

# BRIDGES

## Weekly Trade News Digest

6 November 2001

ISSN 1563-003X

Volume 5, Number 38

BRIDGES Weekly Trade News Digest is also available online at:  
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## NOTE TO SUBSCRIBERS

In deviation from our usual practice, daily negotiation updates will be sent to all BRIDGES Weekly subscribers during the Fourth WTO Ministerial Conference in Doha, Qatar, on 9-13 November (see Civil Society Section below). Distribution will return to the weekly schedule after the Ministerial meeting.

## THE DOHA AGENDA FOR THE WEEKEND

As reported verbally from some WTO Secretariat staff and developing country delegations, the schedule for the first two days of the Doha Ministerial is as follows:

9 November 2001

9-10 am: Meeting of the WTO Director-General Mike Moore with NGOs

10 am-12 pm: Ministerial Meeting of Pakistan and the Developing Eight (D8) nations consisting of Egypt, Turkey, Malaysia, Iran, Indonesia, Bangladesh and Nigeria

12-13.30 pm: Ministerial Meeting of Like-minded Group (LMG) consisting of Cuba, Dominican Republic, Egypt, Honduras, Indonesia, India, Kenya, Malaysia, Sri Lanka, Tanzania, Uganda, Zimbabwe and Jamaica

3-5 pm: Ministerial Meeting of the South Asian Association of Regional Co-operation (SAARC) comprising India, Pakistan, Bangladesh, Nepal, Bhutan, Sri Lanka, and Maldives

The African Group consisting of all African WTO Members is also expected to meet regularly throughout the Ministerial either in the morning or late at night. They will also schedule their own meeting prior to the Ministerial.

5.30 pm: Opening of the Plenary Session by the Emir of Qatar, followed by speakers from Singapore, Switzerland, US, EC and Pakistan

November 10

Morning: The Chair of the General Council will report on the draft Ministerial documents. Ministers will respond by stating the problems they have with the text. The Chair of Committee of the Whole (COW) will start small group meetings.

9am to 10:30am: Meeting of 'Tentative Friends of the Development Box' (LMG+) on Agriculture

Open to NGOs and Press from 9.45 to 10.30 am

ICTSD will announce any updates of the agenda in its BRIDGES daily coverage as soon there are available and confirmed.

## **Lead Stories**

### **Ministerial Texts Make Their Way To Doha, But Great Disparities Remain**

The 31 October-1 November General Council session provided delegations an opportunity to offer comments on the 27 October draft Ministerial texts released by General Council Chairperson Stuart Harbinson (see BRIDGES Weekly, 30 October; <http://www.ictsd.org/weekly/01-10-30/index.htm>). Complaints from both developed and developing country Members, who felt these texts still did not meet their needs sufficiently, marked the session. While the EC detailed its perception of deficiencies, it was a number of developing countries that expressed their discontent most vehemently - both on substantive and procedural grounds.

Since the release of the first drafts on 26 September, both Harbinson and WTO Director General Mike Moore have engaged in numerous consultations and informal meeting with delegates. As such, it was hoped that the second draft would come a long way in bridging Members' seemingly divergent perspectives -- something many trade sources said is needed if the upcoming Ministerial Conference in Doha is to move the trade liberalisation agenda forward.

#### **Procedural concerns**

At the meeting, Harbinson announced that he and the Director-General did not plan to revise the draft texts further and that they intended to transmit them to the Ministers "on [their] own responsibility". Harbinson indicated that "[as] far as the process in Geneva is concerned, it is our judgment that we have taken it as far as we possibly can, and that further consultations will not take us any closer to improving the texts".

Several developing country Members criticised Harbinson's decision, questioning whether he was allowed to forward the texts without approval by the General Council. India, following up on claims made against the lack of divergent views expressed in the texts, pointed out that the texts should not be sent "without reflecting the concerns and objections from a large number of countries". Some countries, such as Tanzania (representing Least-Developed Countries) and India, called on the Chairperson to at least attach a covering note that highlighted the points of disagreement and the rationale for the text included in the drafts. Harbinson agreed to compile a note to be sent directly to Ministers in Doha without further consultations at the WTO.

#### **Covering notes**

The two covering notes (available at <http://www.ictsd.org/ministerial/doha/relevantdoc.htm>), one each preceding the draft Ministerial Declaration and the draft Decision on Implementation-related Issues, go to fair lengths to outline the long process of consultations involved in drafting the texts and note that some areas were "more fleshed out than others". They also indicate the Chair and Director-General's belief that the direct transmittal of the texts to Doha without approval from the GC is "in line with the approach adopted from the beginning".

However, there is scant mention of specific areas of disagreement. The draft Declaration note makes but one reference to "others [expressing] a preference for a text which would have reflected more fully the diversity of views on the various elements." The draft Decision note goes so far as to state that it is "our assessment [...] that most of the elements contained in the draft Decision are acceptable to all Members". Some sources indicated that the level of ambiguity of these letters would not satisfy developing countries' requests, and perhaps would fuel a sense of exclusion, rather than effectively communicating their concerns regarding the text.

#### Developing countries react to the drafts

Several developing country Members expressed their frustration and disappointment that their concerns had not been taken into account in the latest ministerial texts, not as secondary options or even as bracketed text (i.e. for further negotiation). Instead, according to Egypt, the so-called 'development round' "appears to be mere lip- service". Particularly strong criticism was voiced by not-often vocal Nigeria, which described the revised draft Declaration as "one-sided", adding that it "accommodates in total the interests of developed countries while disregarding the concerns of the developing and least- developed countries". India echoed these sentiments. "If we have no say in setting the agenda, why should we be there," asked India's Commerce Minister Murasoli Maran.

Pakistan, historically one of the more outspoken Members on the need to resolve outstanding imbalances before broadening the agenda, pointed out that while the draft Declaration did not adequately reflect their position, "in the spirit of pragmatism and compromise, [Pakistan is] prepared to accept the approval of the draft Decision [at the GC] without any further change". They went even further by offering to accept that proposals listed in Annex III (Compilation of Outstanding Implementation Issues, to be addressed after Doha) "could constitute part of a Single Undertaking if such a Single Undertaking is decided upon in the context of other negotiations to be initiated at Doha".

