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## WTO DRAFT DECLARATION & IMPLEMENTATION DECISION AVAILABLE

The WTO on 26 September circulated its first draft Ministerial Declaration for the forthcoming Fourth Ministerial Conference in Doha, Qatar as well as an accompanying draft Decision on Implementation. Both are now available in pdf format on ICTSD's website at: <http://www.ictsd.org/ministerial/doha/relevantdoc.htm>. The first two stories of this week's issue of BRIDGES Weekly look at the texts and at some initial reactions to them.



## **SUSTAINABLE DEVELOPMENT LACKING IN DRAFT DECLARATION**

As BRIDGES Weekly went to press, WTO Members were busy deliberating a new draft Declaration for the forthcoming WTO Ministerial in Doha, Qatar on 9-13 November. The 9-page text was circulated on 26 September along with an 11-page draft decision on specific issues of concern to developing countries, referred to as implementation (see related story, this issue). Development and environment aspects of the Declaration have drawn a mixed reaction from Members.

The two texts -- plus an expected third document on the relationship between intellectual property and access to medicines/public health -- will form the framework for negotiations at Doha. They were compiled by WTO General Council Chair Stuart Harbinson in cooperation with WTO Director-General Mike Moore after months of consultations (both texts are available on ICTSD's website at: <http://www.ictsd.org/ministerial/doha/relevantdoc.htm>).

Not surprisingly, this first draft declaration paints a mixed picture of the various interests angling to be included in the Doha trade talks. Inter alia, the Declaration calls for improving disciplines on anti-dumping; negotiating or expanding analysis on investment and competition; negotiations on a multilateral agreement on transparency in government procurement; and examinations of trade, debt and finance and of trade and technology transfer.

Language on trade and environment is limited to pursuing work in environment-trade 'win-win' situations and in deepening the understanding between the WTO and multilateral environmental agreements. The text also directs the WTO Committee on Technical Barriers to Trade (TBT) to expedite its work on labelling issues.

While agriculture is included, the Declaration merely notes that further elaboration on this topic is needed based on a number of principles, including special and differential treatment, the long-term objective of reform in agriculture, and the aims of reform in the areas of market access, domestic support, and export competition. Members say they expect that more detailed language on agriculture should be ready in about two weeks' time.

A text on Special and Differential Treatment for developing countries will also be considered for inclusion in the Declaration following a report to be submitted by the WTO Committee on Trade and Development following its 8 October meeting.

### **Preambular language soft on sustainable development**

The draft Declaration's preamble, which lays out the broad aims of the WTO for Doha, makes mention of sustainable development principles, though one developed country diplomat said that the text lacks a clear statement affirming that sustainable development is a primary objective of the organisation. The preambular wording states that the aims of "upholding and safeguarding an open and non-discriminatory multilateral trading system,



and acting for the protection of the environment and the promotion of sustainable development can and must be mutually supportive."

The preamble also makes brief mention of labour, though further references are absent from the substantive text. It reaffirms the WTO's support for core labour standards under the International Labour Organization (ILO) and takes note of ongoing work in the ILO on the social dimensions of globalisation (see BRIDGES Weekly, 26 June 2001, <http://www.ictsd.org/html/weekly/26-06-01/story5.htm>).

Also in the preamble, the draft text points to promoting better public understanding of the WTO through more effective information dissemination and improved dialogue with the public, though it is not clear what form such dialogue would take.

#### Mixed emotions

While no Member has rejected the text outright, most are unsatisfied with one or more aspects of the Declaration.

On environment, one EC trade official said that the language used in the draft text was "obviously not adequate" for acceptance by EU member states. The EC has been pushing to include stronger language on precaution and ecolabelling as part of its environmental agenda for trade talks. Most other Members, particularly the US and Canada, oppose tougher disciplines on precaution and ecolabelling. Diplomats say the EC may therefore raise the precaution issue in the context of further agriculture talks. A number of developing countries welcomed the minimalist approach to environment adopted in the draft Declaration.

The EC official also said that EU members would be disappointed with the noncommittal stand taken in the Declaration on investment and competition.

Many developing country Members, pointing in particular to the draft implementation paper, say the text runs roughshod over their interests. Said one Asian diplomat who expressed concerns over areas such as TBT and health standards, "I don't see how this text can be accepted". Members are meeting on 3 October to tackle the thorny implementation issue; developing countries are sceptical they can reach an agreement on it then as originally intended.

For the most part, the US has backed the Harbinson text, but it has voiced concern over the inclusion of provisions for a review of anti-dumping procedures, which the US often uses as a protection against cheaper imports from other countries.

Wiboonlasana Ruamraksa, director of Thailand's Bureau of Multilateral Trade Negotiations, said the draft Declaration was acceptable to her country since issues of essential importance to Thailand, such as agriculture negotiations and anti-dumping measures, had been included on the agenda. Wiboonlasana also pointed to the fact that



the draft did not force Members to adopt negotiations on the developed country issues of competition policy and investment.

Observers expect a number of revisions and additions to the draft Declaration to take place between now and November. Informal meetings on the language are occurring regularly at the WTO, and a meeting of 22 trade ministers is scheduled for Singapore on 13-14 October to further prepare for Doha.

"Quad members to iron out agenda differences," WASHINGTON TRADE DAILY, 1 October 2001; GENEVA WATCH, 28 September 2001; "WTO draft declaration draws mixed reaction among trade diplomats," INTERNATIONAL TRADE DAILY, 28 September 2001; "Draft WTO declaration calls for antidumping talks," KYODO NEWS, 27 September 2001; "WTO trade talks draft draws fire from poorer states," REUTERS, 1 October 2001; "Thai officials satisfied with initial draft of declaration," BANGKOK POST, 29 September 2001; "Draft Ministerial Declaration," WTO JOB(01)/140, 26 September 2001; ICTSD Internal Files.

## **IMPLEMENTATION - FINDING NEW GROUND OR GROUNDING TO A HALT**

On 26 September, the WTO released its first draft Ministerial Declaration and draft Decision on Implementation-Related Issues and Concerns to a swell of mixed reactions. These drafts aim to provide a framework for negotiations in the six-week leadup to the Fourth Ministerial Conference in Doha, Qatar (9-13 November) and set the stage for a new round of negotiations on a wide variety of issues (the documents are available on ICTSD's website at: <http://www.ictsd.org/ministerial/doha/relevantdoc.htm>; for background see BRIDGES Weekly, 25 September 2001, <http://www.ictsd.org/weekly/01-09-25/story3.htm>).

