



INTERNATIONAL CENTRE FOR  
TRADE AND SUSTAINABLE  
DEVELOPMENT

# BRIDGES

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### LEAD STORIES

#### UK COMMISSION REPORT HIGHLIGHTS NEGATIVE IMPACTS OF IPRS ON DEVELOPMENT

The UK Commission on Intellectual Property Rights (CIPR) -- an independent body set up in May 2001 by the British government -- released its final report on 12 September, setting out a number of recommendations aimed at aligning intellectual property rights (IPR) protection with efforts to reduce poverty in developing countries. Many civil society groups welcomed the report as a reflection of widespread concerns regarding the IPR regime. Some industry groups, however, expressed concerns about the Commission's endorsement of compulsory licensing and parallel imports as means to address problems of access to medicines in poor countries.

#### Access to medicines, TRIPs and patents on life forms

Overall, the Commission concludes that the IPR system is not as beneficial for developing countries as for industrialised countries, as the system increases the cost of accessing many products and technologies of interest to poorer regions. The report furthermore points out that stronger IPR protection is not necessarily better for developing countries. "Developing countries should not be coerced into adopting stronger IP rights without regard to the impact this has on their development and poor people," said John Barton, Chair of the Commission. Instead, the IP systems should be tailored to the country's state of development and its particular circumstances, the Commission concludes.

Regarding IPRs and access to medicines, the report points out that without the incentive of patents, the investment by the private sector into the development of new medicines would likely have been much lower. At the same time, however, the IP system "hardly plays any role in stimulating research on diseases particularly prevalent in developing countries" unless there is a substantial market in the industrialised world, the report notes. To facilitate access to medicines at a lower price, the Commission endorses the use of compulsory

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licensing, differential pricing and parallel imports, while stressing the need to "prevent leakage of product from the intended recipient to other markets".

The Commission furthermore recommends extending the transition period for least-developed countries to implement the Agreement on Trade- related Aspects of Intellectual Property Rights (TRIPs) at least until 2016. "Countries should have to apply TRIPs based on their own development milestones, not based on an arbitrary date," Barton said.

With respect to patents on life forms (as allowed under Article 27.3(b) of the TRIPs Agreement), the report discourages developing countries from providing patent protection for plants and animals because of the restrictions such patents may place on the use of seeds by farmers and researchers. Also, the report recommends that IPR applicants should be required to disclose the geographic source of the genetic resources and provide proof that they were acquired with the prior informed consent of the country from which they were taken. Developing countries, including India and Brazil, have long been calling for such requirements to be implemented both at the TRIPs Council and at the Conference of the Parties to the Convention on Biological Diversity (see BRIDGES Trade BioRes, 11 July 2002, <http://www.ictsd.org/biores/02-07-11/story1.htm>).

### **NGOs welcome report while industry groups remain cautious**

Civil society group Oxfam welcomed the report as "powerful evidence- based critique of the health and development problems caused by the one- size-fits-all approach of WTO patent rules". In particular, the report's findings reflect many of the concerns put forward by developing countries, academics, NGOs and others regarding IPRs and medicines, Oxfam pointed out. The report's failure to call for the reform of the TRIPs Agreement, Oxfam added, reflected "the authors' pessimism about current power imbalances at the WTO". Médecins Sans Frontières also welcomed the report, which they said supported their view that compulsory licences should not be an exception but should become the rule. Similarly, ActionAid saw the report as a "big step in acknowledging that intellectual property rights legislation has a detrimental effect on poor countries". The group also noted, however, that whether the Commission's recommendations are actually put into action would now depend upon the political will of the UK Government.

The Association of the British Pharmaceutical Industry (ABPI) was pleased with the report's recognition of the role of IPRs in the promotion of invention, especially with regard to new medicines. But the ABPI expressed

concern regarding the Commission's proposal to use compulsory licensing and parallel imports as means to address developing countries' difficulties in accessing affordable medicines. Instead, the ABPI emphasised the use of "differential pricing, combined with adequate funding for infrastructure of health delivery as a positive step forward".

The full CIPR report and an executive summary are available at: <http://www.iprcommission.org/>.

### **TRIPs Council discusses similar issues**

Some of the issues raised in the CIPR report are currently being addressed by the WTO's TRIPs Council at its 17-19 September regular session, to be followed by a special (negotiating) session on 20 September. During the Council's discussions, WTO Members' positions regarding paragraph 6 of the Doha Declaration on TRIPs and Public Health remained largely unchanged. [Para.6 of the Declaration instructs Members to find an "expeditious solution" to the problem that Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face in making effective use of compulsory licensing (see BRIDGES Weekly, 3 July 2002, <http://www.ictsd.org/weekly/02-07-03/story1.htm>).] The TRIPs Council will try to resolve the remaining disagreements at an informal meeting in October as well as at informal consultations ahead of the next regular TRIPs Council session in November. BRIDGES Weekly will report in more detail on the outcomes of the September TRIPs Council meeting in the forthcoming issue.