Regarding the Singapore issues (i.e. competition, investment, transparency in government procurement and trade facilitation), developing countries retained their strong resistance to bringing new issues to the WTO before the old issues are resolved. Citing agreements made at the 1996 Singapore Ministerial that these issues would only move to negotiations under "explicit consensus", which is clearly not present, they expressed surprise and disappointment that the revised draft Declaration no longer included the option for further study of these issues. Instead it now calls for negotiating modalities (frameworks) to begin at the Fifth Ministerial. Trade sources say the removal of the 'further study' options has especially enraged developing country Members as it further reinforces their belief that the latest drafts have only moved further in favour of developed country interests - who see these issues as critical elements of a comprehensive new round. Once again India's Maran noted resolutely that "[we] stand firm in opposing negotiations on new issues even if we are isolated".

Developing countries, including Nigeria, Tanzania, Pakistan and Egypt, also voiced their frustration that -- despite repeated requests by almost all developing countries (making up over 80% of the WTO's membership) -- references to core labour standards and the environment were still included in the text. Again, not only were these references not

removed, in the case of labour standards they had according to Egypt been "substantially strengthened". In the case of the environment, provisions had been marginally weakened, but broadened in scope by removing references to sustainable development in Par. 27.1 while including references to labelling and trade-related intellectual property rights.

#### EC position

The EC did not share the developing countries' negative view of the draft texts, but rather stated "we are moving decisively towards a real development agenda" and that the draft texts recognised the needs and interests of developing countries "comprehensively". "The development dimension of the WTO is the one aspect that has been comprehensively covered in every paragraph of the text," said EC Ambassador Carlo Trojan. He did voice disappointment and concern, however, that many of the EC demands had not been included in the texts. In particular, he said "the environment approach falls far short of what would be acceptable to the EC in an overall package" as it simply calls for continuation of CTE working programme. Similarly, the text on agriculture was unacceptable. Reference to investment and competition were also "a big disappointment", he said, noting the text is "unclear" and "ambiguous".

#### US position

US Trade Representative Robert Zoellick called on other WTO Members to "cooperate and compromise", or the Ministerial Conference could fail. "Given the size and innovation of the US economy, we can be an attractive partner for others who seek to liberalise trade." Furthermore, "[as] much as developing countries may need debt relief and development aid, a prerequisite for their long-term growth is full participation with the global economy" and that "Doha is the best opportunity we will have in the next 10-15 years to expedite this integration. It is an opportunity neither we nor the developing world can afford to miss." Finally he added that if the WTO falters, the US would revert to regional and bilateral negotiations.

"US officials criticise WTO draft Declaration on trade remedy rules," Inside US Trade, 2 November 2001; "USTR says other nations must 'compromise' or WTO meeting in Doha could end in failure," WTO Reporter, 31 October 2001; ICTSD Internal Files.

### **Fao International Undertaking Finally Adopted**

After seven years of difficult negotiations, the revised International Undertaking (IU) -- now International Convention (IC) -- on Plant Genetic Resources for Food and Agriculture (PGRFA) was finally adopted by the Conference of the UN Food and Agriculture Organization (FAO) on 3 November, making it the first binding international instrument dealing specifically with the conservation and sustainable use of PGRFA. It still remains to be seen, however, how the IC's provisions will influence discussions at the WTO and which countries will actually ratify the Convention.

The revision of the IU to harmonise it with the UN Convention on Biodiversity (CBD) has been underway since 1994. In its original form as a non-binding agreement, dating from 1983, the IU was based on the principle that PGRFA should be "preserved [...] and freely available for use, for the benefit of present and future generations" as part of the common "heritage of mankind." To date, 113 countries have adhered to the IU, with the notable exceptions of Brazil, Canada, China, Japan, Malaysia and the US.

#### Agreement on IPRs despite US and Japan opposition

An Open-Ended Working Group met from 30 October to 1 November in Rome, Italy, alongside the FAO Council to finalise the issues that had remained unresolved at June's Sixth Extraordinary Session of the Commission on PGRFA (see BRIDGES Weekly, 3 July 2001; <http://www.ictsd.org/html/weekly/03-07-01/story3.htm>). One of the most contentious points on the agenda related to Provision 13.3(b) of the agreement, ie whether "genetic parts and components" received from the Multilateral System (MS) should be patentable. [The MS refers to a system for PGRFA established under the IC that aims to facilitate access and benefit-sharing].

After long and heated debates, delegates decided to keep the original text -- minus the brackets -- which stipulates that "recipients shall not claim any intellectual property or other rights that limit the facilitated access to the plant genetic resources for food and agriculture, or their genetic parts and components, in the form received from the Multilateral System". Both Japan and the US opposed this formulation and consequently abstained from the final vote on the adoption of the IU. The US in their statement during the Final Plenary noted that it would be unable to ratify the agreement due to the restrictions it places on innovations. Some observers have questioned the usefulness of the Agreement if the US -- as one of the key countries involved in plant breeding and genetic engineering -- is not bound to the treaty's provisions.

Canada, and Japan also expressed concerns regarding the consistency between the IC and existing intellectual property rights (IPR) regimes, such as the WTO Agreement on Trade-Related Intellectual Property Rights (TRIPs) and in particular Article 27.3(b) which requires Members to grant patents on micro-organisms and non biological and microbiological processes, and to establish some kind of intellectual property protection for plant varieties. Some observers noted that the IC might provide an important precedent for the unresolved discussions on the review of Article 27.3(b) at the WTO.

Another overlapping area concerns the IC provisions on benefit sharing which provide for monetary contributions derived from the commercialisation of products developed from PGRFA accessed under the MS. The payment is mandatory when the commercialisation of the product restricts the product's availability for use in further research and breeding, and voluntary when the product is freely available for such purposes. While the IC does not explicitly discriminate between IPR holders - who are by definition conferred exclusive rights under TRIPs - and others, some observers speculate that it does so in practice due to the different rules for products available for further research and breeding and those that are not. Depending on how governments incorporate the IC's provisions into their IPR regulations, the possibility might arise that they could

be challenged on the basis that in doing so, they contravene their TRIPs obligations under Articles 27.1 and 29 by imposing additional conditions for IPR protection.

