



INTERNATIONAL CENTRE FOR  
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DEVELOPMENT

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### LEAD STORIES

#### Mixed Outcome For WTO Negotiations Stocktaking

Geneva-based ambassadors and senior officials from capitals met at the WTO's Trade Negotiations Committee (TNC) on 18-19 July to take stock of ongoing negotiations being conducted as part of the mandate agreed to in Doha, Qatar last November. While a much-awaited agreement was reached on the sidelines of the meeting around a deadline for modalities on non-agricultural market access talks, developing countries repeatedly cautioned that little would move forward unless their concerns on implementation issues (such as textiles) and special and differential treatment were adequately addressed (see related story, this issue).

This was the second (and last) TNC chaired by outgoing Director-General Mike Moore, who will step down at the end of August. The meeting was attended by D-G in-waiting Supachai Panitchpakdi, who will take up the position on 1 September after the WTO's month-long August break. According to the Doha Ministerial Declaration, the TNC is charged with supervising the progress of negotiations.

#### Some positives, some negatives

Progress reported by the Chairs of the respective negotiating groups at the TNC was for the most part positive, particularly in agriculture, services and rules (see end of story for links to Chairs' reports). However, developing country concerns on implementation and more favourable treatment, together with continuing disagreements over extending the higher level of protection for geographical indications to products other than wines and spirits, remained as outstanding unresolved issues. Feedback on negotiations on environment remained relatively low-key, and Members did not address the contentious issue of observer status (i.e. for multilateral environmental agreement secretariats), which continues to divide Members in the negotiations (see BRIDGES Weekly, 20 June 2002, <http://www.ictsd.org/weekly/02-06-20/story1.htm>).

According to sources, capital-based officials attending the TNC tended to maintain a more positive outlook on

the negotiations than did those involved in the day-to-day Geneva process.

### **Market access group revitalised with agreement on dates**

An agreement on a modalities deadline hammered out in parallel to the TNC in the Market Access Negotiating Group marked something of a victory for developing countries. For a number of months, the EC had been pushing for a deadline of 31 March 2003 to agree on modalities, or negotiating formulas, in market access for industrial goods in order to coincide with similar deadlines in agriculture and services talks. Developing countries, chiefly India and the Africa group, initially argued that the Doha Declaration did not prescribe a deadline for modalities, but ultimately said they could not agree to a date earlier than 31 May 2003. Following intensive consultations, on 18 July Members agreed to reach "a common understanding on a possible outline on modalities by the end of March 2003, with a view to reaching agreement on modalities by 31 May 2003." Responding positively to the market access agreement, US Trade Representative Robert Zoellick said on 19 July that, "negotiations in all areas are now focused on substance," and that "the message from Geneva is encouraging."

### **Scepticism remains over Doha round**

Despite sounds from some quarters that the negotiations are proceeding well, not all voices agree that the round is delivering its promises of development, nor that it can be concluded by its deadline of 1 January 2005. Many developing countries remain dissatisfied with the pace of progress on issues of importance to them, particularly on implementation and special and differential treatment. One senior level developing country envoy stated that "so far, we haven't seen much coming our way. If they (developed countries) don't give, we don't give either". Another diplomat said on 14 July that, "there is not a hope that we will wrap this up on schedule, and keep everyone happy."

At the TNC, Members adopted a timeline of key negotiating dates and deadlines established so far in the lead-up to the Cancun Ministerial Conference in September 2003 (see <http://www.ictsd.org/ministerial/cancun/docs/JOB02-78.pdf>). Many delegations said that the calendar was so busy that it represented a "traffic jam", and expressed concern that if any of its deadlines were delayed, it could impact negatively on the Cancun Ministerial. Industrialised country Members, particularly the EC, are pushing to begin negotiations at Cancun on issues such as establishing multilateral investment and competition policy agreements at the WTO, areas that some developing countries fear could further strain their

negotiating capacities and constrain their domestic policy options for development.

### **Technical assistance & capacity building**

Prior to the TNC, an informal briefing on technical assistance and capacity building was held on 16 July for senior officials and ambassadors, who discussed the specific needs of developing countries with respect to the deadlines of the Doha round. According to sources, developing countries are looking to technical assistance and capacity building to help strengthen their trade policy institutions. Developed country Members agreed to provide the Secretariat with information on their cooperation programs with developing countries by 31 July, and the WTO Secretariat will prepare 'country files' in order to identify the needs of developing countries in this regard.

Separately, at a seminar on special and differential treatment organised by the South Centre and Christian Aid on 19 July, some participants questioned the ability of the WTO Secretariat, with its neutral status, to provide technical assistance for the more contentious areas of trade policy-making, particularly when these controversial areas were precisely what developing countries needed most assistance with. Some also argued that technical assistance and capacity building should be provided with a broader understanding of economic history.

The following Chair's reports to the TNC are available at <http://docsonline.wto.org/>: Committee on Trade and Environment Special Session: TN/TE/2; Committee on Trade and Development Special Session: TN/CTD/2; Dispute Settlement Body Special Session: TN/DS/2; TRIPs Council Special Session: TN/IP/2; Negotiating Group on Market Access: TN/MA/2; Negotiating Group on Rules: TN/RL/2; Committee on Agriculture Special Session: TN/AG/1; Council for Trade in Services Special Session: TN/S/2.

The TNC is scheduled to meet again twice before the end of 2002, on 3-4 October and 4-6 December.

ICTSD reporting; GENEVA WATCH, 19 July 2002; "WTO Meeting Crucial Test," REUTERS, 14 July 2002.

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## **Arduous Process Yields Agreement On S&D Report**

On 24 July, WTO Members reached agreement on a report on special and differential treatment (S&D) to be presented at a 31 July General Council meeting. The decision, reached after many months of wrangling, comes close to the 31 July deadline for the special session of the Committee on Trade and Development

(CTD) to report on its S&D review. The report (TN/CTD/3), which will be available shortly via <http://docsonline.wto.org>, is said to have settled on 31 December 2002 as the postponed timeline for the Committee to report back to the General Council with "clear recommendations for a decision" on the S&D review; other details were unavailable at time of press.

