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Ministerial Texts Available Online

The texts adopted at the Fourth WTO Ministerial Conference in Doha, Qatar, on 15 November (Ministerial Declaration; Declaration on TRIPs and Public Health; and Draft Decision on Implementation-Related Issues and Concerns) are available online at <http://www.ictsd.org/ministerial/doha/relevantdoc.htm>.

Lead Stories

Comprehensive Trade Round Broadens Scope Of Discussions In The WTO

After a final marathon of round-the-clock negotiations and almost 20 hours past their deadline, the WTO's 142 Members adopted a Ministerial Declaration on 14 November, launching a new round of trade negotiations -- the ninth in the WTO's history -- set to conclude by 2005. The eagerness of many Members to start a new round in order to infuse life back into the organisation following the failure of its last Ministerial, in Seattle in 1999, provided the political impetus to arrive at a Declaration that all could live with. Taken as a whole, the documents broaden the scope and depth of issues under negotiation by WTO countries.

According to the Declaration, "the conduct, conclusion and entry into force of the outcome of the negotiations shall be treated as parts of a single undertaking", though agreements reached at an early stage may be implemented on a provisional or definitive basis. Only the negotiations on 'improvements and clarifications' of the Dispute Settlement Undertaking -- in a limbo since the collapse of the Seattle Ministerial -- will be conducted outside the 'single undertaking'.

The Doha Ministerial Declaration was accompanied by a Decision on Implementation-related Issues and Concerns that contained almost 50 paragraphs detailing specific areas of the WTO where developing countries had been seeking resolution or re-balancing. Another significant outcome of the talks was a Declaration on Trade-related Aspects of Intellectual Property Rights (TRIPs) and Public Health that stands to help poor countries safeguard measures to protect public health and access to medicines. In addition, the EU and 71 African, Caribbean and Pacific (ACP) countries were able to bring opposing Members on board to agree to a WTO waiver for their preferential EU- ACP 'Cotonou' market access arrangement (see related story, this issue).

The new Declaration has given Members the mandate to engage in negotiations on a variety of issue-areas. These include traditional items on the WTO's 'built-in agenda', such as agriculture and services, as well as negotiations on environment, industrial tariffs, antidumping, fisheries subsidies, regional trade agreements, and dispute settlement. The Declaration also establishes future negotiations on the so-called 'Singapore' issues of investment, competition policy, transparency in government procurement, and trade facilitation, despite strong opposition by many developing countries.

Development-related provisions

Some observers in Doha speculated that developing countries, most of whom had initially opposed a comprehensive round, ended up coming on board partly because they did not expect texts with more development- friendly language anytime in the near future. According to the ACP secretariat, the waiver was a crucial reason for agreeing to negotiations in such a wide array of areas. Reasonably strong capacity building and technical assistance language for developing countries throughout the texts was also instrumental for obtaining developing country support. Nevertheless, some

developmental NGOs were extremely critical of the final Declaration (see related story, this issue).

The Declaration contains various references to development-related issues, including, inter alia, a work programme for the fuller integration of small economies [notably without creating a sub-category of WTO Members]; a framework for the WTO's technical assistance activities (para. 38-41); and a work programme for LDCs designed by the Sub-Committee on LDCs. Members also agreed to establish two Working Groups on Debt and Finance, and Technology Transfer, as had been repeatedly called for by various developing countries -- which are instructed to forward their results to the next Ministerial Conference in 2003.

The Declaration furthermore commits the WTO's Budget Committee to develop a plan for adoption by the General Council in December 2001 to ensure that adequate funds are available for technical assistance. In addition, para. 41 lists issue areas for which Members commit themselves on technical cooperation and capacity Building. The Declaration also commits Member countries to the objective -- but only the objective -- of duty-free and quota-free access for products originating from LDCs.

Regarding Special and Differential Treatment, para. 44 of the Ministerial Declaration "takes note" of developing countries' proposals to negotiate a Framework Agreement on Special and Differential Treatment (WT/GC/W/442), but proposes no action on it. Instead, ministers agree that all S&D provisions "shall be reviewed with a view to strengthening them and making them more precise, effective and operational".

Environment moves onto WTO agenda

In an unprecedented move for the WTO, Members agreed to launching negotiations immediately on three environmental issue-areas: (i) the relationship between WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs); (ii) procedures for regular information exchange between MEA secretariats and the relevant WTO committees, and the criteria for the granting of observer status; and (iii) the reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services.

However, a qualification on (i) saying that the negotiations "shall not prejudice the WTO rights of any Member that is not a party to the MEA in question" has environmental groups such as Greenpeace concerned that this could in fact prove to be a powerful disincentive for getting countries to sign on to MEAs. "These are loopholes for the US so it can duck the MEA issue," said Remi Parmentier of Greenpeace. A qualifying paragraph further waters down the effect of the WTO-MEA provision -- which was sought by the EU -- by saying that the negotiations on (i) and (ii) "shall not add to or diminish the rights and obligations of Members under existing WTO agreements". According to sources, this shifts the possible outcomes of negotiations on these points away from rule changes and towards clarifications or footnotes to existing rules.

