.

Aventis' suggestions have been met with scepticism at the EPA. In a preliminary response published on 13 November, the EPA conceded that the potential risk of adverse allergic reaction in humans was "extremely low." The EPA rejected suggestions that there is no risk, but frowned upon the comparison of StarLink to known allergens such as peanuts or wheat, stressing that there is no firm scientific evidence to conclude whether the corn behaves in the same way.

Instead, the EPA has further responded by soliciting public comment on Aventis' proposal until 1 December, as well as convening a Scientific Advisory Panel that will review Aventis' claims in a public hearing slated for 28 November (see Additional Resources section below).

Immediately following the Panel hearing, the US Advisory Committee on Agricultural Biotechnology (ACAB) will meet in Washington, DC, on 29-30 November for another public hearing to discuss the StarLink corn situation, as well as ongoing US Department of Agriculture (USDA) biotechnology-related activities (see Additional Resources section below).

USDA testing export-bound corn

In a related development, the USDA has begun testing railcars with yellow corn bound for export markets last week. The testing procedure, which requires three samples of at least 400 kernels each, costs roughly \$US 20 to \$US 25 and is undertaken at the exporter's expense. Only where all three tests produce a negative result will a car be cleared for movement.

Imposition of testing has been in response to growing pressure from abroad, where protests against foodstuffs containing traces of GM crops have flared on several continents. Consumer confidence has been particularly shaken in Japan, where it is expected that a new law will enter into force in April 2001 mandating zero tolerance for imports of unapproved GM products. The South Korean authorities are also closely monitoring imports of US corn.

Aventis to split off its agchem division

On the heels of the StarLink controversy, and also in response to wider industry trends, Aventis announced on 15 November that it plans to divest its agro-chemicals and seeds business in order to focus on faster-growing pharmaceuticals. The Franco-German company is following the lead of Swiss and British rivals Novartis AG and AstraZeneca Plc, who recently merged and spun off their ag-chem divisions into Syngenta AG. Ag-chems have faced considerable public hostility and investors have been particularly cautious regarding the future development of the sector.

Additional Resources

For all EPA related information, including SAP meeting, 28 November, Arlington, VA visit <http://www.epa.gov/pesticides/biopesticides/>. For information on the USDA ACAB meeting visit: <http://www.usda.gov/agencies/biotech/downloads/announce11200.html>. Detailed information about USDA testing procedures can be found at: <http://www.usda.gov/gipsa/biotech/starlink/starlink.htm>.

"USDA launches StarLink testing of corn exports", REUTERS, 17 November 2000; "Japan detects StarLink in imported corn for feed", REUTERS, 17 November 2000; "Aventis auf dem Weg zur reinen Pharmagruppe", NZZ, 16 November 2000; "Japan consumers protest against US biotech corn", REUTERS, 16 November 2000; "Green group criticises UK agency over gene ruling", 16 November 2000; "FDA framing new regulations for genetically-engineered foods", UPI, 16 November 2000; "USDA says US corn exports hurt by StarLink chaos", REUTERS, 16 November 2000; "USDA biotech panel to discuss StarLink this month", REUTERS, 15 November 2000; "Aventis to Sell Ag Chems and Focus on Drugs", REUTERS SECURITIES, 15 November 2000; "EPA Not Convinced on StarLink Bio-Corn Safety", REUTERS, 13 November 2000; "EPA Announces Date for SAP Meeting on StarLink Corn", EPA PESTICIDE PROGRAM UPDATE, 7

November 2000; "Japanese-American accord for corn inspection procedure", AFP, 7 November 2000; "US To Test Japan-Bound Corn", AP, 6 November 2000; ICTSD Internal Files.

WTO INVESTMENT GROUP WRAPS UP FOR 2000

The WTO Working Group (WG) on the Relationship Between Trade And Investment on 16 November adopted its annual report (WT/WGTI/4, available on the WTO website). Members agreed to continue the process of study and analysis that the WG has undertaken since 1996; no consensus is yet emerging to move beyond this phase, though industrialised countries, particularly the EU and Japan, are still pushing to establish multilateral WTO rules governing foreign investment.