"Independent Commission finds intellectual property rights impose costs on most developing countries and do not help to reduce property," CIPR, 12 September; "Oxfam's initial response to the report of the UK CIPR," OXFAM, 12 September; "MSF Comments on CIPR report," MSF, 12 September; "Government Commissioned report throws TRIPs agreement into question," ACTIONAID, 12 September; "Patents are essential in fight against world disease, ABPI says in response to CIPR report," ABPI, 12 September 2002.

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### **DSU REVIEW: DEVELOPING COUNTRIES REJECT US PROPOSAL ON TRANSPARENCY, SUGGEST OTHER OPTIONS**

At a 10-11 September special (negotiating) session of the WTO Dispute Settlement Body (DSB), the US tabled a proposal outlining its ideas on how to achieve a "more open and transparent process" by opening dispute settlement procedures to the public, providing

timely access to submissions and reports, as well as formalising the handling of so-called amicus curiae [friend of the court] briefs. However, the US' submission met stiff resistance from many -- mostly developing country -- Members, who put forward demands on improved internal access to dispute settlement proceedings and more effective enforcement mechanisms for developing countries.

### US proposal

Arguing that various key international dispute settlement fora such as the International Court of Justice (ICJ) were open to the public, the US proposed in its 9 August submission (TN/DS/W/13, searchable at <http://docsonline.wto.org/>) to allow public observers in all substantive panel, Appellate Body (AB) and arbitration meetings. It said that this should only occur under certain set procedures, including the caveat that "those portions dealing with confidential information" should be excluded from this rule. In addition, the US said that all parties' submissions and statements not containing confidential information should be made public by the Secretariat, and that final panel reports should be immediately available to all Members and the general public once they had been issued to the parties to the dispute. Finally, the US suggested setting up "guideline procedures for handling amicus curiae submissions," while taking into account "procedural concerns" that have been voiced by Members, dispute settlement panels and the AB.

Reportedly, developing country Members such as Brazil, Chile, India, Indonesia, Mexico, Malaysia, the Philippines and Uruguay rejected the US proposal, which they said would undermine the inter-governmental character of the WTO. In particular, developing countries' criticisms centred on the issue of allowing unsolicited submissions by non-parties to a dispute [amicus curiae briefs], arguing that this would provide third parties with more rights in dispute settlement proceedings than Members themselves. On opening dispute settlement meetings to the public, India cautioned that this would result in "trials by media" which could result in "miscarriages of justice." For its part, Malaysia took the view that opening dispute settlement meetings to the public would go beyond the Doha mandate, while Mexico said that the US was trying to "multilateralise" an issue that should be addressed at the domestic level.

The EC, which had previously tabled a proposal along similar lines (BRIDGES Weekly, 16 April 2002, <http://www.ictsd.org/weekly/02-04-16/story5.htm>), supported the US' submission, but it was reported that other European countries such as Norway and Switzerland had voiced some hesitancy regarding both opening dispute settlement meetings and formalising

amicus brief submissions. Japan said that it was "still ambivalent" on certain external transparency issues, and it went on to stress -- hinting at the deep divide in the Membership on these subjects -- that it attached great importance to "what kind of realistic consensus we could achieve by May next year" when the DSU review negotiations are to be concluded [Doha Declaration paragraph 30].

### Developing countries proposals

The African Group tabled a joint proposal (not derestricted) in which it said that the dispute settlement mechanism as it stood was "complicated and overly expensive" and that its enforcement rules had a developed country-bias. As a result, the Group suggested setting up a permanent fund financed by Members to enable developing countries to better engage in dispute settlement proceedings. On enforcement, African Members proposed introducing retrospective remedies providing compensation even if a measure was withdrawn prior to the establishment of a panel. Furthermore, the African Group suggested establishing rules allowing Members to retaliate collectively against a developed country Member maintaining an illegal trade measure.

India, Cuba, Malaysia and Sri Lanka tabled a proposal (not derestricted) asking for more flexibility to be provided to developing countries retaliating against a developed country in order to level out "tremendous imbalances" in trade relations between developed and developing countries. Additionally, the group of four proposed that developing countries be reimbursed for incurred legal costs in the event of a successful challenge to a developed country measure or if they fend off a case against them initiated by a developed country. For its part, Jamaica announced that it would put forward a detailed proposal on DSU review.