The Implementation text has been drafted as a basis for a potential Ministerial Declaration on Implementation to be adopted at Doha. It is a compilation of elements from developing countries, the "Group of Seven" countries (Argentina, Morocco, New Zealand, Norway, Switzerland, Thailand, and Uruguay), as well as a 'Quad' (Canada, the EC, Japan and the US) report submitted last week to Stuart Harbinson, Chair of the WTO General Council (GC). Harbinson and WTO Director-General (DG) Mike Moore stated that the text "represents [our] best judgment of the possible basis at this time for reaching agreement to address the outstanding implementation-related issues and concerns..." and that "[it] represents a credible effort to move the implementation debate to a new level of understanding."

The Moore/Harbinson Implementation proposal is grouped into three categories: 1) those that can be agreed to before Doha - ideally at the 3 October special GC session on Implementation; 2) those for agreement at Doha (which potentially could be tied to



launching a new round); and 3) those that would be incorporated into the new round agenda, or 'future work programme' as it is referred to in the text.

#### Before Doha

Annex I of the proposal outlines issues primarily related to sanitary and phytosanitary measures, technical barriers to trade, and subsidies and countervailing measures. Most of the items outlined here had been made in a previous Moore/Harbinson Implementation proposal in July this year. One trade source noted that this would appear to indicate that the recent Quad proposal (submitted last week) likely did not make many concessions in these areas.

On substance, the draft Decision does make some headway on the issue of subsidies and countervailing measures (SCM). A number of trade sources mentioned that the loosening of the criteria for which poor countries are exempted from a prohibition on export subsidies was one, "if not the only" positive gain in the first Annex.

#### At Doha

Annex II outlines some of the more contentious issues currently facing the negotiations - primarily those on textiles and anti-dumping. With respect to textiles, the Implementation proposal would give developing countries, inter alia, accelerated expansion rates on quotas that currently restrain textile exports.

With respect to anti-dumping, the proposal provides stronger language than sources say the Quad was looking for, even though it was placed in Annex II rather than the reportedly 'softer-worded' clause the Quad had sought for Annex I. Specifically, regarding successive anti-dumping investigations, the Moore/Harbinson package proposes that where previous investigations within the last 365 days had resulted in negative findings, "special care" shall be taken in re-initiating an investigation and that "[u]nless this pre-initiation examination indicates that circumstances have changed, the investigation shall not proceed." The aim here, sources say, is to prevent anti-dumping investigations from being used as a form of harassment.

#### After Doha

Most of the sensitive issues for developing countries have been postponed until after Doha -- including agriculture, intellectual property rights, the environment, key anti-dumping issues not addressed in Annexes I or II, issues relating to small economies, and several others. As such, one factor trade sources say is creating a great deal of insecurity among developing countries is the lack of specifics on how implementation issues will be handled in negotiations that may be launched at Doha. Would they come under a special negotiating area for remaining implementation issues or given to working groups to study? These crucial questions remain to be answered.

#### Reactions



The reaction from developing countries varied somewhat, but it was more a range of how dissatisfied they were with the package. With the text touching on only 40 tirets (points) of an original 97 outlined in the pre-Seattle Draft Declaration of 1999 (available on the ICTSD website at: <http://www.ictsd.org/ministerial/seattle/index.htm#documents>), India's Ambassador, Srinivasan Narayanan, expressed "profound disappointment" with the draft, while another South Asian delegate indicated that there was "virtually nothing encouraging". Similar sentiments were echoed by a number of delegations, including Malaysia, Zimbabwe, and Honduras. One Like-Minded Group delegate at a weekend agricultural symposium pointed out that the real problem was not Doha, but rather the credibility of the trade system (see In Brief, this issue). Others such as Brazil and Morocco opted for a more moderate stance, describing the text as a step in the right direction, although Brazil did propose some of Annex II items to be moved to Annex I.

The proposal of moving some key items from Annex II to Annex I was echoed by a number of developing countries, including India, which further proposed that "best endeavor" clauses be made mandatory and that a "well-defined road-map" be established for addressing remaining issues within a specified time frame.

One Quad delegate noted that this package was "a good start" and was "a solid basis to proceed". They indicated that while there were elements they were not in complete agreement with, they were "willing to go ahead with it in order to help move the negotiations to the next stage." With respect to many of the demands being made by developing countries, one US trade official was quoted as saying, "[a]nything that involves attempts to renegotiate something really belongs in a new negotiation, not something that can be just decided now." Inside sources indicate that one issue of contention for the US in particular was the provisions for a review of anti-dumping procedures.

In response to the Quad's position on the draft, one trade source said, "[The Quad] are simply not getting the point. Most developing countries are not interested in a new round and thus developed countries need to go beyond the minimum requirements to make that happen; and the minimum is not even present in the current package."

Moving ahead on these critical issues will require at minimum the next six weeks of intensive negotiations in the lead-up to Doha. On the positive side, a consensus does exist that this text can constitute the basis for further negotiations. The 3 October informal GC Special Session on Implementation is expected to provide some insight into the direction this will take -- although an inside source noted that a deferral on this Special Session is likely to be requested.

"Draft Decision on Implementation-Related Issues and Concerns," WTO JOB (01)/139, 26 September 2001; "US: WTO Proposals 'Good Basis' for Deal," REUTERS, 27 September 2001; "WTO Draft Declaration Draws Mixed Reactions Among Trade Diplomats," INTERNATIONAL TRADE DAILY, 28 September 2001; "WTO Implementation Proposal Pushes Controversial Concessions," INSIDE US TRADE, 28



September 2001; "Developing Countries Criticize Doha Draft on Implementation of Existing Agreements," WTO REPORTER, 2 October 2001; ICTSD Internal Files.

## **'SHADOW BOXING' ON AGRICULTURE NEGOTIATIONS AT WTO CONTINUES**

During the 24-28 September sessions of the WTO Committee on Agriculture, Members addressed rural development, domestic support, and geographical indications, though little significant movement in Members' positions on how to reform the WTO Agreement on Agriculture (AoA) was observed.