Efforts to move in this direction continue to be opposed by many developing country Members, particularly India, Pakistan, Egypt and Malaysia. These Members argue that the many bilateral investment treaties they have already signed are working sufficiently well, and that a WTO agreement on investment would limit the ability of developing countries to attract proper kinds of investment. The EU responds that an investment agreement would promote investor confidence in all WTO Member countries and contribute to development.

Developing countries are already coming under fire in the WTO for domestic investment schemes, mostly around auto manufacturing (see *BRIDGES* Weekly Trade News Digest, Vol. 4, No. 44, 21 November 2000, <http://www.ictsd.org/html/weekly/story4.21-11-00.htm>). These 'Trade-Related Investment Measures', however, are being dealt with in the context of the WTO's Goods Council and not in the WG on Trade and Investment.

The WG's annual report serves as a resume of activity in the body for its formal meetings on 8 June, 11 October and 16 November. Highlights from the report are outlined below.

The Working Group identified a number of issues requiring further study. These included:

- * The need to consider more closely the costs and benefits of multilateral investment rules, bearing in mind that global welfare gains alleged to result from such rules did not necessarily translate into national welfare gains for the host country.

- * The Working Group should take into consideration the view expressed in a recent analysis of the potential benefits of multilateral investment rules that priority should be given to exploiting the potential offered by the GATS before seeking to negotiate general disciplines on investment policies.

- * The important question of foreign investors' obligations should be examined, especially given that a large share of world trade was accounted for by transnational corporations. The point was made in the latter regard that the issue of restrictive business practices of multinational enterprises had not received sufficient attention in the Working Group on the Interaction between Trade and Competition Policy.

- * The implications of the relationship between trade and investment for development and economic growth, with a focus on foreign direct investment (FDI), as distinguished from other capital flows.

* The need to address the inconsistency between the treatment of the issue of movement of labour, on the one hand, and the treatment of movement of goods, services and capital, on the other.

* The advantages of bilateral investment treaties, as compared to multilateral rules on investment.

In response to these observations and proposals, it was acknowledged that the relationship between trade and foreign investment was complex and not susceptible to definitive conclusions, but it was stated that the mandate of the Working Group was to "examine" this relationship, and that this did not require the Working Group to attempt to reach definitive conclusions.

The view that a multilateral agreement on investment would necessarily provide less flexibility than a bilateral investment treaty and could not take into account the specificities of individual countries was contested. It was argued that a multilateral agreement on investment in the WTO would have the scope and flexibility desired by its Members, and the General Agreement on Trade in Services (GATS) was mentioned as a multilateral agreement on a particular kind of FDI that fully took into account the specific situation of each country and the differences in level of development between Members.

Concerning a reference made to previous (unsuccessful) OECD negotiations on a Multilateral Agreement on Investment (MAI), one Member said that the experience with these negotiations was of no relevance to the ongoing debate on trade and investment in the WTO as there were major differences between these negotiations and the current discussions in the WTO in regard to the institutional context, participation, aims and level of ambition.

"Report (2000) Of The Working Group On The Relationship Between Trade And Investment To The General Council (WT/WGTI/427)," WTO, November 2000; ICTSD Internal Files.

CLARIFICATIONS

In last week's issue of *BRIDGES Weekly Trade News Digest* (Vol. 4 No. 4, 21 November 2000), "Hot Week For WTO Disputes: Asbestos, Swordfish, FSC, Bananas, Telecoms", it was reported in the Chile-Swordfish story that "In addition to prohibiting Chilean fishermen from using Chilean ports should they catch swordfish, Chile's law prohibits all ships fishing swordfish both inside and outside its 200-mile limit from using its ports for trans-shipment." To clarify, Chile's law simply prohibits national fishermen and foreign ships from catching swordfish within its 200-mile zone. In addition, Chile prohibits all ships fishing swordfish outside its 200-mile limit from using its ports for trans-shipment.