During the forthcoming negotiations, the Committee on Trade and Environment (CTE) and the Committee on Trade and Development (CTD) are mandated to act as fora to identify and debate developmental and environmental aspects of the negotiations "in order to help achieve the objective of having sustainable development appropriately reflected". As one environmental organisation representative pointed out, this provision

could help to elevate and focus the mandate of the CTE, where environmental discussions have remained at the purely analytical level since the WTO's creation in 1995.

Members also agreed to conduct negotiations on clarifying and improving WTO disciplines on fisheries subsidies, "taking into account the importance of this sector to developing countries" (para. 28). This issue had been pushed in the Committee on Trade and Environment in particular by the Philippines, Iceland, and the US, as well as by many environmental groups who have repeatedly pointed to fisheries subsidies as a one of the main factors contributing to overcapacity and consequently overfishing.

Implementation

The Declaration commits Members to launching negotiations on outstanding implementation issues outlined in an accompanying Decision on Implementation-related Issues and Concerns (see BRIDGES Weekly, 30 October, <http://www.ictsd.org/weekly/01-10-30/story3.htm>). Dating back to before the failed Seattle Ministerial Conference in 1999, developing country Members have been pushing developed countries to address imbalances stemming from the Uruguay Round Agreements.

While developing countries did not succeed in having their desired text on 'growth-on-growth' provisions on textiles included, they did come away from the Doha negotiations with some payoffs on implementation. These included favourable language on balance-of-payments restrictions and non-actionable subsidies. Additionally, compromise language was found between the 26 September and 27 October draft language pertaining to eligibilities for LDC exemption from subsidy removal commitments. In particular, the qualification of requiring three consecutive years of GNP over \$US1000 in 1990 dollars for the revoking of this exemption was reinstated, although the decision to allow up until 2003 for it to enter into effect (via the requirement for methodologies to calculate the 1990 dollars) was retained.

With respect to the 'growth-on-growth' textile provisions sought, these have now been given to the Committee on Trade in Goods for examination, which must make recommendations by 31 July 2002. As well, the provision related to the application of trade remedies on textiles, originally committing Members to exercise "consideration and restraint before initiating investigations" has been watered down by the removal of the word 'restraint' and further text qualifying how long countries would need to exercise their "consideration".

Furthermore, on textiles, Canada and the US maintained that the WTO's special treatment regime governing textiles and clothing would expire in 2005, leaving Members with antidumping, tariff escalation and tariff peaks as the main obstacles to developing country textile exports. They said that developing country concerns on textiles could be dealt with at that point under the Declaration's section on market access for non-agricultural products, which mandates Members to negotiate reductions in tariff and non-tariff barriers, in particular on products of interest to developing countries.

A number of proposals submitted by LDCs, relating primarily to financial and technical assistance for responding to the impact of the agreements on Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary Measures (SPS), were also incorporated into the Decision. Another such proposal accepted relates to applications for extensions under the investment-related TRIMs agreement.

Despite staunch attempts by the US to weaken the language on antidumping, the Decision retained the language from the original 26 September draft.

A great number of implementation issues will be dealt with by the relevant WTO bodies, which will report to a wider Trade Negotiations Committee by the end of 2002 for 'appropriate action'. Thus implementation issues will not receive special attention as an issue on their own, as many developing countries had pushed for, but will rather be folded into the wider mix of negotiations.

Agriculture

As expected, agriculture remained the toughest nut to crack. At the end of a long week, and an interminable last night, the EU had to accept the unacceptable: included in the comprehensive agricultural negotiation mandate are "reductions of, with a view to phasing out, all forms of export subsidies". Other major features of the agricultural mandate are substantial improvements in market access and substantial reductions in trade-distorting domestic support.

A key demand of developing countries, the creation of a 'development box', remains possible in the course of the post-Doha agriculture talks, as the Ministerial Declaration agrees that "'special and differential treatment for developing countries shall be an integral part of the negotiations" to enable developing countries "to effectively take account of their development needs, including food security and development" (para. 13). Modalities for commitments and special and differential treatment will be established by 31 March 2003, i.e. the expiry date of the 'peace clause' that currently shields agricultural subsidies from dispute settlement challenges.

Singapore Issues

The study process underway in the WTO since the Singapore Ministerial on investment and competition policy rules, transparency in government procurement and trade facilitation will continue until at least the WTO's Fifth Ministerial Conference in 2003. The investment working group should concentrate, inter alia, on the modalities for pre-establishment commitments based on a GATS-type, positive list approach; development provisions; exceptions to balance-of-payments safeguards, as well as consultation and dispute settlement. Members agreed that negotiations would take place after the Fifth Session, provided that Members can decide on the modalities of the negotiations "by explicit consensus".

In his final statement, the Chair of the negotiations, Yusef Hussain Kamal, again stressed this need for consensus. "In my view, this would give each Member the right to take a position on modalities that would prevent negotiations from proceeding after the Fifth Session of the Ministerial Conference until that Member is prepared to join in an explicit consensus" (for the full text of the clarification, see <http://www.ictsd.org/ministerial/doha/relevantdoc.htm>). It remains unclear, however, what the legal status of the Chair's clarification will be since it will only be added to the minutes of the Conference, but not to the Ministerial Declaration.