Meeting from 24-26 September for the third informal Special (negotiating) Session of Phase 2 (March 2001-2002) of ongoing agriculture negotiations, WTO Members discussed rural development, domestic support, special safeguards, and geographical indications while reiterating and developing their already known proposals. EC Agriculture Commissioner Franz Fischler on 26 September called these tactics "shadow boxing", and said this behaviour put the chances to launch a new round in Doha at risk.

### **Rural development**

In one of the longer debates, Members discussed whether rural development was also a legitimate concern for developed countries. Whereas the EC, various European countries, Japan and Korea supported this premise, developing countries either opposed this position or stressed that there were major differences in the situations prevailing in developed and developing countries. A developing country representative described the distinction as one between "folklore and survival". Several developing country delegates were less condemning, but demanded that actions taken by developed countries to promote rural development must not be used in a protectionist way.

Referring to the concept of a Development Box, Indonesia suggested using a 'positive list' approach similar to the one provided by the General Agreement on Trade in Services (GATS), where each Member would be allowed to select the agricultural products on which it was ready to make commitments. The Cairns Group, several developing countries, and the US emphasised the need for more market orientation and the removal of distortions, whereas Japan, Korea, European and transitional countries argued that a certain degree of price support to increase farmers' income was necessary to promote rural development.

### **Domestic support**

The EC submitted a proposal

(available at [http://www.europa.eu.int/agriculture/external/wto/officdoc/green\\_en.htm](http://www.europa.eu.int/agriculture/external/wto/officdoc/green_en.htm)) advocating to retain the Green Box (i.e. payments deemed to be least- trade distortive) while suggesting that programmes that reimburse additional costs arising from the



protection of animal welfare should be added to the box just as Members are already allowed to compensate for extra environmental costs. The same principle should, according to the EC, prevail for developing countries tackling food security and poverty alleviation.

Japan and Argentina principally proposed ways to adjust or fine-tune AoA Annex II wording, agreeing with the Cairns Group, several developing countries and the US that the Green Box needed to be revised in order to ensure non-distortion.

Addressing the Blue Box (i.e. payments within production reduction programmes), no new aspects were put forward. Regarding special safeguards (SSG), Japan proposed to add a new safeguard to deal with seasonal and perishable products, whereas a group of five developing countries suggested a new mechanism for developing countries to countervail developed countries' subsidised exports automatically without requiring any injury test. Countries such as Canada and the US evaluated this approach as "breathtaking" and highlighted that one rather has to cut subsidies rather than countervail them.

In the debate on geographical indications, the EC expressed its will to grant greater market access for agricultural products, provided fairer competition was ensured by extending the level of protection to other products. Currently, geographical indications applies only to wine and spirits. Other countries generally shared this view, but argued that this matter is subject to negotiations at the Council for Trade-related Aspects of Intellectual Property Rights (TRIPs) and not the Agriculture Committee.

In a 27 September regular Agriculture Committee meeting, Members further discussed the unresolved implementation issues related to export credits (AoA Article 10.2), the Marrakesh Decision for Net Food- Importing Developing Countries, and tariff quota administration. The report on these discussions can be viewed at: [http://www.wto.org/english/tratop\\_e/agric\\_e/implementation2001\\_e.htm](http://www.wto.org/english/tratop_e/agric_e/implementation2001_e.htm). The Committee also approved the annual report of its regular meetings, which can be viewed at: [http://www.wto.org/english/tratop\\_e/agric\\_e/anrep01\\_gl483\\_e.pdf](http://www.wto.org/english/tratop_e/agric_e/anrep01_gl483_e.pdf).

The next agriculture week is scheduled for 3-5 (informal), 6 (regular) and 7 (formal session) December. The informal special session topics will be: environment, trade preferences, food aid, consumer information and labelling, and sectoral initiatives.

US highlights environment and health issues in new policy statement

Presenting a 120-page policy paper on 20 September, US Agriculture Secretary Anne Veneman said that "a new farm policy must be tailored to reflect the wide difference in farms today." The report reveals that eight percent of US producers of agricultural products -- primarily grain and cotton farmers -- receive almost half of the federal subsidies. These payments, the paper suggests, should be used to promote sustainable wealth of farmers by addressing, inter alia, farm safety nets, conservation and environment, rural communities, nutrition, and food assistance.



"This could be a watershed in agriculture policy if the administration follows through with specific proposals for the new farm bill," the representative of an American environmental organisation stated after the announcement.

The full report "Food and Agricultural Policy: Taking Stock for the New Century" can be viewed at: <http://www.usda.gov/news/pubs/farmpolicy01/fpindex.htm>.

"Agriculture: WTO Members Mull Proposed Changes To Green Box, Blue Box Farm Subsidies, WTO REPORTER, 1 October 2001; "WTO Announces Agreement On Issues Concerning Agriculture Implementation," WTO REPORTER, 1 October 2001; "New Farm Policy Emphasizes Conservation, Not Subsidies," ENS, 21 September 2001; "Administration Seeks To Shift Farm Policy From Subsidies," NEW YORK TIMES, 20 September 2001; "Fischler Hits At 'Shadow Boxing' On Agriculture" FT, 27 September 2001. ICTSD Internal Files.

### **GATS: NEGOTIATIONS TO CONTINUE DURING WTO SERVICES WEEK**

With new negotiating proposals continuing to feed into the process, WTO Members this week meet in Geneva for the continuation of market access negotiations under the General Agreement for Trade in Services (GATS). During this so-called 'Services Week', which lasts from 2 to 12 October, Members will also address the completion of the GATS regulatory framework through meetings in subsidiary bodies to the Council for Trade in Services (CTS).

#### **CTS Special Session**

During three days (5, 8 and 12 September), the Council for Trade in Services will be holding negotiation sessions on the further liberalisation of trade in services (see BRIDGES Weekly, 17 July 2001, <http://www.ictsd.org/html/weekly/17-07-01/story2.htm>). Issues to be discussed include general subjects such as the assessment of trade in services and credit for autonomous liberalisation, as well as talks on individual negotiating proposals.