In the story entitled "African Trade Ministers Divided On New Round," it was reported that African Trade Ministers meeting at a WTO workshop in Gabon on 13-15 November were divided on including language on a new round of trade negotiations in a final document. According to sources, when the draft document was circulated, it was unanimously agreed by African Ministers not to include mention of a new round. The more divisive issue was over whether delegates should or should not refer to the final document as a "declaration." Some countries, including Nigeria and South Africa, argued successfully that since the workshop was not a formal meeting, Ministers did not have a mandate to issue a declaration, and therefore the document was issued as a communiqué. Sources attending the workshop indicated that the meeting was a useful one, particularly as many

new Ministers were on hand who appreciated the opportunity to gain a better understanding of the WTO Agreements.

We apologise for these interpretive oversights.

IN BRIEF

US-EU ENVIRONMENTAL DISCUSSION GROUP ENDS OVER LACK OF US FUNDS. The Transatlantic Environment Dialogue (TAED) -- set up in May 1999 to facilitate structured discussions between officials and environmentalists from the US and EU -- has suspended activities due to a lack of finances and interest from the US side. The discussion group, which sought co-operation on several environmental issues, in particular climate change, agriculture and trade, was originally seen as an important tool for conciliation after the clashes between environmentalists and authorities over the environmental impacts of trade liberalisation. The current budget request to the US has been held up by the Senate foreign affairs committee since January and the group has already run out of money. According to John Hontelez of the TAED, "[TAED] has faced opposition in the Senate, and apparently it is not giving it enough priority." "Green Dialogue Ends Over Lack of U.S. Funds," ENS, 22 November 2000.

GOVERNMENT OF CANADA THREATENED WITH NAFTA CHAPTER 11 CASE. As of 24 November 2000, Inglis Ltd., a subsidiary of US based Whirlpool Corp., was threatening the Government of Canada with a NAFTA Chapter 11 lawsuit pending a decision to exempt Camco Inc., a Canadian based manufacturer of home appliances, from certain energy efficiency standards. The Government of Canada's decision of whether or not to exempt Camco Inc. is based on the company's estimate that approximately 300 jobs would be lost by bringing Camco Inc. into compliance with the environmental regulations. Inglis Ltd. asserts that exempting Camco from regulatory compliance gives its competitor an unfair advantage in the home appliance market. "Inglis Threatens NAFTA Challenge Over Camco," GLOBE AND MAIL, 24 November 2000.

UNCTAD EXPERT MEETING ON SMEs AND TNCs. A group of experts will meet in Geneva this week to discuss the relationships between small-and mid-sized enterprises (SMEs) and transnational corporations (TNCs) in the global economy. Conference participants represent a broad range of interests, including both developing and developed countries, TNCs such as Nestlé, Intel and Unilever, and several small-scale industries. Several intergovernmental and international organisations will also be in attendance, including the United Nations Economic Commission for Europe (ECE), the United Nations Industrial Development Organization (UNIDO), the European Bank for Reconstruction and Development (EBRD) and the Commonwealth Secretariat. This week's session marks the third in an ongoing series launched by the UN Conference on Trade and Development (UNCTAD) last February at UNCTAD X. "UNCTAD Press Release: EXPERT MEETING ON THE RELATIONSHIPS BETWEEN SMEs AND TNCs," UNCTAD, 27 November 2000.

WTO IN BRIEF

REVIEW AND IMPLEMENTATION ISSUES UNDER DISCUSSION IN TRIPs COUNCIL. The WTO Council for Trade-Related Aspects of Intellectual Property Rights (TRIPs) is currently

meeting in Geneva from 27 November until 1 December 2000. Amongst other issues, Council members will review the provisions of Article 27.3(b) of the TRIPs Agreement that deals with the protection of plant varieties. Some countries want these provisions clarified or amended, for example to take account of traditional knowledge, community rights, and biodiversity. The relationship between the TRIPs Agreement and the Convention of Biological Diversity (CBD) as well as an observer status request from the CBD will also be discussed, though it is expected that the US will oppose granting the CBD Secretariat observer status. Other items on the agenda include review of national implementing legislation; technical cooperation; review of provisions on geographical indications; and a review of the implementation of the Agreement under Article 71.1. *BRIDGES* Weekly Trade News Digest will report on the outcomes of the TRIPs Council Meeting in the next issue. ICTSD Internal Files.