### **Leading up to the decision...**

Following an informal meeting on the evening of 22 July, sources indicated that CTD special session Chair Ransford Smith (Jamaica) was preparing a third draft of the proposed report. Key last-minute differences primarily revolved around the issue of a timeline as well as how to reconcile the two tracks of agreement-specific issues and cross-cutting issues.

Initially, delegates were expected to adopt the report at a 17 July special session, however after informal meetings on 16 and 17 July, it became clear that this was not a realistic goal (see BRIDGES Weekly, 17 July 2002, <http://www.ictsd.org/weekly/02-07-17/story1.htm>). In fact, after nine informal sessions of this body since 27 June, in addition to discussions on S&D in a high-level meeting with deputy US Trade Representative Peter Allgeier, the same core issues remain at the centre of the ongoing debate (timelines, and agreement-specific track versus cross-cutting track). One delegate speaking anonymously said that in the most recent informal, certain countries had resorted to threats of calls to superiors in country capitals.

### **Draft report number two -- close, but not close enough**

The second draft report (TN/CTD/W/12/Rev.1, still restricted) contained a number of small changes that the Chair hoped would rally the necessary support that had so far evaded the process. A number of criticisms lobbied against the first draft were reflected in the second, including a more detailed paragraph dealing with the Paraguayan proposal on the Enabling Clause (TN/CTD/W/5; /W/5/Add.1; & /W/5/Add.2, searchable at <http://docsonline.wto.org>), explicit mention of the "utility of a clearer definition and understanding on [principles and objectives] in assessing the effectiveness of [S&D] provisions", and the explicit suggestion of giving "further consideration" to the Africa Group proposal (TN/CTD/W/3/Rev.1, still restricted) on criteria for technical and financial assistance.

The bulk of the changes -- and the contention -- lay in the final section, entitled 'The Way Forward.' As reported in the 17 July edition of BRIDGES Weekly (see link above), two options had prevailed for postponing the mandate to "report back to the General Council with clear recommendations for a decision [...]".

While Egypt, Kenya and India insisted on November 2002, the first two drafts only included December 2002 (Malaysia & Indonesia) and March 2003 (Australia, Norway, Colombia, New Zealand) as options. Others, such as Switzerland, suggested the Fifth Ministerial Conference (September 2003), while others (US & EC) were unwilling to specify a date explicitly. One African Ambassador speaking on condition of anonymity noted that he was confident that the December date would prevail, as it was "not negotiable" for developing countries. Other sources also indicated that those pushing for the November date had acquiesced to favour of the end of 2002 option in the spirit of wanting to move the process forward. Some developed countries, including Canada, are reported to have said that while the earlier deadline is impractical, they would not block it.

### **Which foot goes first - agreement-specific or cross-cutting issues?**

The second major stumbling block is the issue of how, and in what order, to deal with the various agreement-specific proposals and the cross-cutting proposals. Some Members, including Switzerland, Japan, Norway, & the US, would like first to put the emphasis on principles and objectives. Other -- mainly developing country -- Members argue that the priority, as per the Doha mandate, must be placed on looking at the specific proposals. Others, such as Argentina, Egypt, Pakistan, Brazil and Malaysia, take this argument one step further, saying that an examination of principles and objectives does not even factor into the mandated review of S&D provided at Doha. Here the first CTD special session draft links the cross-cutting track to the 'best-endeavour' commitment on submitting responses to the agreement-specific proposals by 31 October 2002. The second draft, however, removes this link, taking the cross-cutting issue completely out of the paragraph outlining the agreement-specific October deadline, and removes explicit reference to the October timeframe.

While a number of developing countries were fearful that this link could lead to conditions being attached across subjects, one African source expressed concern that de-linking these two explicitly would allow industrialised countries to push only those cross-cutting issues that they were interested in, neglecting the others (many of which are contained in the least-developed country and Africa Group proposals). Numerous developed countries have noted their desire to re-instate the link so as not to subjugate this area to the agreement-specific proposals. Also relating to the deadline to respond to the agreement-specific proposals, Chair Smith bolstered the mandatory nature of the language slightly, replacing "Members will endeavour to provide responses [...]" with "Members

should provide detailed responses [...]". Developing country delegates reiterated their dissatisfaction with what is still a non-mandatory provision, with one African delegate noting that if they were unable to achieve mandatory language here, they would push for a stipulation that said that discussions would move ahead on these items after that date regardless of responses.

#### **Monitoring mechanism, experts & technical assistance bring up the rear**

The support for the Monitoring Mechanism proposal can still be found in the second draft report, however rather than the special session of the Committee on Trade and Development (CTD) being responsible for elaborating on its structure and terms of reference, the new draft notes that it will be in the hands of the General Council itself. This, say some developing country delegates, is seen as an attempt to delay the only tangible gain that has so far come from this painstaking process.

Another nuanced change to find its way into the new draft concerns consulting experts on some of the agreement-specific proposals. Whereas the former draft simply noted the need to utilise expertise in other WTO bodies (and offered holding back-to-back sessions as one option), the latter draft is far more specific. It now places primacy on information exchange via requesting and receiving reports (viewed by some experts as a far longer process) over the holding of back-to-back sessions. Some have tied this issue into the overall deadline debate, saying that if a 2002 deadline is to be realised, consulting experts must be done in the most expeditious manner available.

Finally, in the area of technical assistance (TA), the former draft report stipulates that the special session should submit proposals on technical assistance, capacity building, and training programs before they are included in the 2003 Technical Assistance Plan. The new draft removes the reference to 2003, thus making this a standing order in the future. Differences remain, however, on how this should be handled, either by the special session or by the regular sessions. Speaking in support of the special session option, one delegate noted the current language, which recommends submitting the criteria for TA proposals to the regular session for "examination", is an invitation for further "foot-dragging" on behalf of developed countries.

More details on the agreed-upon report will follow in next week's edition.

ICTSD reporting.

## **OTHER NEWS**

### **Optimistic Mood At Informal WSSD Prep Meeting, But Little Progress On Substance**

Gathering for the first high-level meeting since the fourth preparatory session (PrepCom IV) for the World Summit on Sustainable Development (WSSD, 26 August - 4 September, Johannesburg, South Africa), delegates met in New York on 17 July to discuss some of the key outstanding issues in the draft Plan of Implementation (see BRIDGES Weekly, 12 June 2002, <http://www.ictsd.org/weekly/02-06-12/story1.htm>). While the mood of the meeting was generally described as "optimistic", little concrete progress was made, with countries largely reiterating their previously-stated positions.