Industrial Tariffs

While agreement on the industrial tariff negotiations launched at Doha came relatively painlessly to some WTO Members, most African and LDC Members, found the pill bitter. Their pre-Doha statements, as well as many interventions during the Ministerial, clearly stated that they were not prepared to take on further liberalisation in trade in goods before studies had been conducted on its impact on their economies. These concerns were not adequately reflected either in the final draft or the actual Declaration, although the latter provides "appropriate studies and capacity-building measures" to assist LDCs to participate effectively in the negotiations.

Among gains to developing countries is the promise that the negotiations shall aim to reduce or "as appropriate" to eliminate not only tariffs, but also tariff peaks and escalation, as well non-tariff barriers "in particular on products of export interest to developing countries".

Rules

Despite US resistance, negotiations aimed at 'clarifying and improving' disciplines on Subsidies and Countervailing Measures (SCM), and in particular on antidumping measures, were included in the final draft. The open-ended negotiations would preserve the "basic concepts, principles and effectiveness" of the antidumping and SCM Agreements. Negotiations were also launched on clarifying and improving disciplines and procedures under the existing WTO provisions on regional trade agreements.

Countries involved in finalising the Ministerial texts in the so-called "green room" negotiations included Australia, Botswana, Brazil, Canada, Chile, the EC, Egypt, Guatemala, Hong Kong, India, Japan, Kenya, Malaysia, Mexico, Nicaragua, Pakistan, Qatar, Singapore, South Africa, Switzerland, Tanzania, the US, and Zambia.

A more in-depth analysis of the outcomes of the Ministerial Conference will be forthcoming in the BRIDGES Monthly Review. ICTSD Internal Files.

EC-ACP Cotonou Waiver Finally Granted

On the sidelines of the WTO Ministerial Conference, WTO Members on 14 November finally granted a waiver to EC allowing it to give preferential market access for the African, Caribbean and Pacific (ACP) Group of Countries, the last waiver under the Lome Convention which will be replaced by Free Trade Agreements between the EC and ACP countries in 2008 under the Cotonou Agreement (see BRIDGES Weekly, 9 October 2001, <http://www.ictsd.org/html/weekly/story1.27-06-00.htm>).

The waiver also covers EC-ACP banana trade with the additional provision that third parties, such as Latin and Central American banana exporting countries, have the right to request arbitration prior to future EC banana tariffs going into effect on 1 January 2006. In addition, the approved waiver will be suspended if the EC fails to perpetuate the current market access for non-ACP banana imports. "The ACP can accept this price for the waiver and zero-tariff treatment on bananas," an ACP spokesperson stated.

In addition, a second waiver on the compatibility of the transitional EC banana regime beginning 1 January 2002 [as agreed in the bilateral Understandings between the EC and Ecuador and the US, respectively, in order to settle the ongoing banana dispute (see BRIDGES Weekly, 9 October 2001, <http://www.ictsd.org/weekly/01-10-09/story5.htm>)] has only been granted until the end of 2005. Thereafter, a tariff only import regime will be implemented. (Texts of the waivers are available at <http://www.ictsd.org/issarea/africa/index.htm>).

The early expiry date of the second waiver, as well as the EC's commitment to phase out its import quotas on bananas and replace them with tariffs by 2006, were the key factors that finally won over a number of Latin American banana-exporting countries, such as Colombia, Costa Rica, Ecuador, Honduras and Panama. These countries had originally objected to the waiver until the EC demonstrated good faith efforts in implementing its revised banana regime, which allocates a separate banana tariff quota of 750,000 tons exclusively for ACP countries.

The two waiver agreements are said to have removed a major logjam in the Doha negotiations as the 78 ACP countries (56 of which are Members of the WTO) had previously threatened to oppose any new trade negotiations -- especially on Singapore issues, environment and labour - - unless the EC waiver request was approved at the Ministerial Conference. In contrast, the Philippines -- initially supported by Thailand, Ecuador, Costa Rica, Honduras, Panama and others -- had objected to discussing the waiver, saying the issue was totally unrelated to the wider Doha agenda. However, even though the issue is technically and formally delinked from the Ministerial package, the failure of WTO Members to reach an agreement at last week's meeting of the WTO Council for Trade in Goods (CTG) in Geneva had effectively pushed the waiver issue to the Conference.

However, it was unclear to the very last moment whether the Philippines and Thailand would block the Cotonou waiver request due to objections raised by the countries over the EC's preferential treatment of canned tuna imports from the ACP within the Cotonou framework. However, according to Filipino official Edsel Custodio, these countries had never threatened to disapprove the waiver although "the EU gave the impression that we had" - referring to corresponding rumours prior to the reached agreement.

"Deal Struck On EU Waivers As Latin Americans Drop Banana Demands," INSIDE US TRADE, 14 November 2001; "Global Trade Deal Near After All- Night Talks In Doha," FT, 14 November 2001; "ACP Countries Issue A Common Position On Doha Ministerial," SUNS, 6 November 2001; "ACP Countries Push For Approval Of EU Banana Waivers At Doha," INSIDE US TRADE, 12 November 2001; ICTSD Internal Files.