The next DSU special session is scheduled for 14 October.

"ICTSD reporting; "Dispute Settlement: US Proposal On Dispute Transparency Gets Cool Reception From WTO Members," WTO REPORTER, 11 September 2002; "Dispute Settlement: Developing Countries Outline Priorities For Reform Of WTO Dispute Procedure," 12 September 2002.

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**OTHER NEWS**

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**DEVELOPING COUNTRY CONCERNS  
EMERGE AT WTO INVESTMENT GROUP**

On 16-18 September, WTO Members met in the Working Group on Trade and Investment, where they addressed, inter alia, dispute settlement, foreign direct investment and technology transfer, and exceptions and balance-of-payments safeguards. As at the Working Group's last meeting on 3-5 July, many developing countries remain sceptical as to the need for an investment regime at the WTO, and are proceeding cautiously in the discussions (see BRIDGES Weekly, 10 July 2002, <http://www.ictsd.org/weekly/02-07-10/story4.htm>).

According to the Doha Declaration agreed last November, Members will decide on modalities (including whether/when) for launching negotiations on investment, competition and other 'new' issues at the next Ministerial meeting (scheduled for Cancun in September 2003). The EU is the WTO's main demandeur for establishing a multilateral framework on these issues.

**Dispute settlement**

A split along broadly north-south lines emerged in discussions around whether an investment agreement at the WTO would be covered by dispute settlement. Canada, Chinese Taipei, the EC and Japan submitted papers in support of having such an agreement come under the WTO dispute settlement system. An additional proposal from Chinese Taipei -- of considering investor-state disputes in the WTO through a dispute settlement mechanism -- drew objections from many delegations, including India, Malaysia, Hungary, New Zealand and Hong Kong, China.

India, holding its traditional line against investment at the WTO and echoed by Pakistan, said investment is not a trade issue and therefore does not belong in the organisation. It said that while it had considerably liberalised its investment regime, it would not be willing to bind it under a WTO agreement. Pakistan said that an investment agreement would weaken the bargaining position of host countries vis-à-vis investors. It further said it was "premature" to discuss dispute settlement when Members were not even close to an agreed definition of investment. It said a WTO investment agreement would only add to existing imbalances in the WTO against developing countries. Indonesia said that investment disputes are being taken care of in bilateral and regional trade agreements, and should not be brought to the WTO.

**Foreign direct investment (FDI) and technology transfer**

Interventions in this area focused around a 16 August document (WT/WGTI/W/136) produced by the WTO Secretariat on FDI and technology transfer. Brazil, which originally requested the note, said that because of its importance the Working Group should continue discussions of this subject even if it was not covered in the Doha mandate. India said the report highlighted the very low share (4 percent) of developing countries in global research and development, adding that studies have shown that rising FDI flows are not necessarily accompanied by transfer of technology. Indonesia expressed concern that developing countries tend only to receive low-level type technology. The US, which supports strong intellectual property right protection, said the report highlighted the importance of adequate intellectual property protection in attracting technology. Japan said that there is no "one size fits all" in technology transfer as it is difficult to replicate success from one country to another. The EC said fewer restrictions, such as joint venture requirements, on FDI would encourage more technology transfer.

**Exceptions and balance-of-payments safeguards**

Papers submitted by Canada, Chinese Taipei, Japan and Korea acknowledged that a possible WTO investment agreement would need to contain exceptions from disciplines when the host country faces a balance-of-payments (BOP) problem. Chinese Taipei, however, warned that exceptions should not be used as invisible barriers to investment. The US went further, saying that the right of free transfer of capital is crucial, and that BOP restrictions are a "self-defeating strategy" in the long term. In response, Egypt said that financial instability is a major concern for developing countries, stressing that they need "safety valves" during crises, and suggested linking this subject with discussions in the new WTO Working Group on Trade and Finance. Mexico and Norway said they would support BOP exceptions patterned after that of the General Agreement on Trade in Services. Pakistan said that current GATT BOP exceptions are inadequate for developing countries. The EC voiced its support for the incorporation of flexibility for host countries in an investment agreement.

**Technical Assistance**

The WTO Secretariat reported that it had organised or would be conducting 22 regional and national seminars on trade and investment this year, mostly in partnership with the UN Conference on Trade and Development (UNCTAD).



The Group will hold its final meeting for the year on 2-3 December to consider its draft report to the General Council and to discuss activities for 2003. The Chairman said that the Group could probably hold two meetings during the first half of 2003, and focus "in a more compact way" on the seven items mentioned in the Doha mandate and the interrelationship between them.