At the initiative of South Africa and chaired by Foreign Minister N. Dlamini Zuma, 25 countries were invited to attend the 'Friends of the Chair' meeting in New York. The participants were selected based on geographical representation and common interest in the outstanding issues. Many other delegations also attended, following concerns by some regarding the choice of countries. The meeting focused on six major clusters, including time-bound targets, the Rio Principles (in particular those related to common but differentiated responsibilities and precaution), finance, globalisation and trade, good governance and technology transfer. South Africa furthermore identified market access for developing countries and agricultural subsidies as key outstanding issues. The meeting was meant to provide a platform for exchange of views, rather than negotiations, as not all delegations were present.

Overall, the meeting was described as a positive step towards reaching agreement on some of the major stumbling blocks. Substantively, however, countries generally restated their positions already expressed in Bali, leading some to suggest that much work still remained. One source also noted that the supposed progress was rather "deceptive", with delegations largely restricting themselves to making general comments, and that any possible value of the New York meeting was political rather than substantive.

Subject to a decision by South Africa, countries tentatively agreed to continue the consultative process, including designation of facilitators for the six issues areas and conducting further consultation in the "Vienna setting" [i.e. only one person speaks on behalf of each interest and/or regional group]. Informal negotiations similar to those in Bali are expected to be held immediately prior to the Summit. South Africa



furthermore urged Ministers to be present in Johannesburg from 26 August to help finalise the negotiations. In deviation from usual practice, South Africa is reportedly trying to involve Ministers in the actual negotiations of the political declaration rather than leaving discussions to the negotiators.

In related news, EU ministers meeting on 20 July to discuss their approach to WSSD stressed the importance of a successful Summit for the global trade talks launched in Doha last year. "If Johannesburg fails, we will probably see very negative effect in the global trade arena," warned EU Development Commissioner Poul Nielson. "Doha would have a very difficult start indeed if this were the background," he added.

For further information on WSSD, see <http://www.johannesburgsummit.org> and <http://www.joburgsummit2002.com>.

ICTSD reporting; "World Summit atmosphere thaws at friends meeting," ENS, 18 July 2002; "Earth Summit failure could imperil trade talks - EU," REUTERS, 20 July 2002.

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### **ACP Summit Shifts Focus To Trade And Globalisation**

Heads of State and Government of the African, Caribbean and Pacific Group of States (ACP) met for the third ACP Summit on 16-19 July in Nadi, Fiji, to consolidate their position with regard to the upcoming trade negotiations with the EU under the Cotonou Agreement. Trade-related issues -- accompanied by measures to build supply-side capacity -- featured strongly in the final declaration, including a call for phased trade liberalisation that recognises ACP countries' differing economic circumstances.

Under the ACP-EU Partnership Agreement signed in Cotonou in June 2000, negotiations on establishing Economic Partnership Agreements (EPAs) between EU and ACP countries are set to begin on 27 September 2002. These Agreements, which aim at improving current market access for the ACP countries, will take the place of the current non-reciprocal trade preferences granted by the EU to ACP exports under the Lomé Convention. Negotiations are set to be finalised by 1 January 2008.

According to Fiji's Minister for Foreign Affairs and External Trade Kaliopate Tavola, the final Nadi Declaration marked a notable shift in focus from traditional issues such as debt to increased emphasis on trade. While stressing the "pivotal role" trade can play in economic development, the Declaration stressed the need for "policy flexibility" for developing

countries "to achieve their development objectives and to safeguard their economic interests". In particular, trade liberalisation should be "phased and sequenced in a progressive manner" and be accompanied by "adequate supportive measures that address supply-side constraints, improve competitiveness and strengthen the capacity to trade".

ACP leaders furthermore noted that the envisaged benefits of globalisation had not materialised for most of the poor countries "and even when they have, these are not equitably shared while the costs are borne by all". Fijian Prime Minister Laisenia Qarase voiced similar criticism with regard to trade liberalisation, noting that there was "no level playing field for the ACP". "The open market is more like a steep and slippery slope for the poorer States. This is why we must move carefully into an integrated system of world trade," he added. At the same time, Qarase recognised the EU-ACP association as "remarkably successful," describing it as "one of the most effective international aid and trade groupings ever established."

Regarding the World Summit on Sustainable Development in Johannesburg (26 August - 4 September), ACP leaders agreed to undertake consultations in an effort to develop and express a common ACP position at the Summit. In addition, ACP leaders strongly urged EU member states to ratify the Cotonou agreement. As of 19 July, nine EU countries have ratified (with 15 required) and 58 ACP countries have also done so (51 required).

The Nadi Declaration is available on the Summit website at <http://www.acpsec.org/fiji/>. For further information on EU-ACP relations, see <http://europa.eu.int/comm/trade/bilateral/acp/acp.htm>.

"PM challenges US to recognise ACP," THE DAILY POST, 19 July 2002; "3rd ACP Summit 16-19 July - Nadi Fiji," EUROSTEP, 19 July 2002.

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### **Dispute Settlement Review Considers Ecuadorian, Australian Submissions**

The Dispute Settlement Body (DSB) special session on the review of the WTO Dispute Settlement Understanding (DSU) met on 15 July. Discussions on DSU review have gained momentum since the Doha Ministerial Conference in November 2001 at which WTO Members agreed to "negotiate, improve and clarify" the DSU (Paragraph 30 of the Doha Ministerial Declaration (WT/MIN (01)/DEC/1)). The 15 July session was the third since the inauguration of the post-Doha DSB special session. The review of the DSU, which lays out the procedures for substantive dispute settlement procedures in the WTO, is one of the items

that are in the "in-built agenda" for reform, and discussions in this respect have been ongoing since 1997.