Civil Society And The WTO Ministerial

TRIPs-Public Health Accord Seen As Bright Spot By Civil Society

One of the most hard-fought battles pitting NGOs and developing countries against some of the richer WTO Members -- that of access to medicines and public health in relation to the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPs) -- has

passed a major milestone with the adoption of the Declaration on TRIPs and Public Health at the Fourth WTO Ministerial Conference. Whether the Declaration will actually improve access to medicines, however, will depend on the extent to which developing countries make use of the flexibilities in the TRIPs Agreement, and on the yet to be tested legal strength of the Declaration.

Civil Society welcomes Declaration on TRIPs and Public Health

In what one representative of Oxfam International referred to as a "very welcome, significant shift allowing for the re-interpretation of the TRIPs Agreement", joint efforts by developing countries and NGOs seem to have paid off as WTO Members adopted a Declaration clarifying that "the TRIPs Agreement does not and should not prevent Members from taking measures to protect public health," in particular in relation to access to medicines (see BRIDGES Daily Ministerial Update, 13 November 2001, http://www.ictsd.org/ministerial/doha/wto_daily/index.htm).

According to Mark Ritchie of the Institute for Agriculture and Trade Policy (IATP), "this is the first and so far only real outcome of these talks. And it's a giant victory for civil society." While Ritchie pointed to the importance of NGO involvement in defeating "the combined power of the global pharmaceutical industry and their allies in the governments of the US, Germany, the UK, Switzerland, Australia and Canada", Michael Bailey from Oxfam stressed the pre-eminent role of developing countries. "NGOs should take their hats off to developing countries for standing firm on this," said Bailey. "The role of NGOs has been secondary in bringing about this political change; our main achievement is probably a contribution to stiffening the resolve of developing countries not to give in to the political pressures they have been under."

Many civil society groups, including the NGO Médecins sans Frontières (MSF), stressed that the consensus expressed by the Declaration on TRIPs and Public Health will force rich countries to "think twice" before attacking poor Members' public health policies in WTO dispute settlement procedures. This, it is hoped, will work as an incentive for Health Ministries to take the decisions necessary to bring down the cost of medicines and increase access to life-saving treatments without fear of "being dragged into a legal battle."

Some NGOs, however, were more reserved in their embrace of the Declaration. In particular, many voiced disappointment that Members had missed the opportunity to resolve the question of imports of generic medicines for countries that do not themselves have the manufacturing capacity to produce such drugs. [According to Par. 6 of the Declaration, this question was referred to the TRIPs Council, which was instructed to report to the General Council by the end of 2002.] Others said that although the Declaration meets developing countries demands as formulated in the run-up to Doha, the final provisions constitute a very 'watered down' version of their initial demands. Some also criticised the absence of legally binding language in the Declaration.

Other civil society concerns

Civil society groups have also voice concerns regarding the newly adopted Ministerial Declaration, and other issues discussed at the Conference (see also BRIDGES Monthly, October 2001, available at <http://www.ictsd.org/monthly/archive.htm>).

Regarding the Ministerial Declaration, the NGO 'Focus on the Global South' pointed out that the text continued to be highly detrimental to the interests of developing countries, in that it relegates developing country issues such as implementation to the margins. The Thailand-based NGO also noted its disapproval of what it perceives as an open door contained in the Ministerial Declaration to expand WTO jurisdiction to issues such as labour standards -- an issue it contends should be dealt with outside the WTO through an organisation such as the International Labour Organization (ILO). These sentiments were echoed by a group of nine NGOs from various African and Asian countries which condemned attempts to re-introduce core labour standards in the WTO negotiations. "Why do they [the EU and other supporting countries] think that one size can fit all", the coalition asked. "Their issues are entirely different from our issues... In our case... it is not the matter of choosing the best work conditions. It is a matter of subsistence and livelihood."

Reacting to the outcome of the Ministerial Conference, IATP's Trade Director Sophia Murphy labelled the final agreement as a "Corporate Development Round" that was very "friendly to corporate interests." "Development Round?" said Murphy. "Well I think we certainly will see developments, but I don't think it will be economic growth in developing countries, let alone any shift to rebalancing our increasingly distorted global economic system, where a smaller and smaller number of people are getting richer and richer."

Despite various development-related provisions (see related story, this issue), some developmental NGOs were extremely critical of the final Declaration. Third World Network in a statement said that from a development perspective the document "is even more unfair and biased against developing countries [than the draft that fed into Doha]. Adopting it will mean a surrender to the designs of the EU, US and other developed countries for their firms and products to take over the business of local firms in developing countries."

On civil society events during the Ministerial Conference, see related story, this week.

"Afro-Asian NGO Coalition condemns the reintroduction of labor standards on the ministerial agenda," PRESS RELEASE, 12 November 2001; "WTO Declaration on TRIPs and health: the fight is not over," PRESS RELEASE, 13 November 2001; "Day four - hot and sweaty in Qatar," IATP, 13 November 2001; "Revised Ministerial draft Declaration: still harmful to interests of developing countries," FOCUS ON THE GLOBAL SOUTH, 13 November 2001; "Views on the draft Declaration on the TRIPs Agreement and public health," FOCUS ON TRADE, 14 November 2001; ICTSD Internal Files.