ITA COMMITTEE APPROVES THREE PHASE WORK PROGRAMME ON NTMs. The WTO's Information Technology Agreement (ITA) Committee approved a three phase, one year work programme on non-tariff measures for ITA products at its meeting on 22 November. The EC, Switzerland, Malaysia, the US, India, the Czech Republic and Norway agreed with an Australian proposal to adopt a programme on non-tariff measures. Australia said that this marked an important step forward in the work of the Committee to encourage participants to make submissions of NTMs on a timely basis. Phase one will be the identification of NTMs; phase two will be the examination of the economic and development impacts of such measures; and the third phase, to be completed by November 2001, considers the outcomes of the first two phases. In other news from the meeting, the Committee approved Oman as the ITA's 55th participant. Oman noted that free trade in IT products would further enhance the growth of international trade. ICTSD Internal Files.

ON THE MOVE

On 22 November, Mexican President-elect Vicente Fox named Victor Lichtinger -- former Executive Director of the North American Commission for Environmental Cooperation (NACEC) - as Mexico's new Secretary for Environment and Natural Resources. Lichtinger became the NACEC's first Executive Director in 1994. NACEC was created by the North American Free Trade Agreement's environmental side accord to build cooperation between Canada, Mexico and the United States in addressing the opportunities and challenges that continent-wide free trade presents to the protection of the North American environment. Current NACEC Executive Director Janine Ferretti welcomed Lichtinger's appointment, saying, "I know he brings a deep commitment to the environmental agenda, and this will be good for both Mexico and all of North America." Lichtinger is scheduled to take office on 1 December. "Former NACEC chief named Mexican environment secretary," CECNEWS, 23 November 2000.

EVENTS

ICTSD Event Postponement

We regret to inform readers that the Informal ICTSD Café & Croissants Dialogue on the Progress of the Services Negotiations at the WTO, with Canadian Ambassador Sergio Marchi, previously scheduled from 09:00 to 11:00 on Friday, 1 December 2000, will be postponed until further notice

due to a meeting that Amb. Marchi has been unexpectedly asked to chair at the WTO on the same day.

We apologise for any inconvenience this may cause, and we shall inform our readership of a new date as soon as it becomes available.

Coming Up This Week

For a more comprehensive list of events in trade and sustainable development, please refer to ICTSD's web calendar at: <http://www.ictsd.org/html/calendar.htm>.

28-29 November, Brussels, Belgium: FISHING IN THE DARK. The conference examines government subsidies in the fishing industry and attempts to give citizens greater access to information about their use. For information contact: Karen Flanders, WWF, Brussels, Belgium; tel: (32-2) 743-8815; fax: 743-8819; email: kflanders@wwfnet.org; Internet: <http://www.fishing-in-the-dark.org>.

3-6 December, Bal Harbour, Florida, USA: INTERNATIONAL SUMMIT ON THE PRIVATE HEALTH SECTOR. Hosted by the Academy for International Health Studies, Bal Harbour, Florida. The Summit focuses on market trends and global opportunities for healthcare companies, health plans, collaborating sickness funds, mutualities, medical schemes, private insurers and social security funds. For information contact: J. Lewis, Academy President; tel: (1-925) 680-1862; email: jlewis@aihs.com; Internet: <http://www.aihs.com>.

3-6 December, Hong Kong: THIRD ASIA-PACIFIC CONFERENCE ON SUSTAINABLE ENERGY & ENVIRONMENTAL TECHNOLOGIES. The conference aims to develop ways to balance growth with sustainability in the economic, social and environmental sectors. For information contact: APCSEET 2000 Secretariat, Department of Chemical Engineering, Hong Kong University of Science and Technology, Clear Water Bay, Kowloon, Hong Kong; tel: (852) 2358-7134; fax: 2358-0054; Internet: <http://www.ust.hk/apc2000> From IISD Linkages, <http://www.iisd.ca/linkages/journal>.

4-9 December, Johannesburg, South Africa: PERSISTENT ORGANIC POLLUTANTS INC-5. This is the fifth session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants. For information contact: UNEP Chemicals (IRPTC); tel: (41-22) 979-9111; fax: 797-3460; email: dodgen@unep.ch; Internet: <http://irptc.unep.ch/pops/>. From IISD Linkages, <http://www.iisd.ca/linkages/journal>.