### **Calls for more proposals**

Many WTO Members have expressed concern about the perceived weaknesses of the current dispute settlement process in their proposals for reform. There have been eight proposals so far: Thailand, the EC, the Philippines and Thailand, India, Ecuador, Australia, Korea, and Costa Rica). The Australian (TN/DS/W/8 searchable at <http://docsonline.wto.org>) and Ecuadorian (TN/DS/W/9) proposals were submitted and discussed at the third session. At the meeting, Chair Ambassador Peter Balas of Hungary noted that "there was not a critical mass of proposals" yet, and urged Members to submit proposals by the end of July. According to the timetable set out by the Chair of the Trade Negotiations Committee (TN/DS/1) on 23 April, the DSU review negotiations are now reaching the end of the first phase of presenting proposals and preliminary deliberations. The second phase, which will involve focused discussions on the "negotiating issues" arising from the individual proposals, will commence at the 10 September session.

### **Australia's proposal**

Australia's proposal focused on the procedural time-frame weaknesses of the system. For instance, Australia recommended that a panel should be established "on the first request" and that the first written submissions should be lodged at the same time. In addition, Australia said it preferred to see an accelerated time-frame for disputes under the Agreement on Safeguards, as currently exists for disputes under the Agreement on Subsidies. Other concerns put forward in the Australian proposal included the sequencing of retaliation procedures between DSU Articles 21.5 and 22 (see Bridges Weekly 18 March 2002, <http://www.ictsd.org/weekly/02-03-19/wtoinbrief.htm#2>), surveillance of the level of retaliation and the rights of non-parties in compensation arrangements.

### **Ecuador's proposal**

The proposal by Ecuador was informed by its experiences in the EU- Banana dispute (see Bridges Weekly, 12 April 1999, <http://www.oneworld.org/owe/news/bridges/990412.htm>), in which major weaknesses with the system of remedies to successful disputants under WTO law were perceived by many Members. Ecuador urged that Members should find better ways of achieving prompt compliance. Further, Ecuador said it would like to see the mandate and terms of reference on arbitration

under Article 21.3 (c) of the DSU "broadened" by determining an annual level of nullification or impairment and by fixing a reasonable period of time for prompt compliance with DSB recommendations. Ecuador also proposed that Article 21.8 of the DSU, which contains a compulsory provision on special and differential treatment, "be made more effective and authorise developing countries, when they suspend concessions to a developed country, also to take into account the impact on their economies and not only the level of nullification or impairment."

According to Ecuador, compensation should be made a compulsory obligation. This suggestion was met with ambivalence from other Members, notably the EC, Korea and Norway. Indonesia and Switzerland spoke out in favour of the proposal. Presently, Article 22.2 of the DSU makes the 'payment' of a "mutually acceptable compensation" voluntary on the part of the losing party. Many WTO observers think this would be a good way of ensuring that developing countries, whose economies could be adversely affected by an attempt to take retaliatory measures against a developed country Member, could receive effective redress.

### **Permanent panellists**

On an informal level, Members discussed the issue of permanent panellists that the EC had raised in a proposal submitted on 12 July (TN/DS/W/1). The EC argued that a change to permanent panellists "would mean greater efficiency, broader global representation, improved quality and consistency and better handling of disputes of the procedures throughout the implementation process." While several Members were in favour of the EC proposal, others had doubts. Concern was raised over the likely increase in cost for permanent panellists, on how a geographical balance could be achieved in the selection of such panellists and broadly about the selection procedure and criteria for panellists.

The next meeting of the DSB special session will be on 10-11 September.

ICTSD reporting.

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**IN BRIEF**


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**Canadian Government Solicits Citizen  
Input On WTO Market Access Talks**

The Government of Canada, as part of a wider initiative to incorporate citizens' views in the assessment and formulation of its trade policy, announced on 13 July that it is seeking comments from Canadians on market access talks for non-agricultural products -- such as forestry and fisheries -- in the current Doha round of WTO negotiations. The government is also undertaking a Strategic Environmental Impact Assessment of the new negotiations, using comments from interested parties from the general public. Following recent months' efforts to collect submissions on citizens' views on lowering tariffs on imports from least-developed countries (LDCs), these new initiatives will also try to improve the inclusiveness and openness of Canadian trade policy. The Canadian Government has invited all interested parties to submit their views and comments by 16 September 2002. For further information and to send comments, visit the "Consultations with Canadians" section on the Department of Foreign Affairs and International Trade at <http://www.dfait-maeci.gc.ca/tna-nac/consult1-e.asp#doharound>.

"Trade Negotiations and Agreements- What's New," Government of Canada Press Release, 13 July 2002.

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**Non-Governmental Groups Express  
Concern Over Potential Dual Role For  
WTO Ag Chair**

In a statement circulated to non-governmental organisations for support on 24 July, Thai-based group Focus on the Global South has drafted a letter to incoming Director-General Supachai Panichpakdi asking him direct Ambassador Stuart Harbinson (Hong Kong) to step down from his current position as Chair of the special (negotiating) sessions of the Committee on Agriculture. The statement has been endorsed by Food First/Institute for Food and Development Policy (USA), International South Group Network Resource Center for People's Development (Philippines), and Seatini (Zimbabwe). Focus initiated the sign-on statement in light of Supachai's announcement earlier this month that Harbinson would take up the position as Supachai's chief of staff on 1 September. Article VI.4 of the Agreement Establishing the WTO notes that Secretariat staff "shall not seek or accept instructions from any government or any other authority external to the WTO," and further that they shall "refrain from any action which might adversely reflect on their position as

international officials." A 4 February statement from the Chair of the General Council to the Trade Negotiations Committee (TN/C/1) noted that "Chairpersons should be selected from among Geneva-based representatives in the majority. Other qualified individuals nominated by Member governments could also be considered," leaving the legality of the appointment somewhat ambiguous. Thus far, no Member has explicitly opposed the nomination. Focus argues that for Harbinson to take on both positions would concentrate "too much power for a single individual" and open the door for potential conflicts of interest. Harbinson chaired the General Council in the lead-up to the Doha Ministerial in 2001 (see BRIDGES Weekly, 6 November 2001, <http://www.ictsd.org/weekly/01-11-06/story1.htm>).

For further information, visit

<http://www.focusweb.org/publications/2002/harbinson-openletter.html>.

"Open Letter to Dr. Supachai Regarding Mr. Harbinson's Chairmanship of the Agriculture Committee" FOCUS ON THE GLOBAL SOUTH, July 2002.