#### Other resolved issues

Trade concerns were also raised in the context of Article 19.4(d) on financial resources for national activities for conserving and sustainably using PGRFA. In particular, delegates discussed a proposal by Australia to include a reference to avoiding subsidies in the text. Several countries opposed the reference, including Thailand which argued that subsidies should be discussed at the WTO. The EU pointed out that this language would introduce trade issues inconsistent with the rest of the text. In the final text, the Article simply states that the provision of financial resources should not be used to ends inconsistent with the treaty, in particular in areas related to international trade in commodities.

Delegates furthermore agreed on the text of Article 4, which deals with the IC's relationship to other international agreements. The final text affirms the mutual supportiveness of relevant international treaties and the absence of hierarchies between them, thus leaving the relationship as ambiguous as in many other international negotiations, such as the Cartagena Protocol on Biosafety (see BRIDGES Weekly, 8 February 2000; <http://www.ictsd.org/html/weekly/story4.08-02-00.htm>). Thus, which agreement would prevail in the case of a dispute remains unclear.

Regarding Annex I of the IC, which lists crops for inclusion in the MS, delegates retained the list of 35 crop genera and 29 forages already agreed to in June despite efforts by the EU to expand the list. Some observers pointed out the paradox that a small list, as proposed by many developing countries, would actually leave a large number of crops, which are not included in the MS, available for patenting. Others also questioned whether the list, be it short or long, could actually be itself be sufficient to ensure food security, considering that the agreement will not affect the international agricultural trading system with its distortions, subsidies and other barriers to market access for developing countries.

The IC is now open for signature and will enter into force 90 days after ratification by at least 40 signatories, provided that at least 20 of the 40 signatories are Members of the FAO.

For further information on the IU's trade implications, see BRIDGES Year 5, No. 6 (July-August 2001), p. 11 (<http://www.ictsd.org/English/BRIDGES5-6.pdf>). Documents of the meeting are available at <http://www.fao.org/waicent/faoinfo/agricult/cgrfa/IU.htm>. For daily coverage, see IISD Linkages at <http://www.iisd.ca/linkages/biodiv/iu-wg/>.

ICTSD Internal Files; ENB, Vol. 9 No. 213, 5 November 2001.

### **Eu Resists Biotech Discussion In Sps Committee**

At the meeting of the WTO Committee on Sanitary and Phytosanitary Measures (SPS) on 31 October to 1 November, the US and Canada strongly criticised Europe's continued de facto moratorium on the approval of genetically modified organisms (GMOs), in place since 1998. The EU reacted evasively to the criticism, arguing that the matter should instead be discussed in the Committee on Technical Barriers to Trade (TBT).

Despite frantic preparations for this week's WTO Ministerial Conference in Doha, Qatar (9-13 November), the SPS Committee meeting was well attended with all the major players as well as many developing countries and representatives from capitals present. According to one trade source, the SPS Agreement is rapidly becoming a "hot topic" as WTO Members are increasingly recognising the importance of SPS measures as a potential hidden trade barrier, in particular given the obligations under the Agreement on Agriculture to reduce other protective measures, such as export subsidies, tariffs and domestic support.

US, Canada try to force biotech discussion

In what one trade source described as a "non-goer", the issue of GMOs was placed on the agenda of the SPS Committee for the first time when the US requested discussions on the European Commission's proposed labelling and traceability regulations (see BRIDGES Weekly, 31 July 2001; <http://www.ictsd.org/html/weekly/31-07-01/story5.htm>) in the context of 'non-trade concerns'. The EU, however, which had notified the proposed rules under the TBT Agreement, refused to enter into discussions, saying that the SPS Committee was not the appropriate forum and that the US should raise the matter in the TBT Committee which deals with questions of labelling. In a second attempt to force a discussion in the SPS Committee, the US -- supported by Canada -- again raised the issue under the agenda item 'other business'. The two countries strongly criticised the EU for the delay in implementing the necessary approval procedures for GMOs which they said had resulted in a significant trade impact. For its part, the EU reacted angrily to the US strategy, pointing out that substantive discussions under this agenda item contravened normal procedures and that they were not sufficiently prepared for a response.

As one trade source speculated, the EU, which has so far been reluctant to discuss the GMO issue at the WTO, is trying to restrict debates to the TBT Committee, as the TBT Agreement "doesn't really have teeth to bite them". In addition, the EU might want to avoid challenges under the SPS Agreement in light of its loss in the beef-hormone case which the US had brought against the EU under this Agreement (see BRIDGES Weekly 21-03-00, <http://www.ictsd.org/html/weekly/story8.21-03-00.htm>). However, the trade source also pointed out that the US would be free to invoke the SPS Agreement in a dispute and that the EU would find it difficult to justify that its proposed regulations do not fall within the scope of the Agreement.

Despite efforts by the European Commission to convince EU member states to lift the moratorium on GMO approvals, many EU member states have refused to do so until appropriate labelling and traceability regulations are in place. It will take at least another two years, however, until these regulations will enter into force (see BRIDGES Weekly, 30 October 2001; <http://www.ictsd.org/weekly/01-10-30/story4.htm>).



## Discussions on equivalency and transparency

In two informal meetings preceding the SPS Committee, Members discussed issues related to equivalence (ie mutual acceptance of another Member's risk-minimising measures that may differ in process but have an equivalent effect under Article 4 of the SPS Agreement) and transparency of notifications. Discussions on equivalence were only short after the most contentious issues had already been resolved on 24 October with the adoption of document G/SPS/19 on the implementation of Article 4 (see BRIDGES Weekly, 30 October 2001; <http://www.ictsd.org/weekly/01-10-30/story3.htm>). The document is available on line at [http://docsonline.wto.org/gen\\_home.asp](http://docsonline.wto.org/gen_home.asp).

On transparency, Brazil presented a paper suggesting that Members should be required to notify SPS measures if these were expected to have a significant trade impact. Some Members, however, argued that such a requirement would be unworkable since the impact was difficult to estimate in advance. Brazil furthermore requested that Members should not only notify their draft, but also their final measures. Brazil's proposal has been included in Annex III of the draft Ministerial text (ie outstanding implementation issues to be discussed after Doha; available at <http://www.ictsd.org/ministerial/doha/implementation26.09.01.pdf>).

The next meeting of the SPS Committee is currently scheduled for 20-21 March 2002, together with informal discussions on equivalence, transparency and technical assistance.

ICTSD Internal Files.