NGOs Pursue New Avenues To Get Their Voice To The Table

As the World Forum on the WTO, hosted in Beirut, Lebanon, came to a close on 8 November, the hostile words coming from its final declaration did not bode well for the long-suffering relationship between the World Trade Organization (WTO) and civil society. In order to help overcome some of the difficulties in interacting with the organisation, many NGOs have adopted a more varied approach, ranging from the street protests seen at the 1999 Ministerial Conference in Seattle to research assistance to direct participation through national delegations. The overall strategy appears partially

successful, at least with respect to the sensitive issue of the relationship between the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) and public health (see related story, this issue).

From Seattle to Doha

In order to repair the pervasive mistrust held by civil society towards the multilateral trading system after the "Battle in Seattle", many observers expected the WTO to engage with critical NGOs in a more transparent and constructive manner.

Two years later, the concluding phrase of the final declaration from the World Forum on the WTO (available at:

<http://www.worldforumbeirut2001.org/english/finaldeclaration.htm>) left little room for optimism. It reads "[if] the WTO does not [change its mechanisms and content], then any meeting, wherever it may be, will become another Seattle." This sentence, along with other parts of the declaration, confirms the widely held impression that WTO relations with civil society have not become as amicable as some might claim.

Many NGOs note the WTO's lagging track record for engaging with civil society, saying it contains little meaningful interaction and has thus exacerbated their mistrust and frustration towards the organisation. They go on to say that the choice of the venue for the Ministerial Conference, as well as the process of accreditation for NGOs, has confirmed for them that this has not changed post-Seattle.

While the Qatari government did not explicitly forbid protests to occur, the limiting of the number of visas given to representatives of civil society (see BRIDGES Weekly, 11 September, 2001; <http://www.ictsd.org/weekly/01-09-11/story2.htm>) did make any significant demonstration 'physically' impossible. One can only speculate on the impact of a virtual absence of 'protesters' in Qatar, however one newspaper, in comparing the two, commented "the contrast with the Seattle meeting, [where street protest contributed to the failure of the meeting], could hardly be greater".

Protest locally

Given the difficulty of voicing discontent directly in Doha, a number of NGOs called for an "International Day of Protest Against the WTO". Instead of focusing their efforts on the Ministerial venue itself, events in 30-40 countries were organised for 9 November (the opening day of the conference) and throughout the weekend. (A list and comprehensive report of the protests are available from the Independent Media Center website, <http://www.indymedia.org>). Protests took place in cities such as Paris, Bangkok, Washington, Hong Kong, Tokyo, New Delhi, Toronto, New York, Geneva and numerous others; with numbers ranging from a few hundred to well over a 100,000.

Protest in Doha

Outside the opening ceremony of the Ministerial, approximately 100 activists stood carrying signs that read "NO Voice in the WTO". Many of them put tape over their mouths as a symbolic protest against what they called the "peoples absence from the negotiating rooms of the WTO". Due to the security precautions in place, protest organisers did not announce the action in advance. At a given signal, the placards were lifted into the air. "The Qatari authorities looked on in amazement, but did not react", said one activist.

The Greenpeace flagship, SV Rainbow Warrior, filled with 35 activists also came to Doha for the Conference. "We are taking our ship to Doha to bear witness and provide a platform for NGOs -- including local people and indigenous communities from five continents -- to speak to how trade affects them, their health, their livelihoods", said their National Campaigns Director, Andrea Durbin. In addition, they were broadcasting daily via their "No New Round Radio" (<http://tazebao.dyne.org/>). They also received two visitors on 11 November - European Trade Commissioner Pascal Lamy and Belgian Trade Minister Mme Annemie Netys-Uyttebroeck - who came to confirm Europe's strong commitment on including environment at the WTO talks.

Finding another route to the negotiating table

While many developing country Members viewed most NGOs in Seattle wearily, suspecting them of promoting a western agenda, some groups are acting in Doha as unofficial government advisers. Duncan Green, of the Catholic aid agency CAFOD, said the turning point for the relationship between NGOs and developing countries happened as many NGOs started to intensely campaign to ensure that the TRIPs Agreement did not hinder access to essential medicines. "NGOs are offering to work very closely with developing countries to achieve their objectives. It's how they intend to get into the negotiating room," said one former trade negotiator.

Also, due to their greater access to resources than many of the developing country Members, NGOs are often one of the few groups conducting research on areas of specific interest to these countries. For example, much of the research in the TRIPs-public health debate has been produced by NGOs, including Médecins sans Frontières, Oxfam and the Consumer Project on Technology. NGOs also have advanced public relations operations and a wealth of international contacts. However, some have criticised NGOs for encouraging developing countries to enter into unrealistic and intransigent negotiating positions. "Developing countries are getting wound up by NGOs," says one trade diplomat. "They're telling poor countries, wrongly, that there's nothing in the negotiations for them."

Many western governments also involve certain NGOs in their official delegations. The US has long brought business lobbyists to trade negotiations, and the UK's delegation includes Digby Jones, Director- General of the Confederation of British Industry, a trade union official and an Oxfam representative. While they do not take part in ministerial negotiations, they are in a better position to influence negotiating strategy.