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**Norway To Resume Whale Exports After  
14 Years Amid International Criticism**

Norway, which -- together with Iceland and Japan -- has not signed an international ban on trade of whale meat, once again started exporting minke whale meat and blubber in mid-July. This is the first time since 1988 that Norway has sold whale meat or blubber, but the recent shipment is likely to be followed by other shipments both to Iceland and Japan in coming months. Most fishing nations were persuaded to ban commercial whaling in 1986; the ban was supported by a separate Convention on International Trade in Endangered Species (CITES) provision that came into force in 1975 that bars the import and export of whale products. The Norwegian government was reported to be treating the issue as a matter of its sovereignty over the management of its resources. The fisheries ministry is expected to discuss whale trade with a Japanese delegation on 31 July to expand their exports. Japan only allows whaling for 'scientific research', but critics allege that most of the minke whales hunted by Japanese ships are used commercially.

"Defying global ban, Norway resumes whale exports," REUTERS, 22 July 2002.

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**WTO IN BRIEF**


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**WTO Designate D-G Supports Developing Countries, More Openness**

Designate WTO Director-General Supachai Panitchpakdi, due to replace Mike Moore in September 2002, pledged on 8 July at a conference in Bangkok, Thailand to increase participation from developing countries in ongoing trade negotiations. Among the ideas he floated was the possibility of establishing representative offices of the WTO in developing regions, particularly in Africa. He also argued that the WTO needed to boost its credibility, accountability and openness to ideas from other stakeholders, including non-governmental organisations, the private sector and parliamentarians. Supachai pointed out that while Members' efforts to extend the WTO's role into new areas such as trade in services, geographical indications and the Agreement on Trade-related Aspects of Intellectual Property Rights were welcomed, other issues that are critical to developing countries, such as agricultural products and textiles, had been left unresolved from the previous rounds. He cautioned that this endangered alienating much of the developing world. Given the difficulties facing the negotiations in the new trade round, Dr. Supachai said he was cautiously optimistic that the three-year time frame for the Doha round would be adhered to.

"WTO Director General Designate Urges Moves to Ensure Developing Nations' Representation," Jonathan Hopfner, International Trade Reporter, 18 July 2002.

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**Canada To Bring Us To WTO On Additional Lumber Duties**


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On 18 July, Canada requested the WTO to establish a trade panel at the next 29 July meeting of the Dispute Settlement Body (DSB) on the ongoing Canada-US softwood lumber dispute. Canada is arguing that the final determination of countervailing duties (CVD) imposed last year by the US on Canadian softwood lumber imports (Lumber IV) are inconsistent with WTO rules. In its panel request (WT/DS257/2, searchable at [http://docsonline.wto.org/gen\\_search.asp](http://docsonline.wto.org/gen_search.asp)), Canada noted a number of points, including the initiation of the US CVD investigation, its final determination, and "the application of US law concerning expedited reviews and company-specific administrative reviews", which the complainant believes violate US obligations under WTO law. The US now has the option of blocking the first Canadian panel request at the forthcoming DSB meeting. A second request would automatically lead to the establishment of a dispute settlement panel. The

series of softwood lumber disputes involves a US contention that Canada's system of charging lower fees to lumber producers who harvest wood from government-owned land amounts to subsidies for the industry, while Canada accuses the US lumber industry of seeking unfair duties to compensate for its lack of competitiveness (see BRIDGES Weekly Trade News Digest, 6 November 2001, <http://www.ictsd.org/weekly/01-11-06/story4.htm>).

"Agriculture: Canada To Request WTO Panel Ruling Concerning Final Softwood Lumber Duties," WTO Reporter, 22 July 2002.

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**Interim Decision On 'Byrd Amendment' Finds US At Fault**


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On 18 July, a WTO panel circulated a confidential interim report to the parties in a case against a US antidumping law, in which the panel has found the contested US legislation to be in violation with the WTO's antidumping provisions and other trade rules under the General Agreement on Tariffs and Trade (GATT). Complainants in the case challenged the US' Continued Dumping and Offset Act of 2000 (or 'Byrd amendment'). The US announced that it would appeal any final ruling that finds the Byrd amendment to be not in conformity with WTO rules. The interim report -- issued to give parties to the dispute an opportunity to comment -- is not yet final but is unlikely to be modified in substance before its definite version is formally released. The WTO is expected to issue its final ruling in September. The Byrd amendment requires US customs authorities to distribute duties obtained by a countervailing duty or anti-dumping measures to the injured producers -- as opposed to the US government -- for their "qualifying expenses" (see BRIDGES Weekly, 17 July 2001, <http://www.ictsd.org/html/weekly/17-07-01/wtoinbrief.htm>). The complainants in the dispute -- the EU, Australia, Brazil, Chile, India, Indonesia, Japan, South Korea, Thailand, Canada and Mexico -- take the view that the Byrd amendment gives US industries "double protection" by compensating affected producers who are already protected by duties charged at the border.

"US Will Appeal WTO Ruling on Law," AP, 18 July 2002; "WTO Rules US Byrd Amendment Violates WTO Antidumping Rules," KYODO NEWS, 17 July 2002; "Canada Trade Min Welcomes WTO Decision Against US Act, DOW JONES, 17 July 2002; "Canada Very Pleased With WTO Finding On Byrd Amendment," DFAIT PRESS RELEASE, 17 July 2002.



## 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: 24-31 July

23- 25 July, Bangkok, Thailand: 20TH SESSION OF THE INTERNATIONAL RICE COMMISSION. Every four years, FAO convenes a session of the International Rice Commission to provide a forum for senior policy makers and senior rice specialists from the Member Countries to address issues and constraints, as well as review and orient their national rice research and development programmes. For further information contact: Dat Van Tran, Executive Secretary, International Rice Commission, FAO; tel: (39-06) 570-55769; fax: 570-56347; email: [Dat.Tran@fao.org](mailto:Dat.Tran@fao.org); Internet:

<http://www.fao.org/waicent/faoinfo/agricult/agp/agpc/doc/field/commrice/welcome.htm>.