The seven items referred to in the Doha Declaration include: development provisions; transparency; non-discrimination; scope and definition; modalities; exceptions and balance-of-payments safeguards; and consultation and the settlement of disputes between Members.

ICTSD reporting.

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### **WTO CTD TO REVIEW PROVISIONS ON ECONOMIC DEVELOPMENT**

On 10 September, the WTO's Committee on Trade and Development (CTD) met informally to discuss the review of Article XVIII of GATT 94 ("Governmental Assistance to Economic Development"), the issue of small economies, and paragraph 51 of the Doha Ministerial Declaration (on reflecting sustainable development in the negotiations). New and/or updated Secretariat documents are expected on all three items.

#### **Article XVIII**

Following two brief discussions on this issue at previous CTD sessions, including a debate on whether the CTD in fact had a mandate to discuss this item at all, the review of Article XVIII again found itself on the 10 September meeting agenda (see BRIDGES Weekly, 3 July 2002, <http://www.ictsd.org/weekly/02-07-03/story3.htm>). Two background documents from the Secretariat were discussed (WT/COMTD/39 and /39/Add.1, searchable at <http://docsonline.wto.org/>), which look at the historical usage of Section C of Article XVIII in both the older GATT system (/39/Add.1) and the current WTO system (/39).

Article XVIII of GATT 1994, entitled 'Government Assistance to Economic Development', recognises that it may be necessary and justifiable for those Members whose economies can only support low standards of living and are in the early stages of development to take protective or other measures affecting imports in order to implement programmes and policies of economic development designed to raise the general standard of living. Section C deals specifically with taking measures to establish a particular industry with a view to raising peoples' general standard of living.

Over past years, numerous concerns regarding the ability of developing countries to use these flexibilities have been raised. Most recently, a provision to review Article XVIII made its way into the document entitled, 'Compilation of Outstanding Implementation Issues Raised By Members' (JOB(01)/152/Rev.1, searchable at <http://docsonline.wto.org>) -- which some argue falls under the mandate of 'implementation issues' agreed upon by Members at the Doha Ministerial Conference last November (see Trade Negotiations Insight, February 2002, [http://www.ictsd.org/tni/tni\\_english/TNI1\\_EN.pdf](http://www.ictsd.org/tni/tni_english/TNI1_EN.pdf)). In that regard, the text of the 'Compilation' document calls for a complete review of the article, so as to "ensure that it subserves the original objective of facilitating the progressive development of economies in developing countries and to allow them to implement programmes and policies of economic development designed to raise the general standard of living of their people."

Members' comments included some from India regarding the rare usage of Section C of Article XVIII, citing as a cause the adverse effects of the compensation requirements. India also reiterated proposals for making both Sections A & C of the article more 'user friendly', as outlined in their submission in the lead-up to the 1999 Ministerial Conference in Seattle (WT/GC/W/363, searchable at <http://docsonline.wto.org>). In a previous session, the EC had asked exactly how the article had constituted an impediment in the real world. As such, the Secretariat will be preparing further documents regarding possible sources of impediments to using the article. Further to this, India requested that individual Members detail their difficulties in using the article.

#### **Small Economies**

The discussion on small economies was focused on the Secretariat's literature review (WT/COMTD/SE/W/4, searchable at <http://docsonline.wto.org/>), which seeks to inform the ongoing discussions on defining exactly what is a 'small economy' (see BRIDGES Weekly, 3 July 2002, <http://www.ictsd.org/weekly/02-07-03/story3.htm>). While all Members welcomed the document as a valuable compendium of existing research, some of the proponents for the 'small economy' issue (Sri Lanka, Mauritius, Barbados) felt that greater attention and elaboration was needed on a particular definition of smallness (the 'Davenport' definition), which looks at trade flows. As a result, a revised version of the literature review is expected for the next session on small economies (8 October).

#### **Appropriately reflecting sustainable development**

The discussions on paragraph 51 of the Doha Ministerial Declaration (which mandates the CTD and

the Committee on Trade and Environment (CTE) to help achieve the objective of having sustainable development appropriately reflected in the WTO) were brief and had few interventions. The EC informally circulated 'speaking notes' from a previous informal on this subject that reportedly suggested creating a "simple and clear tool, which allows the [CTD] to comprehensively assess where and how development aspects are treated in the negotiations". The EC also made reference to a document circulated at previous CTD & CTE sessions, (WT/COMTD/99 or TN/TE/W/3, searchable at <http://docsonline.wto.org>), outlining a proposed "Sustainability Impact Assessment" mechanism. While some delegates (including Chile, Argentina, and Australia) had previously questioned the approach and methodology of the report, most agreed that more time was needed to consider the submission. The EC also suggested that the Secretariat write an overview of what is happening that concerns sustainable development in all negotiating bodies.