Regarding specific Member proposals, discussions will focus on, inter alia, a recent submission from Mexico (24 September 2001, S/CSS/W/103), urging the reduction of exemptions from the Most Favoured Nation (MFN) principle, along with issues such as transparency and a related US proposal (13 July 2001, S/CSS/W/102). Furthermore, negotiations will address specific services sectors, such as education, energy, transport and environmental services. According to trade sources, a considerable amount of time will also be devoted to discussions on a revised Draft Annex on Tourism, submitted by the Dominican Republic and others last Monday (see BRIDGES Weekly, 25 September 2001, <http://www.ictsd.org/html/weekly/25-09-01/story5.htm>).

Among recent submissions designed to feed into the negotiating process, Kenya has circulated a proposal highlighting its expectations on several issues (26 September 2001,



S/CSS/W. 109). The Kenyan submission in particular urges for an assessment of trade in services to take place in order to enable developing countries to identify sectors of export interest to them. In addition, the proposal calls for "economically meaningful commitments from its trading partners in mode 4" (movement of natural persons), the development of uniform criteria for the application of 'Economic needs test', and continued discussions on the proposed Annex on Tourism.

Mercosur and Bolivia have also submitted a joint proposal on postal services (26 September 2001, S/CSS/W/108). BRIDGES Weekly will report on the outcome of the negotiating sessions in forthcoming issues.

### GATS Regulatory Framework

During Services Week, several subsidiary bodies within which Members are striving to complete the regulatory framework of the GATS will also hold meetings. As BRIDGES Weekly went to press, the Working Party on Domestic Regulation (WPDR) was meeting to discuss concepts relating to the development of regulatory disciplines and a request for observer status from the International Association of Insurance Supervisors. The WPDR is currently trying to build consensus around multilateral disciplines aimed at ensuring that certain domestic regulations affecting trade in services are based on objective and transparent criteria and are "not more burdensome than necessary to ensure the quality of the service" (see BRIDGES Weekly reference of 17 July in this article).

On 3 October, the Working Party on GATS Rules (WPGR) will continue formal negotiations on the question of the establishment of Emergency Safeguard Measures (see BRIDGES Monthly, September 2001, available at: <http://www.ictsd.org/monthly>), as well as on the issues of subsidies and government procurement. Regarding Safeguards, the deadline for negotiations expires on 15 March 2002, which makes it likely that the 3 October meeting will focus more on that issue than on the two others. BRIDGES Weekly will report on the outcome of these meetings in its next issue.

In related developments, the draft Ministerial Declaration submitted by the Chairperson of the General Council Stuart Harbinson on 26 September 2001 (see <http://www.ictsd.org/ministerial/doha/ministerial26.09.01.pdf>, page 4) contains language on the ongoing negotiations in services trade, stressing that these negotiations are "an important means of promoting economic growth and the development of developing countries." The relevant paragraph also contains a reference to developing country-related provisions of the GATS in relation to the negotiations (Arts. IV and XIX).

### NGO statement on services trade

The Centre of International Environmental Law (CIEL) and the World Wide Fund for Nature (WWF) International have issued a joint statement calling for an assessment of the effects of the liberalisation in services trade to be conducted before proceeding to further negotiations (available at: <http://www.panda.org/resources/programmes/trade/>).



ICTSD Internal Files.

## **IN BRIEF**

**US-JORDAN FREE TRADE DEAL RATIFIED; INCLUDES LABOUR AND ENVIRONMENT PROVISIONS.** On 28 September, US President Bush signed the implementation legislation for the US-Jordan Free Trade Agreement after the US Senate approved it early last week. The Agreement makes Jordan the fourth country after Canada, Mexico and Israel to obtain free trade partner status with the US. Labour and environmental text in the treaty maintains that the two sides will not lower labour and environmental standards for the purpose of attracting foreign direct investment (FDI). The deal, if violated by one contractor, could trigger sanctions by the other. These provisions were strongly supported by Democrats who argued that without them, free trade would encourage companies to move operations to the lowest-wage and most environmentally lax nations. Conversely, Republicans argued that these provisions might simply create new barriers to trade. The need for the US to show its willingness to provide economic rewards to countries aiding the battle on terrorism is believed to have played a factor in overcoming Republican scepticism. Moreover, the agreement could help create momentum in winning Congressional support for Trade Promotion Authority (formerly termed Fast Track Authority) on the road to the WTO Doha Ministerial. Trade flows between the two countries accounted for only about \$US 400 million of the \$US 2 trillion in US exports and imports last year. "Senate Backs Free-Trade Agreement With Jordan," THE WASHINGTON POST, 25 September 2001.

**EUROPE ADVANCES TRADE CONCERNS FOR RIO+10.** On 24-25 September, the UN Economic Commission for Europe gathered together ministers in preparation for next September's World Summit on Sustainable Development (WSSD). Ministers agreed on a joint statement of the priorities for the conference that focuses on, inter alia, making globalisation work for sustainable development. The core of the Geneva meeting dealt with the EU's proposal for the WSSD to aim the conference at devising a new global pact between the North and South (as well as other stakeholders). Concerning practical steps for achieving this goal, many countries reaffirmed the need for the Kyoto Protocol of the UN Framework Convention on Climate Change to be in force by 2002 and the need to set targets on environmental protection, improved eco- efficiency and resource productivity. The Ministers committed themselves to "make globalisation work for sustainable development benefiting all people and especially the world's poor". Expressing support for a new round of global trade negotiations, the statement calls for an enhancement of the "mutually supportive role of multilateral environmental agreements and the international trading system". On the other hand, environmentalists showed their dissatisfaction with the meeting outcome, claiming "[there is] a real danger that Rio plus ten will actually be Rio plus zero". Friends of the Earth argued that "positive elements have been overwhelmed by putting trade priorities above people and the planet." "Europe



prepares for world sustainability summit;" ENDS ENVIRONMENT DAILY, 26 September 2001.