25 July, Brussels, Belgium: EC MEETING ON SUSTAINABILITY IMPACT ASSESSMENT OF WTO NEGOTIATIONS. Hosted by the European Commission, the meeting is convened to discuss a Sustainability Impact Assessment (SIA) of the Doha Development Agenda negotiations. The Institute for Development Policy and Management (IDPM), Manchester University, will present its first three sector studies: market access, with special emphasis on pharmaceuticals, non-ferrous metals and textiles; environmental services, with special emphasis on water and waste treatment; and competition. The reports are available at: <http://idpm.man.ac.uk/sia-trade>. To register for the EC's Civil Society Dialogue process visit: [http://trade-info.cec.eu.int/civil\\_soc/infosheet.php?action=ajout&critere=](http://trade-info.cec.eu.int/civil_soc/infosheet.php?action=ajout&critere=). For further information and to register, contact: European Commission, Trade DG, Information Unit; email: [eis@cec.eu.int](mailto:eis@cec.eu.int); fax: (32-2) 296-9854; Internet: [http://trade-info.cec.eu.int/civil\\_soc/intro1.php](http://trade-info.cec.eu.int/civil_soc/intro1.php).

25 July, Brussels, Belgium: APCO SEMINAR ON NGO RELATIONS: HOW DO YOU COMMUNICATE WITH STAKEHOLDERS? APCO Europe is a public affairs firm, which offers strategic communications capability to clients whose operating environment is affected by European political, regulatory and communications policy. This seminar aims to provide NGOs information on how to effectively establish strategic communications with their stakeholders. For further

information contact: APCO Europe, Brussels, Belgium; tel: (32-2) 645 98 11; fax: 645 98 12.

26 July, Geneva, Switzerland: WTO NGO BRIEFING ON TRADE IN SERVICES. The briefing is aimed at informing key civil society organisations on the various Trade in Services meetings that will take place in the second half of July, in particular the Special Session of the Council for Trade in Services on 23 and 25 July 2002. For further information contact: Bernard Kuiten, Counsellor, External Relations Division, World Trade Organization, Geneva, Switzerland; tel: (41-22) 739-5676; fax: 739-5777. (this event also announced in WTO Events below)

### WTO Events

An updated list of forthcoming WTO meetings is posted at: [http://www.wto.org/english/news\\_e/meets.pdf](http://www.wto.org/english/news_e/meets.pdf).

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.

23 & 25 July, Geneva, Switzerland: WTO SPECIAL SESSION OF THE COMMITTEE ON TRADE IN SERVICES. On the agenda: Assessment of Trade in Services communication from Cuba, Dominican Republic, Kenya, Nigeria, Pakistan, Senegal and Zambia (TN/S/W/3); Treatment of autonomous liberalization; Modalities for the special treatment for least-developed country members; and proposals relating to the negotiations under Article XIX of the GATS.

23 July, Geneva, Switzerland: WTO WORKING PARTY ON THE ACCESSION OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA.

24 & 26 July, Geneva, Switzerland: WTO TRADE POLICY REVIEW BODY- EUROPEAN UNION.

25 July, Geneva, Switzerland: WTO SPECIAL COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES.

26 July, Geneva, Switzerland: WTO NGO BRIEFING ON TRADE IN SERVICES. The briefing is aimed at informing key civil society organisations on the various Trade in Services meetings that will take place in the second half of July, in particular the Special Session of the Council for Trade in Services on 23 and 25 July 2002. For further information contact: Bernard Kuiten, Counsellor, External Relations Division, World Trade

Organization, Geneva, Switzerland; tel: (41-22) 739-5676; fax: 739-5777.

29 July, Geneva, Switzerland: WTO DISPUTE SETTLEMENT BODY. On the agenda: Surveillance of implementation of recommendations adopted by the DSB; Status report on the Section 110(5) of the US copyright act; Status report on the US Anti-Dumping Act of 1916; Request for the establishment of a panel by Brazil on the US definitive safeguard measures on imports of certain steel products.

29 July - 1 August, Geneva, Switzerland: WTO TEXTILES MONITORING BODY.

31 July, Geneva, Switzerland: WTO GENERAL COUNCIL. This is the third General Council meeting in the last month. On the agenda: EC's new tariff arrangements to combat drugs trafficking; reports from the Trade Negotiations Committee, Committee on Trade and Development on special and differential treatment in pursuance of paragraph 12.1 of Doha Ministerial Decision, Committee on Rules, Council on Trade in Goods and also Committee on Subsidies and Countervailing Measures.

2 August, Geneva, Switzerland: WTO NEGOTIATING GROUP ON MARKET ACCESS.

### Other Forthcoming Events

15-16 August, Mexico City, Mexico: AMÉRICA DEL NORTE: LECCIONES PARA UNA AGENDA POSITIVA Y PROACTIVA SOBRE COMERCIO, INVERSIÓN Y MEDIO AMBIENTE. Organized by El Colegio de México, Leadership for Environment and Development (LEAD), and Centro Mexicano de Derecho Ambiental (CEMDA). The meeting will be focused on formulating a positive and proactive trade and environment agenda. Some of the workshops will include the impacts of trade liberalisation on specific sectors such as agriculture and manufacturing. For further information contact: Ana Karina González, CEMDA; email: [akgl@cemda.org.mx](mailto:akgl@cemda.org.mx).

9-13 September, Monterrey, Mexico: APEC YOUNG LEADERS AND ENTREPRENEURS FORUM ON THE DEVELOPMENT OF BUSINESS WITH SOCIAL RESPONSIBILITY. Organised by the Department of Foreign Affairs and International Trade (DFAIT), Canada. The APEC Young Leaders and Entrepreneurs Forum will bring together young leaders from Asia Pacific Economic Cooperation forum economies to exchange expertise on ways of building business and investment relations among young leaders and entrepreneurs in APEC economies, and to identify best practices that will promote the creation of socially responsible enterprises, bringing wealth and jobs for youth. The deadline for indicating interest in this event

is 26 July 2002. For further information on how to register contact: Geneviève Jones, Economic Policy Officer, International Economic Relations and Summits Division, Department of Foreign Affairs and International Trade, 125 Sussex Drive Ottawa, Ontario, CANADA K1A 0G2; tel: (1-613) 944-0930; fax: (1-613) 944-2732; email: [Genevieve.Jones@dfait-maeci.gc.ca](mailto:Genevieve.Jones@dfait-maeci.gc.ca).