ICTSD reporting.

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### **WTO MEMBERS TO SUBMIT COMPREHENSIVE MARKET ACCESS MODALITIES PROPOSALS BY NOVEMBER**

Continuing discussions held in August at the last meeting of the Negotiating Group on Market Access (see BRIDGES Weekly, 8 August 2002, <http://www.ictsd.org/weekly/02-08-06/story4.htm>), Members met on 12-13 September to resume discussions on negotiating modalities on tariffs and non-tariff barriers on non-agricultural products. Positions raised by Members on 12 September closely resembled those that had emerged in August.

#### **Background**

Previously, on 19 July, Members agreed to submit proposals on modalities -- or formulas for how to negotiate -- for market access talks by 1 November this year, with a consolidated overview scheduled for the Group's first meeting in 2003. At that time Members also agreed to reach a common understanding on a possible outline of modalities by the end of March 2003, with a view to reaching an agreement on those modalities by 31 May 2003.

#### **12-13 meeting**

Most delegates who made interventions at the 12-13 September session notified the Negotiating Group that they were working on comprehensive proposals to be submitted by the November meeting, currently

scheduled for the 4th and 5th of that month. As such, few new positions were aired.

For its part, Kenya reinforced previous comments from other developing countries by warning Members that there were limits on its ability to make significant market access commitments. China reiterated its view that it had already made market access concessions in its accession process, and was not prepared to engage in further cuts in tariff and non-tariff barriers in the context of the Doha negotiations. The EC said that despite some Members' desire to exclude certain products from the negotiations, in its view the talks should address all non-agricultural products without exclusion.

#### **Environmental goods**

In its intervention on environmental goods, India said it would not accept any definition of environmental goods that included goods 'produced in a sound environmental manner'. India's view mirrored the 'end-use' approach advocated by the US in a 3 July submission (see BRIDGES Weekly, 17 July 2002, <http://www.ictsd.org/weekly/02-07-17/wtoinbrief.htm>). However, the EC reportedly said that the definition of what constituted an environmental good was already included in the Doha Declaration as 'a good that contributes to sustainable development'.

On the second day of the meeting, Members considered four new documents prepared by the WTO Secretariat to support the market access talks. These included an Annotated Selective Bibliography of Research on Market Access (TN/MA/S/1/Add.1, searchable at <http://docsonline.wto.org/>); Data Availability and Software Tools for Tariff Negotiations (TN/MA/S/2); Modalities of Tariff Negotiations (TN/MA/S/3); and WTO Members' Tariff Profiles (TN/MA/S/4).

ICTSD reporting.

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### **IN BRIEF**

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#### **EUROPEAN GROUPS RELEASE STATEMENT CONDEMNING WTO INVESTMENT TALKS**

A statement signed by 40 civil society groups from across Europe was released on 13 September calling

on the governments of European countries and the European Commission to withdraw their proposals for investment negotiations within the WTO (see BRIDGES Weekly, 10 July 2002, <http://www.ictsd.org/weekly/02-07-10/story4.htm>). The statement was released one year before the WTO Ministerial to be held in Cancun, Mexico on 10-14 September, at which Members are expected to decide on modalities (including whether/when) for launching negotiations on investment, competition and other 'new' issues. The EU is the WTO's main demandeur for establishing a multilateral framework on these issues. The signing groups, which include Friends of the Earth Europe, Attac France, Oxfam, WEED and many others, want European governments instead to enter into an agreement with the WTO that would enforce a new system of multilateral rules on transnational corporations, including accountability to the UN. The coalition says the current European position would create an agreement similar to the OECD's failed Multilateral Agreement on Investment (MAI), negotiations for which unravelled in 1998. The release of the statement was the coalition's first step in a line of events planned for coming months before next year's Ministerial. The groups will gather in Copenhagen on 23-24 September to finalise plans for the rest of their campaign.

"From Brussels to Cancun: European civil society groups launch campaign on global trade and investment talks," FOEE PRESS RELEASE, 13 September 2002.

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### **INDIA AND ASEAN: ONE STEP CLOSER TO FTA**

In what was termed a landmark meeting by the participants, ASEAN and the world's second most populous country, India, agreed to strengthen economic ties with the eventual goal of creating a free trade area. Both sides agreed to create immediately an ASEAN-India Economic Linkages Task Force, made up of senior officials and business leaders, in order to study the effect of a Free Trade Agreement (FTA) and give its recommendations on how to implement efficiently the agreement in future. In November the ASEAN heads of state are set to meet for a summit in Cambodia and the prime minister of India is scheduled to meet with ASEAN leaders to discuss their future as a group. In 2001, trade between ASEAN and India was up 30 percent, to USD 9.88 billion from USD 7.6 billion the previous year.