WTO EVENTS

An updated list of forthcoming WTO 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 November - 1 December, Geneva, Switzerland: WTO COUNCIL FOR TRIPS. Agenda items include: observer status for international intergovernmental organisations, review of national implementation legislation. For information contact: Peter Ungphakorn, Information and Media Relations Division; tel: (41-22) 739-5412.

29 November, Geneva, Switzerland: WTO COMMITTEE ON FINANCIAL SERVICES. Agenda items include: acceptance of the Fifth Protocol to the General Agreement on Trade in Services embodying the results of the financial services negotiations and sectoral classification of financial services. For information contact: Nuch Nazeer, WTO Information and Media Relations Division; tel: (41-22) 739-5393.

30 November, Geneva, Switzerland: WTO WORKING PARTY ON GATS RULES. For information contact: Nuch Nazeer, WTO Information and Media Relations Division; tel: (41-22) 739-5393.

30 November, Geneva, Switzerland: WTO WORKING PARTY ON THE ACCESSION OF VIETNAM. Agenda items include: examination of foreign trade regime including implementation of pricing policies, SPS measures, TRIPs and notification of industrial subsidies as well as a review of legislative developments. For information contact: Hans-Peter Werner, Information and Media Relations; tel: (41-22) 739-5286.

1 December, Geneva, Switzerland: WTO COMMITTEE ON RULES OF ORIGIN. There will be an informal committee meeting first, to be followed by the Committee on Rules of Origin. For information contact: Luis Ople, WTO Information and Media Relations Division; tel: (41-22) 739-5374.

1 December, Geneva, Switzerland: SPECIAL SESSION--WTO COUNCIL FOR TRADE IN SERVICES. Agenda items include: notification by the US to the Council pursuant to Article V of GATS, review of Article II (MFN) exemptions, negotiations under Article X, and re-opening of the Fifth Protocol for acceptance by Kenya and Nigeria. For information contact: Nuch Nazeer, WTO Information and Media Relations Division; tel: (41-22) 739-5393.

4-5 December, Geneva, Switzerland: WTO COUNCIL FOR TRADE IN SERVICES. This meeting will focus on air transport services. For information contact: Lucie Giraud, WTO Information and Media Relations Division; tel: (41-22) 739-5075.

6 December, Geneva, Switzerland: WTO COUNCIL FOR TRADE IN SERVICES - SPECIAL SESSION. For information contact: Nuch Nazeer, WTO Information and Media Relations Division, (41-22) 739-5393.

6 December, Geneva, Switzerland: WTO SUB-COMMITTEE ON LEAST-DEVELOPED COUNTRIES. For information contact: Lucie Giraud, WTO Information and Media Relations Division, (41-22) 739-5075.

7-8 December, Geneva, Switzerland: WTO GENERAL COUNCIL. For information contact: Nuch Nazeer, WTO Information and Media Relations Division, (41-22) 739-5393.

8 December, Geneva, Switzerland: WTO WORKING PARTY ON THE ACCESSION OF CHINA. For information contact: Hans-Peter Werner, WTO Information and Media Relations Division, (41-22) 739-5286.

Other Forthcoming Events

11-15 December, Montpellier, France: FIRST MEETING OF THE INTERGOVERNMENTAL COMMITTEE ON THE CARTAGENA PROTOCOL. For information contact: Cyrie Sendashonga, CBD Secretariat, World Trade Center, 393 St. Jacques Street, Suite 300, Montreal, Quebec H2Y 1N9, Canada; tel.: (1-514) 288-2220; fax: 288-6588; email: cyrie.sendashonga@biodiv.org; Internet: <http://www.biodiv.org/> From IISD Linkages, <http://www.iisd.ca/updates/upcoming.html>.

11-15 December, Ouagadougou, Burkina Faso: 12TH MEETING OF THE PARTIES OF THE MONTREAL PROTOCOL. For information contact: the Ozone Secretariat; tel: (254) 262-1234; fax: 262-3601; email: ozoneinfo@unep.org; Internet: <http://www.unep.org/ozone/meet2000.htm>. From IISD Linkages, <http://www.iisd.ca/updates/upcoming.html>.