18-19 October, Bonn, Germany: SECOND WORKSHOP ON DEVELOPMENT RESEARCH FOR DOCTORAL STUDENTS. Organised by European Development Research Network (EUDN). Call for proposals - Deadline: 10 August 2002. Approximately 12 doctoral students from Europe and from developing / transition countries will be selected to participate in the workshop. The program will cover presentations by the doctoral students on topics related to development economics. The doctoral students will receive feedback on their work from the experts as well as from each other. In addition, the workshop will help to establish contacts with other researchers from related fields, and guidance for journal article publication of the papers may be given by the tutors. For further information on how to submit a proposal and an application form contact: Ines Saad, EUDN-Secretariat, c/o Center for Development Research (ZEF), Walter-Flex-Str. 3, 53113 Bonn, Germany; fax: (49-228) 731 849; email: [i.saad@uni-bonn.de](mailto:i.saad@uni-bonn.de); Internet: <http://www.eudn.org>.

24-26 October, Rioja Alavesa, Spain: RURAL DEVELOPMENT IN THE CURRENT FRAMEWORK OF GLOBALISATION: THE SECOND WORLD CONGRESS ON TRADE AND RURAL DEVELOPMENT. Organised by World Rural Forum (WRF). The aim of this three-day conference is to reflect on the effects of globalisation on the world's economy and rural development from a global point of view. For further information contact: Txaro Mardaratz Nájera, Technical Secretariat and Inscriptions, Xabide Gestión Cultural y Comunicación, Mondragón, 11 - 01013 Vitoria-Gasteiz (Araba), Spain; tel: (34-945) 12 14 03; fax: 25 38 74; email: [txaro@xabide.es](mailto:txaro@xabide.es); Internet: <http://www.ruralforum.net/worldcongress2002>.

5-8 November, Mexico City, Mexico: CREATING NEW PATHS TOWARDS SOCIAL JUSTICE: THE INAUGURAL ESCR-NET CONFERENCE. Organised by International Network for Economic, Social and Cultural Rights (ESCR-Net). This inaugural conference will provide an opportunity for groups and activists committed to human rights and social justice to meet and exchange strategies and experiences, and build a common platform for securing and enforcing ESCR for all individuals. Some workshops of interest may include trade and globalisation; cultural rights, biodiversity and indigenous peoples; and human rights and development. For further information contact: Daria

Caliguire, Director, ESCR-Net; email: [escr-net@cesr.org](mailto:escr-net@cesr.org); Internet: <http://www.escr-net.org>.

3-7 February 2003, Chiang Mai, Thailand: 3RD WORLD CONGRESS ON MEDICINAL AND AROMATIC PLANTS FOR HUMAN WELFARE: "From Biodiversity through Science and Technology, Trade and Industry to Sustainable Use". Organised by Wocmap III. For further information contact: Wocmap III, email: [secretariat@wocmap3.org](mailto:secretariat@wocmap3.org); Internet: <http://www.wocmap3.org>.

12-15 March 2003, New Delhi, India: GOVERNANCE AND ITS RELATIONSHIP WITH POVERTY REDUCTION: A PARTNERSHIP CONCLAVE CELEBRATING CONSUMER UNITY & TRUST SOCIETY'S (CUTS) 20TH ANNIVERSARY. The event would act as a platform for civil society representatives, policy makers, media, academia and other stakeholders from all over the world to present their work on Rights-based approaches on critical issues of governance. The sessions will comprise a presentation of cases under the sub-themes and groups from all over the world, in particular Asia and Sub-Saharan Africa. For further information contact: Mr. Sanjay Varma or Mr. Sachin Joshi, Consumer Unity & Trust Society (CUTS) D-217, Bhaskar Marg, Bani Park, Jaipur 302016, India; tel: (91-141) 207 482, fax: 207486/203998; email: [20thAnniversary@cuts.org](mailto:20thAnniversary@cuts.org); Internet: <http://www.cuts.org/CUTS-Anniversary.htm>.

## 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 (email: [resources@ictsd.ch](mailto:resources@ictsd.ch)).

### ICTSD Publication

BRIDGES MONTHLY REVIEW, SPECIAL ISSUE ON TRADE AND SUSTAINABLE DEVELOPMENT: TIME FOR A FRESH START IN JOHANNESBURG. Year 6, June 2002. Produced by ICTSD. The pdf version of this special Johannesburg issue is available at <http://www.ictsd.org/monthly/index.htm>.

### Other Publications

KICKING AWAY THE LADDER By Ha-Joon Chang, Cambridge University. May 2002, Anthem Press. 196 pp. In this study, the author examines the great pressure on developing countries from the developed world to adopt certain 'good policies' and 'good

institutions', seen today as necessary for economic development. Adopting an historical approach, Dr Chang finds that the economic evolution of the now-developed countries differed dramatically from the procedures that they now recommend to poorer nations. He concludes that developed countries are attempting to 'kick away the ladder' by which they have climbed to the top, thereby preventing developing countries from adopting policies and institutions that they themselves used. For further information contact: [enquiries@wpcpress.com](mailto:enquiries@wpcpress.com) or visit <http://styluspub.com/books/book5676.html>.

UN DEVELOPMENT PROGRAMME HUMAN DEVELOPMENT REPORT 2002: Deepening Democracy in a Fragmented World. This year's report focuses on the effect of politics -- particularly of democracy -- on human development. The report argues that reducing poverty depends as much on whether poor people have political power as on their opportunities for economic progress. By expanding people's choices about how and by whom they are governed, the report says, democracy brings principles of participation and accountability to the process of human development. To view the report, together with its country-by-country ranking of human development, visit <http://www.undp.org/hdr2002/>.

"Intellectual Property Rights in Plant Varieties: An Overview with Options for National Governments," in FAO LEGAL PAPERS ONLINE, July 2002. By Laurence R. Helfer. The report focuses on intellectual property rights relating to plant varieties and related issues such as the options available for national governments to protect breeders' rights and plant varieties and the future of the IPR agreements in the context of the WTO Doha round and ITPGR. The paper is available to be downloaded in PDF format at <http://www.fao.org/Legal/pub-e.htm>.