**LAMY SEEKS ACP COUNTRIES' SUPPORT FOR NEW ROUND.** On 2 October, EU Trade Commissioner Pascal Lamy meets with trade ministers from the Africa, Caribbean and Pacific (ACP) group in Kenya on the occasion of the Joint ACP-EU Ministerial Trade Committee (JMTCT). The Trade Commissioner will seek the support of the ACP trading partners in pushing ahead for the launch of a new round of negotiations at the WTO. Speaking to the press, Lamy said, "this meeting with our ACP partners is very important in the run-up to the forthcoming WTO Ministerial where we wish to see a New Round launched. I'm going to Kenya to rally support for a Round that must address the concerns and interests of ACP and developing countries as a matter of urgency. We will also address our important regional trading relationship in the framework of Cotonou [preferential ACP-EU trade agreement]. There's a lot of important work to be done in the days ahead." He is also expected to gather Kenyan Government officials, business representatives and non-governmental organisations in bilateral talks. "EU Trade Commissioner Pascal Lamy to rally support among ACP countries for launch of new WTO Round," EU TRADE DG INFORMATION UNIT, 27 September 2001.

**AFRICAN REGIONAL MEETING ON INTERNATIONAL TRADE.** The United Nations Conference on Trade and Development (UNCTAD) and the United Nations Development Programme (UNDP), in conjunction with the African Economic Research Consortium (AERC), are convening a regional meeting on "Research and Training Needs in International Trade in Africa" from 3-5 October 2001 in Mauritius. The meeting forms part of a series of regional meetings aimed at identifying regional-specific training needs of research institutes and universities intending to engage on trade issues. Participants to the African regional meeting come mainly from academia, business institutes and public administration. The meeting follows two similar initiatives held in Santiago de Chile in November 1999 and in November 2000 in New Delhi. ICTSD Internal Files.

**NGOS, GOVERNMENTS CONVENE ON AGRICULTURE.** In a 28-29 September Agriculture and WTO Workshop organised co-jointly by the Institute for Agriculture and Trade Policy, some 50 speakers and guests from developing and developed country NGOs, Agriculture Ministries and WTO delegations convened in Geneva, Switzerland, to elaborate on the state-of-play of agriculture negotiations and campaigns, as well as the contradictions between sustainable agriculture and the international trading system. It was a shared view amongst NGOs that export subsidies should be cut back, that multinationals need to be controlled, and that the principle of 'the-more-trade-the-better' must be rethought. While also promoting the elimination of export subsidies and distorting domestic support, developing countries' representatives emphasised the importance of special and differential treatment (SDT), which is seen as crucial to achieving a deal assuring a fair trading system. One trade official from a developed country stated that his government is ready to decrease subsidies and tariffs provided that non-trade concerns can be sufficiently addressed, and that progress is made in areas other than agriculture. When asked how he regarded the chance that trade ministers will



convene in Qatar he said, "we are paid to believe that Doha will take place." ICTSD Internal Files.

## **WTO IN BRIEF**

**COMMITTEE ON TRADE AND ENVIRONMENT MEETS ON 3-4 OCTOBER.** The WTO's Committee on Trade and Environment is scheduled to meet on 3-4 October to discuss items 9 and 10 of the Work Programme. Item 9 deals with the work programme envisaged in the Decision on Trade in Services and the Environment, whereas talks on item 10 will consider the "input of relevant bodies in respect of appropriate arrangements for relations with Intergovernmental and non-governmental organisations referred to in Article V" of the Agreement establishing the World Trade Organisation. Article V states that "the General Council shall make appropriate arrangements for effective cooperation with other intergovernmental organizations" and "for consultation and cooperation with non-governmental organizations concerned with matters related to those of the WTO". The meeting is also expected to adopt the 2001 CTE Report. ICTSD Internal Files.

**THREE NEW OFFICIALS APPOINTED FOR WTO APPELLATE BODY.** On 25 September, Luiz Olavo Baptista of Brazil, John Lockhart of Australia, and Giorgio Sacerdoti of the European Union were selected to serve as members on the WTO's Appellate Body starting on December 10, 2001. Besides Mr. Bacchus, who has been part of the Appellate Body since November 1995, the other six members will have assumed their posts from April 2000 or later. While Appellate Body officers are chosen on the basis of their qualifications, WTO members usually lobby on behalf of their national candidates. Baptista is professor of law at the University of Sao Paulo Law School and has written a number of books and articles on international business. Lockhart has been the executive director at the Asian Development Bank and worked as the head of the Australian Competition Tribunal. Sacerdoti is a professor of International Law and European Law at Bocconi University in Milan, Italy, and has served on the OECD's Working Group on Bribery in International Business Transactions. "WTO Appoints Three New Members To Appellate Body, Filling All Vacancies," *International Trade Daily*, September 27, 2001.

**BRAZIL LAUNCHES DISPUTE OVER US ANTI-DUMPING REVIEW.** On 18 September, Brazil initiated dispute settlement proceedings against the US over US Department of Commerce practices in the review of antidumping measures. Brazil charges that the Commerce Department is applying a de minimis margin to antidumping reviews that is much lower than those required by WTO rules. The WTO's Anti-dumping Agreement (ADA) concedes a margin of dumping for a product up to two percent of the export price. Brazil claims that the Commerce Department applies the 2 percent de minimis margin in its antidumping investigations but continues to apply a 0.5 percent de minimis margin in its reviews of existing antidumping measures, and thus contradicts Article 18.3 of the ADA. This article states that the provisions of the agreement apply to investigations as well as reviews of existing measures. Moreover, Brazil accuses the US



of applying the so-called "zeroing" methodology in the determination of dumping margins in antidumping despite a previous WTO ruling forbidding its use. After the 60 day consultation period is over, Brazil can request the establishment of a WTO dispute panel to rule on its complaints. "Brazil Launches WTO Challenge Against U.S. Anti-Dumping Review," WTO Reporter, 20 September 2001.