"ASEAN, India agree to establish free-trade area," BUSINESS TIMES, 16 September 2002; "India see regional FTA as long-term goal," KYODO NEWS INTERNATIONAL, INC, 15 September 2002.

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### **ASEAN CONCLUDES TRADE PARTNERSHIP WITH AUSTRALIA AND NEW ZEALAND**

At a 14 September meeting of the Association of South East Asian Nations (ASEAN) in Brunei, ASEAN members signed a Closer Economic Partnership with Australia and New Zealand. The agreement commits the signing nations to focus on reducing non-tariff barriers in order to double trade between ASEAN and the two countries by 2010 to USD 40 billion. The agreement in the long term aims for trade liberalisation and eventually the reduction of tariffs; however, a free trade agreement was not pursued during the negotiations due to reluctance of some ASEAN members -- such as Malaysia -- to enter into an FTA with Australia. Nevertheless, Australia and Singapore were able to come close to agreeing on a bilateral FTA during the same meetings. Australian Trade Minister Mark Vaile said he was optimistic that the agreement between the two countries would be concluded once some details such as market access in services and other areas, including provision of legal services, had been worked out. He then told reporters that both sides were confident the agreement could be completed by the Asia Pacific Economic Cooperation (APEC) forum summit schedule for on 26 and 27 October in Mexico.

"Australia, NZ Take Fast Track To ASEAN Trade Deal," DOW JONES, 15 September 2002; "Australian confident of sealing FTA with Singapore next month," KYODO NEWS, 14 September 2002.

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### **EU PLANS TO INTRODUCE NEW GRAIN TARIFF QUOTAS**

New grain import quotas proposed by the European Commission this week have prompted expressions of concern from Europe's major agricultural trading partners. The proposal is for a worldwide quota of 2.3 million tonnes to cover soft and durum wheat. Outside this quota, the EU would impose a stiff duty of EUR 95 per tonne of soft wheat and EUR 148 per tonne of durum. The proposal has been made in order to curb imports from the Black Sea area. Russia and the Ukraine currently ship large amounts of cheap wheat into the EU, undercutting prices for farmers inside the 15-member area. The EU's trading partners -- particularly the US and Canada -- are also annoyed with the method that the EU is using to calculate the new import quotas. WTO rules state that new tariff rate quotas need to correspond with the most recent imports. However, the EU is attempting to use data from 1998-2000 claiming that they do not have accurate data from last year. The US responded to this, saying

that it was unfair because trade was much higher and the duties were much lower during 2001.

"EU locked in grain quota talks with WTO partners," REUTERS, 18 September 2002; "EU said to plan 2.3 mln T global wheat import quota," REUTERS, 17 September 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>. If you would like to submit an event, please email [events@ictsd.ch](mailto:events@ictsd.ch).

#### Coming Up This Week: 18-24 September

18-21 September, Edinburgh, UK: GENETIC ENGINEERING AND THE INTRINSIC VALUE AND INTEGRITY OF ANIMALS AND PLANTS. The multidisciplinary workshop is meant to bring together different voices and concerns in respect to genetic engineering and its products. For further information contact Ifgene UK co-ordinator: David Heaf, Hafan, Cae Llwyd, Llanystumdwy, LL52 0SG, UK. tel/fax: (44-1766) 523-181; email: [101622.2773@compuserve.com](mailto:101622.2773@compuserve.com); Internet: <http://www.anth.org/ifgene/2002.htm>.

19-21 September, Ljubljana, Slovenia: EASTERN ENLARGEMENT OF THE EU: IMPLICATIONS FOR DEVELOPMENT STRATEGIES AND DEVELOPMENT CO- OPERATION IN THE 21ST CENTURY. This is the 10th General Conference, which is hosted every three years by the European Association of Development Research and Training Institutes (EADI). For further information contact: Susanne von Itter, EADI; tel: (49 22) 8261-8101; fax: 8261- 8103; email: [itter@eadi.org](mailto:itter@eadi.org); Internet: <http://www.eadi.org/generalconference.htm>.

21-22 September: MINISTERIAL MEETING OF THE 'LIKE-MINDED GROUP' OF DEVELOPING COUNTRIES. Organised by India. Further details not currently available.