## **Canada - Us Softwood Lumber Dispute Continues**

Following US opposition, the Dispute Settlement Body (DSB) at its meeting on 5 November rejected Canada's request to establish a WTO dispute settlement panel to examine US countervailing duties imposed in the context of the ongoing US-Canada softwood lumber dispute. If Canada persists in its request, however, a panel will be automatically established at the next DSB meeting, scheduled for 18 December 2001.

In its request filed on 25 October, Canada argued that a US Department of Commerce's 9 August preliminary countervailing duty determination imposing 19.3 percent countervailing duties on Canadian wood products violated a series of provisions in the WTO Agreement on Subsidies and Countervailing Measures (SCM) and in the GATT. The US decision was based on allegations from US lumber producers that Canadian exporters were subsidised through low provincial cutting fees for Crown timber - known as stumpage. According to US officials, the request was "premature", given the fact that the determination of the US Department of Commerce is only preliminary; a final determination is expected in late March 2002.

The Canada-US lumber dispute has been going on for almost 20 years, during which time US softwood lumber producers have repeatedly alleged that the stumpage fees -- a tax on each harvested tree -- levied by provincial governments were below market value and

therefore constituted a subsidy to Canadian lumber producers. After a temporary truce in the form of a 1996 Softwood Lumber Agreement between the two parties, Canada has already brought the case once before a dispute settlement panel in an attempt to pre-empt a US imposition of countervailing duties (see BRIDGES Weekly, 10 July 2001, <http://www.ictsd.org/html/weekly/10-07-01/story6.htm>).

Albeit for different reasons, US environmentalists, joined by indigenous tribes, have also petitioned the US Commerce Department for countervailing duties on lumber from British Colombia (BC) and Quebec, arguing that the BC provincial government and logging industry have refused to implement federal law protecting fish habitat and land use (see BRIDGES Weekly, 15 May 2001, <http://www.ictsd.org/html/weekly/15-05-01/inbrief.htm>).

In the meantime, government-to-government talks aimed at finding a solution to the conflict outside WTO litigation have stalled after the US Department of Commerce on 31 October announced another preliminary determination to impose an average of 12.6 percent antidumping (AD) duties on Canadian lumber. The dumping duty would be added on top of the 19.3 percent countervailing duty if confirmed by the Department of Commerce's final determination in March 2002.

The US announcement triggered widespread anger in Canada. "We're up to 32 percent in tariffs ... this is outrageous, this is punitive," said Pierre Pettigrew, Canadian International Trade Minister. He furthermore echoed US critics who warn the duties will boost housing costs and harm the US economy. Some also fear that the duties will lead to mill closures in Canada, a move that would cost hundreds of jobs.

Talks, however, resumed in Washington this week despite the AD determination, and BC industry representatives speculated that a negotiated solution to the dispute could be found in four to six weeks if senior-level negotiators were brought into the talks.

"US adds 12.5 percent duty on lumber as BC groups claim talks stall," INSIDE US TRADE, 2 November 2001; "New US lumber duty triggers anger in Canada," COMTEX, 1 November 2001.

### **Us Textile Makers Attack Accelerated Trade Liberalisation**

Responding to multilateral and bilateral initiatives involving the US aimed at speeding up the liberalisation of world textile trade, the US textiles industry, spearheaded by the American Textile Manufacturers Institute (ATMI), as well as several Republican members of the US Congress have criticised developing countries attempts at the WTO to speed up the expansion of textile quotas as well as the granting of additional bilateral textiles preferences to Pakistan.

Harbinson's implementation language found "outrageous"

In a letter to US Trade Representative Robert Zoellick and Commerce Secretary Donald Evans, ATMI criticised the proposed draft Decision on Implementation (see BRIDGES Weekly, 30 October 2001, <http://www.ictsd.org/weekly/30-10-01/story4.htm>) prepared by WTO General Council Chair Stuart Harbinson as biased since it was committed to developing countries' demands to accelerate further market access for textiles.

"We urge the US government to continue to reject this concept out of hand," ATMI wrote, while emphasising that the US had so far complied with its obligations under the WTO Agreement on Textiles and Clothing (ATC) which had lead to an increase in US textile imports of 71 percent since the entry into force of the Agreement.

According to the ATC, Members have to phase out their quotas on textile and apparel products in three stages with a complete elimination of textile quotas before the end of 2004. At the same time, the Agreement provides Members with a high degree of flexibility on how quickly the elimination occurs. Under the Harbinson text on implementation issues the current schedule would accelerate by modifying the parameters for calculating how much Members' quotas have to grow from year to year (Tirets 17 & 22).

ATMI also opposes language in the draft Ministerial Declaration that calls for the reduction or elimination of tariff peaks, "in particular on products of exports interest to developing countries" (paragraph 16 of the Declaration). ATMI said that if this was a "signal for others to attack the very few US tariffs greater than 20 percent, we urge you to reject that notion."

A WTO official pointed out that this dynamic had to be seen in a wider Doha-negotiation context, where developed countries did not give up their positions without gaining a trade-off from developing countries in another area, such as on investment and competition . Furthermore, the textiles sector was described as a highly "emotional issue" for some developing countries as for them even just a few percentage points of increased market access to developed countries' markets could mean a significant gain in domestic income.

In the current debate at the US Congress on whether to grant trade promotion authority (TPA), ie allowing the US President to negotiate trade agreements which the Congress can only reject or adopt, but not amend, several Republicans of the textile caucus indicated that they would only support TPA if the Bush Administration committed itself to not reduce US tariffs on textiles or accelerate the phase-out of US quotas as negotiated in the Uruguay Round.

#### Large textile package for Pakistan opposed

According to Congressional sources, the above-mentioned Republican Members of the textile caucus -- on behalf of their textile constituents -- also objected to the proposal of a comprehensive benefits package for Pakistan put forward by the US Administration. The proposal would allow the US President to lower or suspend tariffs on Pakistani textile and clothing exports. In addition, the Bush Administration is expected to issue an executive

order shifting up to ten percent of Pakistan's quotas for 2002 into this year. The package is meant to compensate Pakistan for its efforts in fighting international terrorism.

The EC had agreed a similar initiative with Pakistan in mid-October (see BRIDGES Weekly, 23 October 2001, <http://www.ictsd.org/weekly/23-10-01/inbrief.htm#2>).