## **ON THE MOVE**

**ICTSD GOVERNING BOARD ELECTS NEW CHAIRPERSON.** On 24-25 September, the new Governing Board of the International Centre for Trade and Sustainable Development (ICTSD) was formally established. The board unanimously elected Nadine Keim as its new chairperson. Ms. Keim is Development Policy Coordinator at the Swiss Coalition of Development Organisations (SCDO). Before joining SCDO, she served as Scientific Officer at the Swiss State Secretariat for Economic Affairs (formerly BAWI) focusing on bilateral economic relations as well as on multilateral trade negotiations during the Uruguay Round (1988-1991). Ms. Keim is a founding Member of ICTSD's Executive Board (since 1996); a former Member of the Swiss Foreign Economic Policy Advisory Commission (1993-2000); and a former Board Member of the Max Havelaar Foundation in Switzerland (1992-1997). Ms. Keim holds an M.A. in Political Science from the University of Geneva, and undertook undergraduate studies at Pitzer College of Claremont, USA. Other ICTSD Governing Board members are Mr. Tariq Banuri, Pakistan; Mr. Rashad Cassim, South Africa; Ms. Beatrice Chaytor, Sierra Leone; Mr. Torben Mailand Christensen, Denmark; Mr. Thomas Cottier, Switzerland; Mr. Mark Halle, United States / Italy; Ms. Nazare Imbiriba, Brazil; Mr. Sitanon Jesdapipat, Thailand; Roberto Joss, Uruguay / Switzerland; Mr. Pradeep Mehta, India; Mr. Carlos Murillo Rodriguez, Costa Rica; Ms. Sophia Murphy, United Kingdom / Canada; and Ms. Sylvia Ostry, Canada. For a detailed overview of the ICTSD Governing Board visit: [http://www.ictsd.org/about/GB\\_Members.htm](http://www.ictsd.org/about/GB_Members.htm).

## **EVENTS & RESOURCES**

### **EVENTS**

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

### **Coming Up This Week**

3 October, Manhattan, New York: **THE GREENING OF THE WORLD TRADE ORGANIZATION?** Speakers include Steve Charnovitz, Robert L. Howse, Petros C. Mavroidis, and Amelia Porges. They will discuss the impact of the recent decision on



asbestos. Limited seating. For further information contact: Michael Rhee; tel: (1-212) 431 2865; email: [mrhee@nyls.edu](mailto:mrhee@nyls.edu).

5-6 October, Barcelona, Spain: REGULATORY FRAMEWORK OF GLOBALISATION WORKSHOP. Promoted by the European Commission and organised by the Observatory of Globalisation-University of Barcelona, the Overseas Development Institute of London and the Buenos Aires' Centre of the University of Bologna. Over two days at the University of Barcelona, four sessions will focus on: (I) Global Financial Architecture and the International Regulatory Framework of Foreign Investment, (II) International (Trade) Rules and National (Sectoral) Policies, (III) Regionalism and Multilateralism, and (IV) Implementation of International Agreements and Dispute Settlement. For further information contact: Vicky Martínez, Observatory of Globalisation; tel: (34-93) 403-4479; fax: 403-4478; email: [BCNworkshop@pcb.ub.es](mailto:BCNworkshop@pcb.ub.es).

8-10 October, Port of Spain, Trinidad & Tobago: CONFERENCE ON ORGANIC HORTICULTURE. Organised by the Food and Agriculture Organization of the UN (FAO) and partners, this conference intends to find ways for developing countries in the Caribbean/Latin American region to take advantage of potential market opportunities through development of organic exports. Key issues relating to marketing and production as they relate to exports will be discussed. For further information contact: Bart Vrolijk, Agricultural Trade Specialist; tel: (39 06) 570 53663; fax: 570 54495; email: [Bart.Vrolijk@fao.org](mailto:Bart.Vrolijk@fao.org); Internet: <http://www.fao.org/organicag/horticonf2001.htm>.

8-12 October, Rome, Italy: EIGHTH PIC-INC MEETING. The eighth session of the Intergovernmental Negotiating Committee (INC) for the Preparation of the Conference of Parties of the Rotterdam Convention for the Application of the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (INC- 8). For further information contact: Niek van der Graaff, FAO, tel: (39- 6) 5705-3441; email: [Niek.VanderGraaff@fao.org](mailto:Niek.VanderGraaff@fao.org) ; or Jim Willis, UNEP Chemicals, tel: (41-22) 917-8111; email: [chemicals@unep.ch](mailto:chemicals@unep.ch) ; Internet: <http://www.pic.int/>. 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](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. For further information on WTO events contact: WTO Information and Media Relations Division, Geneva; tel: (41-22) 739- 5007; fax: 739-5458; email: [enquiries@wto.org](mailto:enquiries@wto.org).

3 October, Geneva, Switzerland: GENERAL COUNCIL - SPECIAL SESSION ON IMPLEMENTATION.



3 October, Geneva, Switzerland: GATS RULES WORKING PARTY.

4 October, Geneva, Switzerland: SERVICES COUNCIL - REGULAR SESSION.

4-5 October, Geneva, Switzerland: WTO COMMITTEE ON TRADE AND ENVIRONMENT. On the agenda, inter alia: discussion of Items 9 and 10; review of the two thematic clusters, i.e. market access and linkages between the multilateral environment and trade agendas; and adoption of the 2001 Report of the CTE.

5, 8, 12 October, Geneva, Switzerland: SERVICES COUNCIL - SPECIAL SESSION.

5 October, Geneva, Switzerland: GOODS COUNCIL.

5 October, Geneva, Switzerland: TRADE AND INVESTMENT WORKING GROUP.

8 October, Geneva, Switzerland: COMMITTEE ON TRADE AND DEVELOPMENT.

9 October, Geneva, Switzerland: COMMITTEE ON TECHNICAL BARRIERS TO TRADE.

9 October, Geneva, Switzerland: COUNCIL FOR TRADE IN SERVICES.

13-14 October, Singapore: WTO MINISTERIAL MEETING. Ministers from 22 countries have been invited to an informal meeting to discuss issues around preparations for the Doha Ministerial Conference in November. Key issues such as agriculture and environment will be discussed.

#### Other Forthcoming Events

10 October, London, England: SYMPOSIA ON LINKAGES: HOW DO WE BRIDGE THE GAP? CUTS (Consumer Unity and Trust Society) in association with London School of Economics is organising a one-day symposium on issues of environment and labour standards in trade agreements in preparation for the WTO Ministerial Meeting in Doha, Qatar in November. Participation is anticipated from government, industry, NGOs and academia primarily from Europe and developing countries. For further information contact: K.S. Sajeev; [cutsjpr@sancharnet.in](mailto:cutsjpr@sancharnet.in); Internet: <http://cuts.org/forthcoming-events.htm>; tel: (91-141) 207-482; fax: 207- 486.