11-22 December, Bonn, Germany: FOURTH SESSION OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION TO COMBAT DESERTIFICATION: COP-4 For information contact: the CCD Secretariat, P.O. Box 260129, D-53153 Bonn, Germany; tel.: (49-228) 815-2800; fax: 815-2899; email: secretariat@unccd.de; Internet: <http://www.unccd.de> From IISD Linkages, <http://www.iisd.ca/updates/upcoming.html>.

12 December, London, England: REAPING THE WHIRLWIND: ECONOMIC LIBERALISATION AND FOOD SECURITY IN ZIMBABWE. The case study is sponsored by CIIR. The guest speaker will be Mrs. Beatrice Mutetwa, Minister Counsellor at the Zimbabwe Permanent Mission to the UN and WTO. The speaker will offer her insights on Zimbabwe's negotiating position at the upcoming discussions on the WTO Agreement on Agriculture. For information contact: Fatima Jawara, Policy Officer, CIIR; Unit 3, Canonbury Yard, 190A New North Road, Islington, London N1 7 BJ; tel: (44-207) 354-0883; fax: 359-0017; email: ciir@ciir.org; Internet: <http://www.ciir.org>.

1 February, Minneapolis, Minnesota: PRESIDENT'S CONFERENCE SERIES GOVERNING GMOs: DEVELOPING POLICY IN THE FACE OF SCIENTIFIC AND PUBLIC DEBATE. Sponsored by the University of Minnesota's Consortium on Law and Values in Health, Environment and Life Sciences. For information contact: Mark Ritchie, President, Institute for Agriculture and Trade Policy, GMO 01-2700, University of Minnesota, PO Box 64780, St. Paul, MN 55164-0780 USA; tel: (1-888) 671-6214; fax: 671-6215; Internet: <http://www.conferences.umn.edu/mn/policy/>.

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).

FIGURING OUT THE WORLD ECONOMY: UNCTAD HANDBOOK OF STATISTICS 2000. The Report is intended to serve as a resource for keeping track of trends in the global economy. It provides a comprehensive collection of compatible and comparable data relevant to the analysis of world trade, investment and development. For information contact: Yilmaz Akyuz, Acting Director, Division on Globalization and Development Strategies, UNCTAD; tel: (41-22) 907-5841; fax: 907-0045; email: yilmaz.akyuz@unctad.org.

"Should the Teeth Be Pulled? A Preliminary Assessment of WTO Sanctions." Prepared by Steve Charnovitz for the Conference on "The Political Economy of International Trade Law" at the University of Minnesota Law School. The paper assesses the WTO dispute settlement mechanism and use of WTO sanctions. To obtain a copy contact: Wilmer, Cutler & Pickering, 2445 M Street NW, Washington, DC 20037; tel: (1-202) 663-6477; fax: 663-6363; email: scharnovitz@earthlink.net; Internet : http://www.gets.org/gets/library/admin/uploadedfiles/should_the_teeth_be_pulled_a_preliminary_asse.htm

ENVIRONMENT ENCYCLOPEDIA & DIRECOTRY - 2001 EDITION. The encyclopaedia contains 500 pages detailing the global movement to protect the environment as well as definitions and explanations of terms relating to the environment. To obtain a copy contact: Asia Pacific Infoserv, GPO Box 2987, Sydney, 1043 Australia; tel: (61-2) 4934-6290; fax: 4934-3692; email: aapi@aapi.com.au.

REGULATORY STANDARDS IN THE WTO: COMPARING INTELLECTUAL PROPERTY RIGHTS WITH COMPETITION POLICY, ENVIRONMENTAL PROTECTION, AND CORE LABOR STANDARDS. By Keith Maskus, Research Fellow, Institute for International Economics, 2000. The Paper reviews the logic and evidence for including process standards, competition policy, environmental standards and worker rights based on economic arguments for multilateral management of market externalities, policy coordination problems, and systematic trade issues. The Paper argues that a strong case may be made for the inclusion of competition rules though the arguments for including environmental regulation and labour rights appear weaker.