"Textile Makers Target Harbinson Implementation Proposal," INSIDE US TRADE, 2 November 2001; "Administration To Lay Out New Textile Benefits For Pakistan," INSIDE US TRADE, 2 November 2001; "European Textiles Industry Seeks Limited WTO Tariff Cut," EUROPEAN REPORT, 3 October 2001; ICTSD Internal Files.

## **Civil Society And The WTO**

### **ICTSD Activities In Doha**

As during the past three WTO Ministerial Conferences in Singapore, Geneva and Seattle (see <http://www.ictsd.org/ministerial/index.htm>), ICTSD will again aim to provide its audiences with tools for a better understanding of the issues at the crossroad between trade and sustainable development in the lead-up, duration, and aftermath of the WTO Ministerial. To this end, ICTSD will provide the following services:

#### **BRIDGES Daily Coverage**

Concerning the daily coverage of the Conference, printed and electronic BRIDGES daily updates will be delivered in English, Spanish, French and German. The updates will be distributed both on-site to governmental and NGO delegates, and electronically through the BRIDGES Weekly mailing lists. The briefings will also be posted on the ICTSD ([www.ictsd.org](http://www.ictsd.org)), Futuro Latinoamericano ([www.fulano.org](http://www.fulano.org)) and GermanWatch ([www.germanwatch.org](http://www.germanwatch.org)) websites as soon as they become available. Printed collections will later be distributed to libraries and research centres around the world.

#### **BRIDGES Monthly Review**

The current (October) Special Pre-Doha Ministerial Issue of BRIDGES Monthly has now been posted on the ICTSD website (see <http://www.ictsd.org/monthly/bridges/BRIDGES5-8.pdf>). The Post-Doha November edition will provide an in-depth analysis of the outcomes at the Ministerial Conference.

#### **Dialogues**

ICTSD will be convening dialogues/roundtables on trade and environment (as part of its Southern Agenda project) and on intellectual property rights (IPRs) and development. The organisation of these and other possible Dialogues will depend on human resources available, given the restricted number of ICTSD staff present at Doha.

#### **Research Documentation and Support Services**

Previous issues of BRIDGES Monthly and Weekly and other ICTSD printed material (IPRS and development; transparency and public participation series; all available at: <http://www.ictsd.org/pubs/index.htm>) will be distributed on-site.

### **Last-Minute Arrangements For NGOS**

At a briefing session for non-governmental organisations (NGOs) on 31 October, the WTO Secretariat outlined arrangements for the upcoming WTO Ministerial Conference.

The NGO Centre will be five minutes walk from the main Conference rooms hosted at the Sheraton Hotel in Doha. Shuttles will regularly connect the area of the hotels with the conference site.

In a situation where delegates are already concerned about their safety, tight security should come as no surprise, a trade source said. As a matter of safety, the venues of the conference and the surroundings will be accessible only for those carrying the specific accreditation badge. Similar to previous Ministerial meetings, NGOs will be allowed to attend only the plenary session of the conference without the right to speak. However, the Secretariat said NGOs will be able to interact informally with delegations as had been the case at the Seattle conference. NGO representatives and press will be able to enter the same areas although journalists will have priority in accessing press conferences.

The Secretariat will provide the NGO Centre with some 40 computers and printing facilities, six photocopying machines, phones and faxes. The NGO Centre offers one 400-seat hall; two 100-seat rooms and two 40-seat rooms that can be booked by NGOs (contact Bernard Kuiten at [Bernard.Kuiten@wto.org](mailto:Bernard.Kuiten@wto.org)).

The WTO Secretariat has also asked the organising committee to set up tables and notice boards close to the negotiating area, which will allow NGOs to announce their activities and distribute their documents. Delegates' mailboxes -- used in the past for delivering NGO documents to negotiators -- are likely to be inaccessible this time for security reasons.

Officials from the WTO will brief registered NGOs daily from 9 to 10 am about the proceedings of the Ministerial. WTO Director General Mike Moore will hold the introductory briefing on Friday morning.

The Secretariat is also planning to organise several workshops on issues of interest to NGOs such as Trade-related Aspects of Intellectual Property Rights (TRIPs) and Trade and Development. The venue and time of these events have not yet been released.

ICTSD Internal files

## **Related Events**

For a list of civil society events around the WTO Ministerial Conference, please refer to the ICTSD website at <http://www.ictsd.org/ministerial/doha/calendar.htm>.

## **Related Resources**

A NEW ROUND OF WTO TRADE NEGOTIATIONS: A TOOL FOR POVERTY REDUCTION? Published by the North-South Institute, Canada, October 2001. Available at [http://www.nsi-ins.ca/ensi/whats\\_new.html#events](http://www.nsi-ins.ca/ensi/whats_new.html#events); or for further information contact: Chantal Blouin; email: [cblouin@nsi-ins.ca](mailto:cblouin@nsi-ins.ca); fax: (1- 613) 241-7435.

EIGHT BROKEN PROMISES: WHY THE WTO ISN'T WORKING FOR THE WORLD'S POOR. Oxfam Briefing Paper No. 9, November 2001. Available at <http://www.oxfam.org.uk/policy/papers/8broken/8broken.html>.

GREENPEACE INTERNATIONAL COMMENTS AND ANNOTATIONS ON THE DRAFT DOHA MINISTERIAL DECLARATION. Available at <http://www.greenpeace.org/politics/wto/Doha/reports/GPcomments.pdf>.

A MATTER OF LIFE AND DEATH: THE ROLE OF PATENTS IN ACCESS TO ESSENTIAL MEDICINES. Published by Medicins San Frontieres (MSF), October 2001. Available at <http://www.msf.org/content/page.cfm?articleid=2B12E558-B028-4403-AF7EAA88B18BA819>. For further information contact Ellen 't Hoen: tel: (33-140) 21-2836; email: [ellen.t.hoen@paris.msf.org](mailto:ellen.t.hoen@paris.msf.org).

WORLDWIDE EVENTS AROUND THE 4TH WTO MINISTERIAL IN QATAR. The US nonprofit consumer advocacy organisation Public Citizen provides a comprehensive list of events that will take place around the world in response to the 4th WTO Ministerial in Qatar. Available at [http://www.citizen.org/hot\\_issues/issue.cfm?ID=149](http://www.citizen.org/hot_issues/issue.cfm?ID=149).