11 October, Washington, D.C., US: TRANSATLANTIC BUSINESS DIALOGUE (TABD) CONFERENCE 2001. Due to the tragic events in the US on 11 September, this year's annual CEO Conference, originally scheduled for October 11 in Stockholm, will now take place in Washington, DC and has been reformatted so that Leadership Team CEOs will only meet with senior US Administration and European Commission officials. These changes are expected to demonstrate European solidarity with the US while ensuring TABD recommendations are considered for trade policy agendas. The recommendations will revolve around five primary issues: Capital Markets, Dispute



Management, Networked Economy, Regulatory Policy and the WTO Agenda. These issues originated from both small and large companies in the transatlantic business community. For further information contact: tel: (202) 822-4769 (Washington) or (32 2) 231- 1728 (Brussels); fax: (32 2) 231-0254 or (202) 822-5640; email: [info@tabd.com](mailto:info@tabd.com); Internet: <http://www.tabd.org/conference/2001/index.html>.

12-13 October, Geneva, Switzerland: CUTS INTERNATIONAL SYMPOSIUM. This expert meeting on 'Competition Policy and Consumer Interest in the Global Economy' is organised by CUTS Centre for International Trade, Economics & Environment (CUTS-CITEE) and supported by IDRC, Canada. The meeting aims to facilitate dialogue between trade negotiators, policy- makers, and civil society representatives incorporating case studies. Issue Specific Sessions include: competition law and policy, competition challenges in the global economy, promoting competition without having a Competition Law, meeting the challenges of cooperation arrangements: Developing Country's Experiences, meeting the challenges- Is there a need for a Multilateral Competition Arrangement, and multilateral competition policy at the WTO. For further information contact: Sandeep Singh or K.S. Sajeew; email: [compsymp\\_cuts@rediffmail.com](mailto:compsymp_cuts@rediffmail.com), [cutsjpr@sancharnet.in](mailto:cutsjpr@sancharnet.in); Internet: <http://cuts.org/forthcoming-events.htm>; tel: (91-141) 207-482; fax: 207- 486.

19 October, Washington, DC: SYMPOSIA ON LINKAGES: HOW DO WE BRIDGE THE GAP? Another symposium jointly organised by CUTS-CITEE and the Brookings Institution. This symposium will discuss issues relating to links between trade and environment and labour standards, which are expected to come up at the upcoming WTO Ministerial Meeting. For further information contact: Sandeep Singh or K.S. Sajeew; [linkages\\_cuts@rediffmail.com](mailto:linkages_cuts@rediffmail.com), [cutsjpr@sancharnet.in](mailto:cutsjpr@sancharnet.in); Internet: <http://cuts.org/forthcoming-events.htm>; tel: (91-141) 207-482; fax: 207- 486.

19 October, Paris, France: INTERNATIONAL CONFERENCE ON IMPROVEMENT OF TRANSPARENCY AND WTO REFORM. Organised by the French non-governmental organisation Solagral, this meeting will confront criticisms that have arisen since the WTO Ministerial Conference in Seattle in 1999. The conference plans to make recommendations on ways to improve the WTO taking into account interests of both developing countries and the civil society. Three sessions are scheduled: (I) "Ensure a consistent participation of developing countries," (II) "Ensure a better accountability and democracy of the multilateral trading system," and (III) "Ensure a better World governance." For further information or to register please contact: Stéphan Guéneau; email: [s.gueneau@solagral.asso.fr](mailto:s.gueneau@solagral.asso.fr); fax: (33-4) 9923-2460; Internet: <http://www.solagral.org>.

25-28 October, Copenhagen, Denmark: WOMEN IN THE GLOBAL ECONOMY - FINANCING FOR DEVELOPMENT - INVESTING IN WOMEN. This meeting is arranged by: K.U.L.U.-Women and Development in cooperation with KULU member organisations: Danish Women's Society, Ibis K-gruppe, UNIFEM-DK; Women's International League for Freedom and Peace, Folkevirke, The Danish Family Planning Association (Sex and Samfund), and others. Speakers will cover the following topics:



Poverty reduction and sustainable development and gender in Denmark, A gender perspective on Financing, how women can gain from trade, and women's economic rights and right to development. The second segment will be focused on regional challenges and priorities (Africa, Denmark, & Asia). For further information contact: Ruth Olsen, K.U.L.U.-Women and Development; tel: (45-3) 315-7870; fax: 332-5330; email: [kulu@kulu.dk](mailto:kulu@kulu.dk).

29-30 October, Washington, DC: THE FUTURE OF FOOD BIOTECHNOLOGY: Examination and Analysis of Biotech Developments in Domestic and EU Regulation and Policy of Food, Commodity Crops and Other Agricultural Products." This event is co-sponsored by the Biotechnology Industry Organization, Grocery Manufacturers of America, and National Food Processors Association and will discuss fundamental elements of food biotechnology regulation while considering the future of genetically engineered food. Commercial implications of genetically engineered food, labelling standards, US consumer reactions, and FDA policies on biotech labelling will be explored by industry, government, and consumer group speakers. For further information contact: tel: (1-202) 371-1420; fax: 371-0649; email: [Comments@fdli.org](mailto:Comments@fdli.org); Internet: [http://www.fdpi.org/conf/food\\_biotech/description.html](http://www.fdpi.org/conf/food_biotech/description.html).

5-8 November, Beirut, Lebanon: WORLD FORUM ON THE WTO. This three-day forum is organised by The Arab NGO Network for Development and The Lebanese Platform on the WTO. The forum is part of the anti-corporate globalisation movement which is a coalition of labour, environmental, cultural, women's, and political organisations that are resisting the call for a new round of negotiations in the WTO in Qatar. The international forum aims to hold peaceful mass meetings and rallies, in addition to panels and discussions on issues that are being addressed in the WTO and related agreements. A special emphasis will be put on the participation of representatives of civil society in Arab countries. For further information contact: Arab NGO Network for Development; tel: (961-1) 319-366; fax: 815-636; email: [annd@cyberia.net.lb](mailto:annd@cyberia.net.lb); Internet: <http://www.worldforumbeirut2001.org>.