"A Free Ride For Freight," By Andrew Simms, FINANCIAL TIMES, 21 November 2000. With the international community closely scrutinising developments at the Kyoto Protocol negotiations last week, Andrew Simms argues that the environmental costs of freight transport remain unaccounted for. According to Simms, "Just under a third of greenhouse gas emissions in countries belonging to the Organisation of Economic Cooperation and Development come from transport; just over half of these come from freight." Andrew Simms is the head of the global economy programme at the New Economics Foundation. <http://www.neweconomics.org/>

Electronic Resources

"WTO FORUM" Hosted by the WTO. This site is a new on-line discussion area where one may give one's views and participate in discussions on WTO topics which are initiated by the WTO, or start your own discussion on WTO topics. Current discussion topics include the WTO and Africa. To access, visit: http://www.wto.org/english/forums_e/chat_e/chat_e.htm.

"Electronic Discussion on the Cotonou Agreement." The ACP-EU civil society electronic discussion on a common programme for monitoring the Cotonou Agreement organised by Eurostep, in collaboration with the Liaison Committee of the EU NGDOs, will begin discussions on strategies for advocacy and monitoring of trade and agricultural aspects of the Cotonou Agreement on 4

December. Civil society representatives interested in joining the debate contact Eurostep via email: glaryea@eurostep.org.

POSITION VACANCY

United Nations Development Program (UNDP) is looking for a Senior Policy Analyst to work in the Office of Development Studies in New York. Job responsibilities include: finding new emerging development trends and issues, developing research and policy outreach programs among other responsibilities. Strong background in economics and international relations desired as well as ten years of related work experience. Applications with writing samples should be submitted no later than 15 January 2001. For information contact: Ms. Flora Aller, Office of Development Studies, Uganda House, Suite 401, 336 East 45th Street, New York, NY 10017; fax: (1-212) 906-5657; email: flora.aller@undp.org.

CALL FOR PAPERS

The ECO-MANAGEMENT AND AUDITING CONFERENCE sponsored by ERP Environment is seeking papers dealing with the implementation of environmental management systems and associated tools. The deadline to submit an abstract is 15 December. For information contact: Elaine White, ERP Environment, PO Box 75, Shipley, West Yorkshire, BD17 6EZ UK; tel: (44-1274) 530-408; fax: 530-409; email: elaine@erpenvironment.co.uk.

ACCOUNTABILITY TOWARDS CIVIL SOCIETY: NEW DIRECTIONS FOR QUALITY, THE ENVIRONMENT AND SOCIAL RESPONSIBILITY, sponsored by ERP Environment and Nijmegen Business School is seeking papers dealing with the impact of civil society on business decision-making and the interactions between government, non-government organisations and business. Abstracts must be submitted by 15 December. For information contact: ERP Environment, PO Box 75, Shipley, West Yorkshire, BD17 6EZ UK; tel: (44-1274) 530-408; fax: 530-409; email: elaine@erpenvironment.co.uk.

BRIDGES Weekly Trade News Digest© is published by the International Centre for Trade and Sustainable Development (ICTSD) <http://www.ictsd.org>, with technical support from the Institute for Agriculture and Trade Policy (IATP). Contributors to this issue are Andrew Baldwin, David Linnell, Anton Kuchler, and Heike Baumüller. Edited by Hugo Cameron, hcameron@ictsd.ch. Managing Editor is Andrew Crosby <acrosby@ictsd.ch>. The Director is Ricardo Meléndez-Ortiz, rmelendez@ictsd.ch. ICTSD is an independent, not-for-profit organisation based at: 13, ch des Anémones, 1219 Geneva, Switzerland. Tel: (41- 22) 917- 8492; fax: (41-22) 917- 8093. Excerpts from *BRIDGES* Weekly Trade News Digest© may be used in other publications with appropriate citation. Comments and suggestions are welcomed and should be directed to the Editor or the Director.

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ICTSD would like to thank the funders that have made the *BRIDGES* series of Publications possible in 2000: Christian Aid (UK); The Government of Denmark (DANIDA); IUCN The World Conservation Union (Switzerland); The John D. and Catherine T. MacArthur Foundation (US); The Government of the Netherlands (DGIS); Oxfam (UK); The Government of Switzerland (SECO); and the Swiss Coalition of Development Organisations (Switzerland).