## **In Brief**

### **Andean Community Moves To Liberalise Trade In Services**

At a high-level meeting in Lima, Peru on 30 October, Foreign Trade and Integration Ministers of the five Andean countries Bolivia, Colombia, Ecuador, Peru and Venezuela decided to make an important step towards a progressive liberalisation of trade in services by approving Decision 510 on the Adoption of the Inventory of Measures that Restrict Trade in Services. The new provision will permit the citizens of the Andean Community (Comunidad Andina, CAN) to provide services in any of the other four members of the Community without incurring the application of restrictive measures, except for those listed in the inventory, which will be gradually phased out until 2005. According to CAN Secretariat officials, the decision "represents a major advance toward



liberalising trade in services...together with the free circulation of goods, capital and people, in order for the Common Market [established under the Free Trade Agreement of the Americas, FTAA] to be in place as targeted by the Presidents." For further information, consult the Andean Community website at:

<http://www.comunidadandina.org/>. "Andean Community Adopts New Measures To Liberalize Trade in Services," COMUNIDAD ANDINA PRESS RELEASE, 31 October 2001.

### **Mexico Pays Metalclad To Comply With Nafta Chapter 11**

Government and company officials on 26 October announced that Mexico's Economy Ministry has paid just over US\$ 16 million to the US-based Metalclad Corporation in order to comply with a ruling by a North American Free Trade Agreement (NAFTA) arbitration panel (see BRIDGES Weekly, 8 May 2001, <http://www.ictsd.org/html/weekly/08-05-01/inbrief.htm>). The panel, which was subsequently confirmed by an appeals court in British Columbia, Canada, had ruled that a decision of the Mexican municipality of Guadalcasar to deny Metalclad a permit to operate a toxic waste dump and to declare the site part of an ecological reserve represented an expropriation of Metalclad's investment, which was in violation of NAFTA Chapter 11 on investment. The Mexican payment represents the end of the first dispute ever under the much contested investment chapter of the NAFTA. "Mexico Pays \$ 16 Million to Metalclad, Ending First NAFTA Chapter 11 Dispute," BNA, 30 October 2001.

### **Comesa Member States Urged To Compete In Global Markets**

The Common Market for Eastern and Southern Africa (COMESA) on 1 November called on member states to become more competitive in global markets. COMESA Acting Secretary-General Songiso Ngwenya said that increased global competition is needed so that the earned foreign exchange can help improve the production rate in the regional industries. "The days of national championship are gone. We need global championship within the region and globally," Ngwenya said. He refuted allegations that the COMESA Free Trade Area has turned some member states into dumping grounds and said that, "we have put in place safeguard measures to ensure that no member state is subjected to dumping for the benefit of the other." "COMESA Member States Urged To Eye Global Market," XINHUA VIA COMTEX, 1 November 2001.

### **Eurofish Officially Established**

On 31 October, the UN Food and Agriculture Organisation announced that Eurofish, an international organisation for the development of fisheries in Eastern and Central Europe, was officially established with the signature of Romania on the constituent agreement.

Romania is the fifth member of Eurofish, joining Latvia, Albania, Denmark and Norway. The FAO expects more countries to join Eurofish at the first Governing Council session in Copenhagen next January. Eurofish plans to build on activities of Eastfish, a trust fund project founded by the Danish Government in 1996, created to support the development and modernisation of aquaculture and fish processing, promote private sector investment, develop projects with governments and act as a catalyst for trade and market opportunities. In addition, Eurofish is a member of INFOnetwork, a regional marketing information services network set up by the FAO in the 1970s. "New Organization Established To Develop Fisheries In Europe," UN WIRE, 31 October 2001.

## **WTO In Brief**

### **Security Concerns For Doha Despite Reassurances By Bin Laden**

According to reports by the WTO Secretariat, the Qatari and Pakistani secret services and the governments of the US, Pakistan and Qatar, Osama bin Laden, who is being held responsible for the recent terrorist attacks on the World Trade Centre in the US, has guaranteed that no attacks will occur during the WTO Ministerial Conference in Doha, Qatar. The reassurances followed threats by the Qatari government that it would close the Qatari TV station -- which has broadcast bin Laden's speeches in the past -- in case of terrorist attacks. US delegates are nevertheless increasingly concerned for their security after receiving classified briefings warning delegates of possible terrorist attacks and informing them that they will be provided with emergency gear, including medical supplies and gas masks, once they land in Qatar. The US delegation, which was originally expected to include more than 150 people, has now been reduced by about two-thirds. Only three cabinet members will attend the WTO meeting, including US Trade Representative Robert Zoellick, Commerce Secretary Donald Evans, and Agriculture Secretary Ann Veneman. "Warning stir anxieties over WTO meeting, WASHINGTON POST, 1 November 2001; "Angebliche Zusicherungen by Bin Laden," DER BUND, 6 November 2001.

### **ACP-EU Joint Parliament Assembly Supports Developing Countries On Trips**

The Joint Parliamentary Assembly of the EU and the African, Caribbean and Pacific Groups of States (ACP) at their meeting on 28 October - 1 November in Brussels, Belgium, called on EU member states and the European Commission to support developing countries' position on intellectual property rights and public health. To this end, they should work towards incorporating a provision into the WTO Ministerial Declaration acknowledging that "nothing in the TRIPS agreement must be used to prevent WTO Members from taking measures to protect public health". So far, such a provision -- strongly advocated by developing countries -- has been met with serious resistance from several developed countries, most notably the US and Switzerland (see BRIDGES Weekly 30 October 2001; <http://www.ictsd.org/weekly/01-10-30/story2.htm>). The Assembly furthermore adopted a resolution on WTO, noting that the multilateral



trading system is still marked by unequal participation and the uneven distribution of the benefits of world trade. ICTSD Internal Files.