THE ACP AND THE EU NEGOTIATING MANDATES: A COMPARISON AND COMMENTARY. Produced by European Research Office, July 2002. In this report the European Research Office on request of the Cotonou Monitoring Group looked at different issues and themes related to the coming EU - ACP trade negotiations. A comparison is made between the ACP mandate and the EU mandate. For further information and to download visit: <http://www.epawatch.net/general/start.php>.

"Trade-Related Technology Diffusion and the Dynamics of North-South and South-South Integration" WORLD BANK POLICY RESEARCH WORKING PAPER 2861 (June 2002). By Maurice Schiff, Yanling Wang and Marcelo Olarreaga. This paper examines the impacts of TFP on North-South and South-South trade related R&D spillovers. The analysis is done at the industry

level for developing countries. The paper concludes that North-South and South-South R&D flows have a positive impact on TFP, though the former is larger and that R&D intensive industries benefit mainly from North-South flows while low R&D intensive industries benefit mainly from South-South R&D flows. The abstract and full-text is available to be downloaded at: <http://econ.worldbank.org/view.php?type=5&id=15961>.

**MULTI-STAKEHOLDER PROCESSES FOR GOVERNANCE AND SUSTAINABILITY - BEYOND DEADLOCK AND CONFLICT.** By Minu Hemmati with contributions from Felix Dodds, Jasmin Enayati & Jan McHarry. (Earthscan, 2001) The authors aim to provide an analytical guide to how to design multi-stakeholder processes in the light of forums created since Rio Summit. For further information contact the author, Minu Hemmati; email: [minush@aol.com](mailto:minush@aol.com); Internet: <http://www.earthsummit2002.org/msp/book.htm>.

**EARTH SUMMIT 2002 - A NEW DEAL**, Second Edition. Edited by Felix Dodds, UNED Forum. This new edition includes additional chapters on Freshwater and Energy. The book represents the drawing together of ideas, experiences and expectations in preparation for the 10 year review of the first Earth Summit in Rio, 1992. Authors offer analysis on critical issues on the International Sustainable Development Agenda as well as inviting key major group representatives to look at the reasons for slow progress so far in addressing those issues. For more information contact: email: [gledivellec@earthsummit2002.org](mailto:gledivellec@earthsummit2002.org); Internet: <http://www.earthsummit2002.org/es/Press%20Release/pb1.htm>.

## WTO Documents

Unless otherwise noted, all the WTO documents can be downloaded at [http://docsonline.wto.org/gen\\_search.asp](http://docsonline.wto.org/gen_search.asp).

**WTO PROPOSALS ON PARAGRAPH 6 OF THE DOHA DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH: THEMATIC COMPILATION (IP/C/W/363).** Council for Trade-Related Aspects of Intellectual Property Rights, Note by the Secretariat (11 July 2002). In this report the Secretariat presents a thematic compilation of the five written proposals that had been received thus far on the implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health. The paper identifies the various elements or components of the proposals and then set out, in synoptic form, how each addresses these elements. The five proposals are from Kenya on behalf of the African group; the EC; United Arab Emirates; Brazil on behalf of Bolivia, Brazil, Cuba, China, Dominican Republic, Ecuador, India, Indonesia, Pakistan, Peru, Sri Lanka, Thailand and Venezuela;

and the US. The note also takes into account any additional points made in the oral discussion in the Council. In addition, the note provides factual information regarding each of the different legal techniques that had been proposed, including the procedural requirements relating to each one and information on GATT/WTO experience with the use of these techniques.

**WTO NEGOTIATIONS GOODS SCHEDULES GATEWAY: URUGUAY ROUND SCHEDULES OF CONCESSIONS ON GOODS.** A new gateway has been added to the WTO site which explains what a goods schedule is and how to read one. Downloadable files are given for countries which were signatories of the Uruguay Round. The goods schedules are an integral part of GATT 1994. The gateway is accessible at: [http://www.wto.org/english/tratop\\_e/schedules\\_e/goods\\_schedules\\_e.htm](http://www.wto.org/english/tratop_e/schedules_e/goods_schedules_e.htm).

**STATEMENTS OF KOREA AT THE NEGOTIATING GROUP ON RULES (TN/RL/W/17, 18, 19, not yet available online).** Negotiating Group on Rules (8 July 2002). The three submissions by Korea are concerned with the Anti-Dumping Agreement, Fisheries Subsidies and Regional Trade Agreements respectively. Among these, the Fisheries subsidies statement is a response to the recent New Zealand submission on the same issue and outlines Korea's stand particularly with regards to the earlier submissions' argument that distinctively heterogeneous nature of the fisheries sector limit the effectiveness of existing SCM rules.

## Electronic Resources

**WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT RESOURCES ONLINE.** A variety of resources focusing on the WSSD is available online. The website includes a variety of links to Resources & Reports; Initiatives; Johannesburg Summit Issues; The Roadmap to 2002; and Programmes & Events. Further information is available online at <http://www.earthsummit2002.org>.

**SUMMIT OF THE AMERICAS 2001: ROUND-TABLE WITH NON-GOVERNMENTAL EXPERTS.** On April 15, 2002, the Canadian Department of Foreign Affairs and International Trade organised a day of discussion to take stock of progress over the past year with regard to the Summit of the Americas process. The Report from the meeting and additional information has been made available electronically on the "FTAA Civil Society" section at [http://www.dev.dfait-maeci.gc.ca/tna-nac/ftaa\\_neg-e.asp#cs](http://www.dev.dfait-maeci.gc.ca/tna-nac/ftaa_neg-e.asp#cs).



## Position Vacancies

OVERSEAS DEVELOPMENT INSTITUTE RESEARCH FELLOWS (ref. RF72) Based in London, UK. ODI is looking for highly competent research fellows to work on the following areas; Agricultural Policy and Trade; Economics of Poverty and Inequality; Humanitarian Aid Politics, Policies and Principles; International Finance; and Pro-poor Water Sector Reform. Closing date: 6 September 2002. Further details and an application form can be obtained from: Personnel Officer, Overseas Development Institute, 111 Westminster Bridge Road, London SE1 7JD; fax: (44-207) 922 0399; email: [recruitment@odi.org.uk](mailto:recruitment@odi.org.uk); Internet: <http://www.odi.org.uk>.

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