"Trade unions and NGOs hold demo as WTO opens in Doha" ICFTU OnLine, 12 November 2001; "Global activists adopt new tactics: Switch to behind- the-scenes influence", FT, 12 November 2001; Trade ministers visit the Rainbow", GREENPEACE PRESS RELEASE, 11 November 2001. ICTSD Internal Files.

Civil Society related Resources

Friends Of Earth International has released the following documents in view of the Doha Ministerial Conference: The world trade system: how it works and what's wrong with it; The world trade system: Winner and losers; Services: The implications of current trade negotiations; The world trade system: An activist guide; and Proposals for a positive

sustainable free agenda; and a Statement on the revised draft WTO 4th Ministerial Conference declaration. All the documents are available at: http://www.foe.org.uk/campaigns/sustainable_development/publications/trade/qatar_briefings/index.html.

FOOD SECURITY AND THE WTO. By Sohpie Murphy. Published by the International Cooperation for Development and Solidarity (CIDSE), September 2001. The position paper addressed the need for the rich and the powerful countries, the EU in particular, to resolve the existing imbalances and inequalities to make trade work for development and poverty reduction, specifically in regards towards the WTO's Agreement on Agriculture (AoA). The paper is available online at: <http://www.cidse.org/pubs/tg1posfoodsecwto2001.htm>.

NO TO A NEW ROUND IN DOHA. Final declaration and recommendation from the World Forum on the WTO, Beirut 5-8 November 2001. The declaration describes numerous problems with the WTO and recommends that a new round of negotiations not be launched, since it will put developing countries into an even more vulnerable position. The declaration is available online at: <http://www.worldforumbeirut2001.org/english/finaldeclaration.htm>.

EIGHT BROKEN PROMISES: WHY THE WTO ISN'T WORKING FOR THE WORLD'S POOR. By Kevin Watkins. Published by Oxfam International, October 2001. The briefing paper identifies eight broken promises by the rich countries and calls for WTO members to end the cycle of broken promises and build the foundations of a more equitable world trading system. Further information is available online at: http://www.oxfaminternational.org/what_does/advocacy/trade.htm.

TRIPS AND RIGHTS: INTERNATIONAL HUMAN RIGHTS LAW, ACCESS TO MEDICINES, AND THE INTERPRETATION OF THE WTO AGREEMENT ON TRADE-RELATED ASPECTS ON INTELLECTUAL PROPERTY. Published by Canadian HIV/AIDS Legal Network and AIDS Law Project, South America, November 2001. The paper discusses the relationship between the TRIPS agreement and international law, with respect to their affect on human rights. The paper is available online at: <http://www.aidslaw.ca/Maincontent/issues/cts/urgentaction-oct01.htm>.

TOWARDS COHERENT ENVIRONMENTAL AND ECONOMIC GOVERNANCE: LEGAL AND PRACTICAL APPROACHES TO MEA-WTO LINKAGES. Published by the WWF and the Center of International Environment Law, October 2001. The paper discusses the linkages between multilateral environmental agreements (MEA's) and the WTO in hopes of contributing to a more harmonious relationship between international trade and economic governance. Further information is available online at: <http://www.panda.org/resources/programmes/trade/latest.htm>; or by contacting Delwyn Dupuis: email: ddupuis@wwfint.org.

POSITION PAPER ON THE WTO DOHA MINISTERIAL MEETING, All Peasant Leaders' (Philippines), Statement On Doha, November 2001. <http://www.ictsd.org/ministerial/doha/docs/pressphil.htm>.

COMUNICADO DE PRENSA: DERECHOS HUMANOS Y MEDIO AMBIENTE AL CENTRO DE DEBATE DE LA OMC, El Centro De Derechos Humanos Y Medio Ambiente, Press Release, November 2001. <http://www.ictsd.org/ministerial/doha/docs/presscedha.htm>.

In Brief

Details Of Climate Change Treaty Finalised

Following the political agreement reached in April 2001 on the implementation of the Kyoto Protocol -- the international treaty designed to cut greenhouse gas emissions by 5.2 percent by 2012 -- (see BRIDGES Weekly, 24 July 2001; <http://www.ictsd.org/html/weekly/24-07-01/story7.htm>), delegates met for the Seventh Conference of the Parties (COP-7) of the UN Framework Convention on Climate Change in Marrakesh, Morocco, from 29 October to 9 November to finalise the technical details, thereby paving the way for the Protocol's entry into force. Compliance again turned out to be one of the key contentious issues, but was in the end the only "crunch issue" that was fully resolved, resulting in what one observer called "the most innovative and elaborate non-compliance procedure for any existing multilateral environmental agreement". While the EU plans to ratify the agreement by June 2002, the Kyoto Protocol's entry into force, once 55 Parties representing 55 percent of global greenhouse gas emissions (GHGs) have ratified the agreement, now largely depends on Japan and Russia after the US -- one of the largest emitters of GHGs -- decided earlier this year not to ratify the climate change treaty (see BRIDGES Weekly, 27 March 2001; <http://www.ictsd.org/html/weekly/27-03-01/story3.htm>). For daily coverage and analysis of the meeting, see IISD Linkages at <http://www.iisd.ca/climate/cop7/index.html>. "UN climate change treaty set for ratification," REUTERS, 12 November 2001; ENB 12 (189).