### **Supachai: Separate Track For Social And Non-Tariff Issues**

Attending the World Economic Forum (WEF) East Asia Economic Summit held in Hong Kong from 29-31 October, Supachai Panitchpakdi, Director- General Designate of the WTO, said he expected to see the WTO to merge economic and development concerns at the Doha Ministerial commencing on Friday this week, so as to make sure that developing countries receive "equal treatment in the new round". As both market access and non-tariff issues such as labour, environment and investment will be on the agenda, Supachai proposed to handle social issues in a second track as agreeing on them would take longer than the market access portion of the talks. He stated that social issues must not be neglected, but countries should not be penalised for their lack of social engagement. In terms of a timeframe, he suggested to mandate tasking committees to elaborate ways to initiate the non-tariff negotiations and report to the next Ministerial meeting in two years time. He further reiterated his suggestion to have a separate forum deal with issues such as genetically modified organisms (GMOs), dumping and intellectual property rights (IPRs). Supachai stated that some of the proposals dealing with non-tariff concerns would change the WTO from an organisation promoting trade liberalisation to a more rulemaking body, and "rulemaking needs delicate negotiations and may take longer," he said. The forthcoming WTO chief also called for more transparency of the WTO, which he considered a prerequisite for gaining public support. "Ministerial: Next WTO Chief Supachai Outlines Proposals For Separate Talks on Tariff, Nontariff Issues," WTO REPORTER, 5 November 2001; "New Trade Round At Doha Gets Thumbs Up From Asia," WEF PRESS RELEASE, 31 October 2001.

## **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**

29 October - 9 November, Marrakesh, Morocco: SEVENTH CONFERENCE OF THE PARTIES TO THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE. For further information, contact: UNFCCC Secretariat, Germany; tel: (49-228) 815- 1000; email: [secretariat@unfccc.int](mailto:secretariat@unfccc.int); Internet: <http://www.unfccc.int/>. >From IISD Linkages, <http://www.iisd.ca/linkages/journal/>.

31 October - 13 November: ONLINE DEBATE ON GENE TECHNOLOGY. An online event organised by the Terlouw Commission, the European Network University and the Biotechnology and Development Monitor. For further information, contact:

Biotechnology and Development Monitor, tel: (31 20) 561-8163; email: lorch@biotech-monitor.nl; Internet: <http://www.southernvoices.nl>.

2-13 November, Rome, Italy: 31ST SESSION OF THE FAO CONFERENCE. For further information, contact: FAO Secretariat, tel: 39-065-7051; fax: 39- 065-705-3152; Internet: <http://www.fao.org/unfao/bodies/conf/c2001/c2001-e.htm>.

4-23 November, Darlington, UK: FARMING FOR BETTER GOOD: SOLUTIONS TO THE GLOBAL CRISIS IN AGRICULTURE. Hosted by the Schumacher College. The symposium, led by three leading experts in agriculture (Tim Lang, Mark Ritchie and Jules Pretty), will focus on the reasons of the global food and farming crisis and will examine in a cross-disciplinary context viable and practical solutions. For further information, contact: Administration, Schuhmacher College, Darlington; tel: (44-1803) 865 934; fax: 866 899; email: schumcoll@gn.apc.org; Internet: <http://www.gn.apc.org/schumachercollege/collprog.htm>.

7-9 November, Accra, Ghana: INTERNATIONAL FORUM ON NATIONAL SUSTAINABLE DEVELOPMENT STRATEGIES. The meeting is in preparation for the World Summit on Sustainable Development and organised in collaboration with the Government of Ghana, DFID/UK, the Danish Government and UNDP/Capacity 21. For further information, contact: ESA Secretariat, email: rohrmannk@un.org; Internet: <http://www.un.org/esa/sustdev/decmake1.htm>. From IISD Linkages, <http://www.iisd.ca/linkages/journal/>.

12-16 November, Montreal, Canada: SEVENTH MEETING OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE. For further information, contact: tel: (514) 288-2220; fax: 288-6588; email: secretariat@biodiv.org; Internet: <http://www.biodiv.org/meetings/sbstta-07.asp>. From Linkages: <http://www.iisd.ca/linkages/journal/>.

12-16 November, Caracas, Venezuela: WORKSHOP ON RISK MONITORING AND PUBLIC PERCEPTION OF BIOTECHNOLOGY. Organised by Efrain G. Salazar Yamarte (Centro Nacional de Investigaciones Agropecuarias/CENIAP, Maracay, Venezuela) and Rafael Rangel Aldao (Centro Tecnológico Polar, Caracas, Venezuela). For further information, contact: Efrain G. Salazar Yamarte; tel: (58- 43) 471-066; fax: 471-066, 831-421; email: efra63@hotmail.com; Internet: <http://www.icgeb.trieste.it/TRAINING/CRS01/crsps01.htm>. 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.

9 November, Qatar, Doha: WTO FORMAL INAUGURAL SESSION OF THE FOURTH MINISTERIAL CONFERENCE.

10 - 13 November, Qatar, Doha: WTO FOURTH MINISTERIAL CONFERENCE. For information contact: Keith Rockwell, WTO Information and Media Relations Division, (41-22) 739-5015.

### **Other Forthcoming Events**

15-16 November, Vienna, Austria: CONFERENCE ON "THE ROLE OF PRECAUTION IN CHEMICALS POLICY". The symposium, organised by the Austrian Federal Ministry for Agriculture, Forestry, Environment and Water Management will analyse the status of the principle of precaution which is considered to be one of the most important principles of environmental law for anticipating and avoiding environmental damage before it occurs. For further information, contact: Cornelia Mader, Vienna; tel: (43-1) 51522-2337; fax: 51522-7334; email: Cornelia.Mader@bmu.gv.at

3-22 February, 2002, Darlington, UK: EXPLORING GLOBALISATION. Hosted by the Schumacher College. The symposium, led by Ann Pettifor, Tariq Banuri and Wolfgang Sachs, will explore the many impacts of globalisation on people and the planet - economic, social and ecological. For further information, contact: Administration, Schuhmacher College, Darlington; tel: (44-1803) 865-934; fax: 866-899; email: schumcoll@gn.apc.org; Internet: <http://www.gn.apc.org/schumachercollege/collprog.htm>

12-21 February, 2002, New York, US: 40TH SESSION OF THE UN COMMISSION FOR SOCIAL DEVELOPMENT. At its 40th session, the Commission for Social Development will focus on the 'Integration of social and economic policy.' Key topics to be discussed include: social aspects of macro- economic policies, social assessment as a policy tool, and expenditures in the social sector as a productive factor. For further information, contact: ESA Secretariat, email: esa@un.org; Internet: <http://www.un.org/esa/socdev/csd/2002.htm>.