21-22 September: DEVELOPED AND DEVELOPING COUNTRY TEXTILE AND CLOTHING MANUFACTURERS MEETING. organised by EU industry body Eurotex. Topics for discussion include:

prospects for further liberalisation within the Doha Round, and how to jointly meet the challenge posed by the end of the Multifiber Arrangement (MFA) from January 2005.

22-24 September, Miami, Florida: THE AMERICAS CONFERENCE ON CORPORATE SOCIAL RESPONSIBILITY: ALLIANCES FOR DEVELOPMENT. Sponsored by the Inter-American Development Bank in cooperation with the Dante B. Fascell North-South Center. Location: Inter-Continental Hotel; Attendance: By invitation only. For further information contact: [Nelid@iadb.org](mailto:Nelid@iadb.org); or visit <http://www.csramerica.org/>.

23 September - 1 October, Geneva, Switzerland: ASSEMBLIES OF THE MEMBER STATES OF WIPO (Thirty-seventh series of meetings). The member states will meet to discuss a variety of issues from Internet domain names to copyright treaties. For further information contact: World Intellectual Property Organisation, tel: (41-22) 338-9111; fax: 733-5428; email: [WIPO.mail@wipo.int](mailto:WIPO.mail@wipo.int); Internet: <http://www.wipo.int/>.

### 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.

19 September, Geneva, Switzerland: WTO COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES. Continuation of the Committee's consideration of Article 27.4 requests and reservations of rights as members listed in Annex vii(b). Approval of qualifying requests to extend the transition period for export subsidies provided to certain developing countries pursuant to G/SCM/39.

19 September, Geneva, Switzerland: WTO COUNCIL FOR TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS. On the agenda, inter alia: Developed country Members will update information on their technical cooperation activities relevant to the implementation of the TRIPs agreement. Other Members who make available technical cooperation have also been encouraged to share information on these activities if they so wish.



20 September, Geneva, Switzerland: WTO SPECIAL SESSION OF THE COUNCIL FOR TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS.

23 September, Geneva, Switzerland, 15:00: WTO COMMITTEE ON MARKET ACCESS.

23-25 September, Geneva, Switzerland: WTO SPECIAL SESSION OF THE COMMITTEE ON AGRICULTURE.

### Other Forthcoming Events

26-27 September, Bangkok, Thailand: INTERNATIONAL CONFERENCE ON BEING SUSTAINABLE - COMPETITIVENESS FOR BUSINESS AND INDUSTRY. The purpose of this conference is to heighten the awareness of businesses and the community as a whole to environmental business management practices that will lead to sustainability for businesses and industry. The two days will be devoted to the presentations of research papers related to the main conference theme, which may include topics such as: Industrial Ecology, Marketing, Operations Management, Transport, Logistics, Accounting, and Waste management. For further information, visit <http://www.bus.tu.ac.th/ems/web/new/new.html>.

27 September, 5pm, Geneva, Switzerland: THE ROAD TO CANCUN. Organised by CIEL – FoEI – IATP – OXFAM. Prior to the WTO Ministerial meeting in Cancun, Mexico next year, the WTO will address a range of controversial issues, with implications for people, communities, and the environment. This Roundtable will provide four short presentations on key issues, and an opportunity for organisations and individuals in Geneva to discuss their perspectives on the WTO. Interpretation from English to French will be provided. For further information contact: [mstittelmann@ciel.org](mailto:mstittelmann@ciel.org); or phone (022 789 05 00).

1-2 October, Dubai, United Arab Emirates: ANNUAL MEETING OF THE IMF/WORLD BANK GROUP. For further information visit: <http://www.imf.org/external/am/index.htm>.

2-4 October, Geneva, Switzerland: UN CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD) EXPERT MEETING ON ENVIRONMENTAL REQUIREMENTS AND INTERNATIONAL TRADE. Experts will examine actual and potential trade and development effects (both positive and negative) of environmental requirements on developing countries, paying special attention to the conditions and needs of small and medium-sized enterprises (SMEs). Presentations by country experts are expected to provide country-specific experiences and views.

Conference will be held at the Palais des Nations. For further information, visit <http://www.unctad.org/>.

8 October, London, England, GATS: SEMINAR ON HOW THE GENERAL AGREEMENT ON TRADE IN SERVICES THREATENS PUBLIC SERVICES AND DEMOCRACY. Organised by the UK GATS Network. The seminar is being held for those working in policy and campaigns for organisations such as NGOs, trade unions, local authorities, social welfare organisations, professional bodies, women's organisations, government agencies, environmental organisations. Quaker International Centre, 1 - 3 Byng Place, WC1 (1330h - 1700h). Places are limited, so please send your booking in as soon as possible. To book a reservation for attendance, send your name, organisation and contact details to the UK GATS Network, 90 The Parkway, Canvey Island, Essex SS8 0AE; email: [ukgatsnet@yahoo.co.uk](mailto:ukgatsnet@yahoo.co.uk).