Asian Leaders Endorse Free Trade-Area With China

Southeast Asian leaders on 6 November took the first steps towards a larger East Asia trading zone. The objective of the free trade area (FTA) with China is to reduce the region's trade dependence on the US. The endorsement for the FTA proposal comes at a time when Southeast Asia is suffering an economic slowdown due to falling exports to the US. This has led to appeals for closer economic cooperation within Asia. "For us to depend on the US alone as a market for growth for east Asia will be much more difficult in the future, because the US economy is going to slow down," said Goh Chok Tong, Singapore's Prime Minister. South Korea has proposed a wider FTA including Japan. However, Japan has indicated that it is not keen on an east Asia FTA. According to analysts, Japan fears the FTA would increase agriculture imports, angering the nation's powerful farming lobby. The proposed FTA would create a trading bloc of nearly 2 billion people with combined GDP of USD 2,000 billion. "Asian Leaders Back Free Trade Area with China," FT, 7 November 2001.

IPR Issue Splits FAO On New Pesticide Use Agreement

Convening in Rome from 2-13 November for the 31st Session of the Conference of the Food and Agriculture Organisation (FAO), members failed to adopt a revised International Code of Conduct (CC) on the Distribution and Use of Pesticides due to discrepancies with respect to provisions relating to public access to undisclosed

information about pesticides. "We did not adopt a new code of conduct because of an article that deals with the registration procedure of intellectual property rights [see Article 6.1.7 of the draft Revision of the CC, viewable at <http://www.fao.org/docrep/meeting/003/Y1616e/Y1616e00.htm>]," chief of the FAO Plant Protection Service van der Graaf said. He further explained that the article would be reviewed by members and - provided a compromise was agreed - be adopted at FAO's next governing council meeting in November 2002. Nevertheless, FAO member states did revise other provisions of the existing CC by strengthening rules on integrated pest management and risk reduction. Furthermore, the FAO Conference adopted the revised International Undertaking (IU) -- now International Treaty -- on Plant Genetic Resources for Food and Agriculture (see BRIDGES Weekly, 6 November 2001, <http://www.ictsd.org/weekly/01-11-06/story2.htm>). "FAO Fails To Adopt New Code For Pesticide Use," REUTERS, 15 November 2001; ICTSD Internal Files.

WTO In Brief

China Secures WTO Accession

Following trade ministers' approval of China's accession to the WTO at the Fourth WTO Ministerial Conference (9-13 November), China on 10 November handed in its 'instruments of ratification' after 15 years of negotiations, thereby paving the way for full membership by 11 December 2001. Delegates in a packed hall at the Ministerial Conference greeted the decision with a standing ovation. "After fifteen years of difficult negotiations we finally came to this historic moment," said Chinese Trade Minister Shi Guangsheng said. He stressed China's commitment to a new round of trade talks and the importance of better agreements for developing countries. Beijing has already agreed to eliminate all agriculture export subsidies and cut domestic agriculture support to 8.5 percent, well below the developing countries ceiling of 10 percent (see BRIDGES Weekly, 18 September 2001; <http://www.ictsd.org/weekly/01-09-18/story1.htm>). Analysts have warned that the lower trade barriers could have unwanted social consequences, such as displacing upwards of 20 million Chinese workers. The WTO has also approved Taiwan's membership on 11 November. "China Secures Entry to WTO, Backs Developing Nations," AFP, 10 November 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>.

ICTSD Event

22 November, 10:00-13.00am, Room 3, International Environmental House (IEH), Geneva, Switzerland: ICTSD ROUNDTABLE ON "THE ENVIRONMENTAL CHALLENGES OF MARKET ACCESS & RULEMAKING NEGOTIATIONS UNDER THE GATS". The overall aim of this informal dialogue is to identify and clarify potential environmental implications – positive and negative – of the ongoing GATS negotiations

within the WTO. Richard Blackhurst, Professor at the Geneva Graduate Institute of International Studies, and Michael Guery and Dominique Martin of the Swiss State Secretariat for Economic Affairs, among others, will give a 15-minute presentations on their view of the issue, after which the floor will be opened for an informal and open discussion. Given that there is limited seating, please RSVP to us your intention to participate to: Caroline Wiman, ICTSD, Geneva; fax: (41-22) 917 80 93; email: cwiman@ictsd.ch.

Coming Up This Week

12-16 November, Caracas, Venezuela: WORKSHOP ON RISK MONITORING AND PUBLIC PERCEPTION OF BIOTECHNOLOGY. Organised by Centro Nacional de Investigaciones Agropecuarias/CENIAP (Maracay, Venezuela) and Centro Tecnológico Polar (Caracas, Venezuela). For further information, contact: Dr. Efraim G. Salazar Yamarte; tel: (58-43) 471066; fax: 471066, 831421; email: efra63@hotmail.com; Internet: <http://www.icgeb.trieste.it/~bsafesrv/bsfn0011.htm>.

12-16 November, Montreal, Canada: SEVENTH MEETING OF THE CBD SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE. The theme for in-depth discussion at the meeting is forest biological diversity. Other substantive issues are: agricultural biodiversity, plant conservation strategy, incentive measures, indicators and environmental impact assessment. For further information, contact: CBD Secretariat, tel: (1 514) 288-2220; fax: 288-6588; email: secretariat@biodiv.org; Internet: <http://www.biodiv.org/meetings/sbstta-07.asp>.