8-26 April 2002, The Hague, Netherlands: SIXTH MEETING OF THE CONFERENCE OF THE PARTIES (COP-6) & FIRST MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY (MOP1). For information contact: CBD Secretariat, Montreal; tel: (514) 288-2220; fax: 288-6588; email: secretariat@biodiv.org; Internet: <http://www.biodiv.org>.

### **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

Hugo Cameron, [hcameron@ictsd.ch](mailto:hcameron@ictsd.ch). Submissions of publications to ICTSD's documentation centre would also be welcome (contact Marc Galvin, [mgalvin@ictsd.ch](mailto:mgalvin@ictsd.ch)).

BRIDGES MONTHLY REVIEW. Published by ICTSD, Year 5, Number 8, October 2001. The pre-Doha edition is now available online at:  
<http://www.ictsd.org/monthly/index.htm>.

UNEP PREPARATIONS FOR DOHA FOURTH MINISTERIAL CONFERENCE. UNEP has released two new synthesis papers prior to the Fourth WTO Ministerial Conference (Doha, Qatar, 9-13 November). These papers on "Economic Reforms, Trade Liberalisation and the Environment: a Synthesis of UNEP Country Projects", and "Enhancing Synergies and Mutual Supportiveness of Multilateral Environmental Agreements (MEAs) and the WTO" summarise results of country projects, policy analysis and international meetings conducted by UNEP's Economics and Trade Unit over the past two years. For more information, visit <http://www.unep.ch/etu/doha/> or contact Charles Arden-Clarke, tel +41 22 917 8179, (email: [etu@unep.ch](mailto:etu@unep.ch))

DIFFERING US AND EUROPEAN PERSPECTIVES ON GMOS: POLITICAL, ECONOMIC AND CULTURAL ISSUES. By C. Ford Runge, Gian-Luca Bagnara, & Lee Ann Jackson. Published in the JOURNAL OF INTERNATIONAL LAW AND TRADE POLICY 2001. This paper provides an overview of the historical and cultural factors that have contributed to divergent US and European views on GMOs, and to resulting different national regulatory approaches for these products, specifically labeling policy. Available online at [http://128.233.58.173/estey/j\\_html/viewer.php?FILE=runge2-2&ABSTRACT=YES&ARCHIVE=NO](http://128.233.58.173/estey/j_html/viewer.php?FILE=runge2-2&ABSTRACT=YES&ARCHIVE=NO).

THE GREENING OF THE WTO. By Michael Weinstein and Steve Charnovitz. Published in FOREIGN AFFAIRS, November/December 2001, p.147. The article declares that the reputation of the WTO as a threat to the environment is largely undeserved. For further information on the article contact Steve Charnovitz: email: [scharnovitz@wilmer.com](mailto:scharnovitz@wilmer.com).

UNRESTRICTED MARKET ACCESS FOR SUB-SAHARAN AFRICA: HOW MUCH IS IT WORTH AND WHO PAYS? By Elena Ianchovichina, Aaditya Mattoo, and Marcelo Olarreaga. Published by the World Bank, April 2001. The paper examines the global effects of the initiatives of the EU, Japan, and the US to improve market access for the poorest countries. The paper is available online at:  
<http://econ.worldbank.org/view.php?type=5&id=1715>.

## **PRE-MINISTERIAL WTO DOCUMENTS**

THE WTO-WHY IT MATTERS. A guide for officials, legislators, civil society and all those interested in international trade and global governance. Web address: [http://www-chil.wto-ministerial.org/english/thewto\\_e/minist\\_e/min01\\_e/wto\\_matters\\_e.pdf](http://www-chil.wto-ministerial.org/english/thewto_e/minist_e/min01_e/wto_matters_e.pdf).

WTO PRESS PACKET. The briefing notes are designed to help journalists and the public understand the key issues of the Doha Ministerial Conference. Web address:

[http://www-chil.wto-ministerial.org/english/thewto\\_e/minist\\_e/min01\\_e/brief\\_e/doha\\_presspack\\_e.pdf](http://www-chil.wto-ministerial.org/english/thewto_e/minist_e/min01_e/brief_e/doha_presspack_e.pdf).

THE WTO CAPACITY BUILDING AND DEVELOPMENT-A PROPOSAL. The document describes the Secretariat's contribution through technical assistance and training for officials in developing countries, to building their capacity to take full advantage of the multilateral trading system. Web address: [http://www-chil.wto-ministerial.org/english/thewto\\_e/minist\\_e/min01\\_e/capbuilddev\\_e.pdf](http://www-chil.wto-ministerial.org/english/thewto_e/minist_e/min01_e/capbuilddev_e.pdf).

## **ELECTRONIC RESOURCES**

INTERPORTAL.CH. This internet portal for cooperation and development was implemented by the Swiss Coalition of Development Organisations, Erklärung von Bern, cinfo, Swissaid and the Swiss Tropical Institute, and will involve over 30 organisations, including charities, political and cultural organisations. Interportal.ch aims to enable a wide range of groups to exchange varied information and to network by providing up-to-the-minute news, background reports, as well as campaign and event announcements. The main language of the portal is German, with French and English versions to be introduced over time. For further information, see <http://www.interportal.ch>

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*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 Heike Baumüller, Morgan Croney, David Primack, Matteo Rizzolli, Alex Werth, Caroline Wiman and Jason Yost. This edition of BRIDGES Weekly Trade News Digest was edited by Hugo Cameron, [hcameron@ictsd.ch](mailto:hcameron@ictsd.ch). Managing Editor is Andrew Crosby, [acrosby@ictsd.ch](mailto:acrosby@ictsd.ch). The Director is Ricardo Meléndez-Ortiz, [rmelendez@ictsd.ch](mailto: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: 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.*

*BRIDGES Weekly Trade News Digest is possible in 2000-2001 through the generous support of: the Governments of Switzerland (SECO) and the United Kingdom (DFID) and the Rockefeller Foundation. It also benefits from ICTSD's core funders: the Governments of Finland, Denmark, the Netherlands and Sweden; Christian Aid (UK),*

*IUCN The World Conservation Union, MISEREOR, NOVIB (NL), Oxfam (UK) and the Swiss Coalition of Development Organisations (Switzerland).*

*ISSN 1563-003X*