## RESOURCES

NAFTA CHAPTER 11 INVESTOR-TO-STATE CASES: BANKRUPTING DEMOCRACY. Published by Public Citizen's Global Trade Watch and Friends of the Earth, September 2001. This report addresses what it terms a growing threat to democratic governance and state sovereignty by corporations using new rights and privileges granted under the North American Free Trade Agreement (NAFTA) to challenge a variety of national, state and local policies and decisions. The report documents the track record of cases brought under NAFTA's investment chapter, which granted expansive new rights and privileges to foreign investors operating in the three NAFTA signatory nations (Mexico, Canada and the US). The report is available online at: <http://www.citizen.org/publications/release.cfm?ID=7076>.

THE EUROPEAN UNION FACING GLOBAL RESPONSIBILITY: PAST RECORDS, FUTURE CHALLENGES. Published by the Society for International Development



(SID), Rome, 2001. The report discusses how the current process of European integration is failing to create mechanisms that would allow EU citizens and nations to re-direct the present course of globalisation. Not only does the integration impose the cost of the EU's economic success on others, but it is unable to bring back powerful global organisations under democratic control, like the World Bank, the International Monetary Fund, and transnational companies. The report is the outcome of a collective effort of twenty-one, EU-based, citizen organisations and research institutes, spanning the development, environment, and globalisation fields. For further information contact; SID, via Panisperna 207, 00184 Rome, Italy; email: [info@sidint.org](mailto:info@sidint.org); Internet: <http://www.sidint.org>.

OVERHAULING THE WTO: OPPORTUNITY AT DOHA AND BEYOND. By John Audley and Ann M. Florini, published by the Carnegie Endowment for International Peace, October 2001. The paper argues that the world's trade ministers should simultaneously tackle internal and external reform of the WTO to make it a truly equitable institution. Internally, industrial countries must start treating developing countries as equal partners in making the rules that govern global trade, and where necessary provide technical assistance to make that equality possible. Externally, to satisfy legitimate public demands, Members should improve the transparency of WTO proceedings and permit public participation in keeping with international norms. These changes, however, will occur only when national leaders link internal and external reform objectives -- a step that will require leadership from key countries as well as the WTO Secretariat. The paper is available online at: <http://www.ceip.org/files/Publications/policybrief6.asp>.

DOMESTICALLY PROHIBITED GOODS, TRADE IN TOXIC WASTE AND TECHNOLOGY TRANSFER: ISSUES AND DEVELOPMENTS. Published by South Asia Watch on Trade Economics and Environment (SAWTEE) and the Centre for International Trade, Economics and Environment (CUTS-CITEE), 2001. The paper highlights concerns about the industrialised countries exporting domestically prohibited goods (DPGs) and technologies to the developing countries that are not capable of disposing of these substances safely and protecting their people from health and environmental hazards. The study attempts to analyse the rubric of DPGs, toxic waste and transfer of dirty technology, and presents incidences of irreverent practices. A separate chapter has also been included to discuss the Basel Convention and related developments. For further information, contact: SAWTEE, PO Box 14307, Gautam Buddha Marg, Anam Nager Kathmandu Nepal; tel: (977-1) 268-681/265-023; fax: 268-022; email: [rmadi@propublic.wlink.com.np](mailto:rmadi@propublic.wlink.com.np); Internet: <http://www.cuts.org/sawtee.htm>.

"WTO and Asbestos Dispute Settlement at Work," by K. Ravi Srinivas in ECONOMIC AND POLITICAL WEEKLY (EPW), EPW Perspectives, 8 September 2001. The article discusses the verdict of the WTO's Appellate Body (AB), which upheld that the French ban on asbestos was valid and it does not violate international trade laws. This verdict has been hailed as a major victory for advocates of public health and workers' organisations. It is the first case on occupational health brought before the WTO. This case also raises questions about the functioning of the dispute settlement mechanism under WTO and the



lack of transparency in the process. Thus the decision of AB while being hailed as historic has also given rise to doubts as to whether such a verdict could be expected in future cases. To obtain the article or for further information email: [ravisri2@rediffmail.com](mailto:ravisri2@rediffmail.com) and mention 'WTO & Asbestos' in the subject line.

## ELECTRONIC RESOURCES

INVEST-SD IISD. Investment law and sustainable development listserv for information and knowledge exchange on Investment Law and Sustainable Development issues in the Americas posted by the International Institute for Sustainable Development (IISD). The listserv will keep its members up-to-date on key events and dates, distribute valuable tools for advocacy including calls-for-action, circulate full-text news items, and will generally act as a forum for empowering individuals and civil society organisations with information on Chapter 11 of the North American Free Trade Agreement (NAFTA), the investment provisions in the proposed Free Trade Area of the Americas (FTAA) and other key issues. The listserv, moderated by IISD, will allow individual members to post their own publications and opinions that pertain to the subject matter. Subscription to the listserv is available at: [http://www.iisd.org/trade/private\\_rights.htm](http://www.iisd.org/trade/private_rights.htm), or by contacting Brad Etlin: email: [betlin@iisd.ca](mailto:betlin@iisd.ca); tel: (1-204) 958-7716.

## CALL FOR PAPERS

EIGHTH ANNUAL INTERNATIONAL SUSTAINABLE DEVELOPMENT RESEARCH CONFERENCE 2002. ERP Environment, publishers of the international journal Sustainable Development are seeking offers of papers from researchers and practitioners in the fields of sustainable development and environmental management for its research conference at the University of Manchester, UK, 8-9 April 2002. Initial abstracts of 200 words should be submitted to the Conference Organiser by 12 October 2001. To be published in the conference proceedings, accepted papers will be required in manuscript and Word 6 or 7 disk formats by Friday 1st March 2002. Selected papers may be published in the journal Sustainable Development. For further information about the papers and the conference contact: Elaine White, ERP Environment, PO Box 75, Shipley, West Yorkshire BD17 6EZ; tel: (+44 (0) 1274) 530408; fax: 01274-530409; email: [Elaine@erpenviron.demon.co.uk](mailto:Elaine@erpenviron.demon.co.uk); Internet: <http://www.erpenvironment.org>.

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