15-16 November, Vienna, Austria: CONFERENCE ON "THE ROLE OF PRECAUTION IN CHEMICALS POLICY". Organised by the Austrian Federal Ministry for Agriculture, Forestry, Environment and Water Management. The symposium will analyse the status of the principle of precaution, a key principle 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; Internet: http://www.bmu.gv.at/u_chemie/chemikalienwesen/chemnews8/1st_announcemen t.pdf.

17-18 November, Ottawa, Canada: WORLD BANK AND IMF ANNUAL FALL MEETING. Issues for discussion include: "the global economic outlook in the wake of the tragic events of Sept. 11; their impact, in particular, on the poorest; the ongoing work to improve the stability of the international financial system; and the preparations for the forthcoming U.N. Conference on Financing for Development." For further information, contact: The World Bank Group; tel: (202) 477-1234; fax: 477-6391; Internet: <http://www.worldbank.org/>.

19-24 November, Bangkok, Thailand: FISH FOR PEOPLE. Conference on Sustainable Fisheries for Food Security in the New Millennium, organised by the ASEAN-South East Asian Fisheries Development Centre (SEAFDEC). For further information, contact the Conference Secretariat, fax (66 2) 940 6336; email: secretariat@seafdec.org; Internet: <http://www.seafdec.org/>.

WTO Events

An updated list of forthcoming WTO meetings is posted at: http://www.wto.org/english/news_e/meets.doc. Please bear in mind that dates and times

of WTO meetings are often changed, and that the WTO does not always announce the important informal meetings of the different bodies. Unless otherwise indicated, all WTO meetings are held at the WTO, Centre William Rappard, rue de Lausanne 154, 1211 Geneva, Switzerland. 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.

19 - 21 November, Geneva, Switzerland: WTO TEXTILES MONITORING BODY.

21 November, Geneva, Switzerland: WTO COMMITTEE ON TRADE IN CIVIL AIRCRAFT.

21 & 23 November, Geneva, Switzerland: TRADE POLICY REVIEW BODY - SLOVAK REPUBLIC.

Other Forthcoming Events

23 November, Geneva, Switzerland: PRESENTATIONS: UNFPA ON ENVIRONMENT AND POPULATION & UNEP ON SUSTAINABLE CONSUMPTION. A brief discussion and refreshments will follow the presentations of these two new United Nations reports. For further information contact: The International Environment House; tel: (41-22) 917-8505; fax: 797-3464; email: info@environmenthouse.ch; Internet: <http://www.environmenthouse.ch>.

5 December, Geneva, Switzerland: UNEP/GEF BIOSAFETY PROJECT: A BRIEFING ON GOALS AND ACTIVITIES. The UNEP/GEF Biosafety Project will host this meeting to promote regional and sub-regional collaboration on issues relevant to developing countries' national biosafety frameworks. For further information, contact: The International Environment House; tel: (41-22) 917-8505; fax: 797-3464; email: info@environmenthouse.ch; Internet: <http://www.environmenthouse.ch>.

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. Submissions of publications to ICTSD's documentation centre would also be welcome (contact Marc Galvin, mgalvin@ictsd.ch).

"GATT And The Fair Wage: A Historical Perspective On The Labor-Trade Link". By Ellisa Alben. Published in the COLUMBIA LAW REVIEW, Vol.101, No.6, October 2001. The article analyses from a historical perspective the debates on linking labor standards to the trade rules of the WTO. Further information is available online at: <http://www.columbialawreview.org/issues/>; or by contacting Ellisa Alben: email: ema30@columbia.edu.

SUSTAINABLE FINANCE AND BANKING. By Marcel Jeucken. Published by Earthscan, October 2001. The book elaborates on two broad questions: why is the financial sector crucial to achieving sustainability and why does sustainability pose threats and opportunities to bank? Further information is available online at: <http://www.sustainability-in-finance.com/>.

PARTNERS IN MAHOGANY CRIME. Published by Greenpeace, 25 October 2001. The report reveals a chain of illegality and corruption in the Brazilian mahogany industry. In anticipation of the report the Brazilian government suspended all mahogany transport and logging, until it completes an investigation into the industry. The report is available online at:

http://www.greenpeace.org/7%Eforests/forests_new/html/content/reports/Mahoganyweb.pdf.

EU POSITION ON WTO MINISTERIAL MEETING. The European Commission has compiled an Infopack outlining the EU's position on the WTO Ministerial meeting. Available online at: http://europa.eu.int/comm/trade/misc/trade_ip.htm; or for further information email: trade-a3@cec.eu.int.

Electronic Resources

TRADE AND DEVELOPMENT WEBSITE. The Development Gateway has launched a Trade and Development topics web page. The current focus of the page is the WTO Ministerial meeting. The web address is: http://www.developmentgateway.org/topic/?page_id=3693.

A searchable archive of BRIDGES Weekly Trade News Digest© can be accessed at: http://www.newsbulletin.org/bulletins/WhichBulletin.cfm?Bulletin_ID=14&SID=

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