11-12 October, Hyderabad, India: TRIPS - NEXT AGENDA FOR DEVELOPING COUNTRIES. Organised by the Shyamprasad Institute for Social Service (SISS). A conference will be held with the objectives of: sharing experiences of various developing countries in respect of social, political and economic impact of TRIPs; and suggesting legislative measures to governments of developing countries in general and India in particular to protect the interests of different stakeholders. Research papers are invited from researches and stakeholders of all developing countries for the conference. Papers containing economic and econometric analysis would be preferred. Venue: Indo-American Centre for International Studies, Osmania University. For further information, visit <http://www.sishyd.net/>.

14-18 October, Rome, Italy: FAO COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE (9th session). For further information, contact Paloma Señor, CGRFA, tel: (39 06) 570 52199; fax: 57056347; email: [Paloma.Senor@fao.org](mailto:Paloma.Senor@fao.org); Internet: <http://www.fao.org/ag/cgrfa/>.

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## 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 [resources@ictsd.ch](mailto:resources@ictsd.ch). Submissions of publications to ICTSD's documentation centre would also be welcomed (see mailing address below).

"The Cartagena Protocol on Biosafety: taking the steps from negotiation to implementation," REVIEW OF EUROPEAN COMMUNITY AND INTERNATIONAL ENVIRONMENTAL LAW (RECIEL) 11 (1, 2002): 53-61. By Stanley W. Burgiel. This article briefly reviews the context, actors, areas of conflict and the results of the negotiations for the Protocol. It then looks at subsequent discussions relevant to biosafety at the intergovernmental level under the Interim Committee for the Cartagena Protocol (ICCP) and related developments in other arenas such as the WTO and FAO. The article briefly reviews relevant national level events and legislation, such as the food safety scares in the US and Europe and the EU's Directives on biotechnology and labelling. The final part of the article provides some concluding thoughts relating national events to the broader intergovernmental discussions on biosafety.

"Developing Countries as Exporters of Services," KIEL INSTITUTE OF WORLD ECONOMICS WORKING PAPER (RePEc:wop:kieliw:992). July 2000. By Rolf J. Langhammer. According to the author, this paper departs from the perception that trade in services in general and developing countries' exports in services in particular are dynamic segments of world trade. Langhammer argues that neither total trade data nor the US import trade figures support this perception. Instead, the paper concludes that developing countries continue to rely on relatively slowly growing exports of labour-abundant consumer services relating to movements of goods and persons.

WORKING FOR A SUSTAINABLE WORLD: REPORT. August 2002. By USAID. This report provides a detailed summary of US policy toward sustainable development and what the US government believed had to be achieved at the World Summit on Sustainable Development. At the request of the White House, USAID conducted the first-ever comprehensive survey of sustainable development activities by US Agencies and Departments. Findings revealed that over 20 Agencies were actively involved in a full range of development assistance efforts, and more than 400 on-the-ground initiatives were identified. To obtain a copy of this report, visit <http://www.usaid.gov/about/wssd/>

"Biological diversity management in Africa: legal and policy perspectives in the run-up to WSSD" REVIEW OF EUROPEAN COMMUNITY AND INTERNATIONAL ENVIRONMENTAL LAW (RECIEL) 11 (1, 2002): 38-52. By Patricia Kameri-Mbote and Philippe Cullet. The first part of this article sets out an international and regional framework for the management of biodiversity. In the second section, the dominant legal and policy trends in biological resource management at national levels and the influence of international law are identified. The third section analyses specific legal and institutional

initiatives for biodiversity management. Finally, suggestions are made for the development of more sustainable and effective laws and policies for biodiversity management in African countries.

LIBERALIZATION OF TRADE IN SERVICES AND HUMAN RIGHTS (E/CN.4/Sub.2/2002/9). July 2002. By Mary Robinson, UN High Commissioner on Human Rights. This report underscores the importance of governments making commitments in the on-going WTO/GATS negotiations "on the basis of sound empirical evidence." The report also calls on governments to undertake public, independent and transparent human rights assessments of liberalisation policies -- both past policies and future options -- on the enjoyment of human rights, through a participatory and consultative process with concerned individuals and groups. To obtain a copy of this publication, visit <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/32f8a4ad6cc5f9b9c1256c05002a87f8?OpenDocument>.

"Environmental change, protest, and havens of environmental degradation: evidence from Asia" GLOBAL ENVIRONMENTAL POLITICS 2 (2, 2002): 20-28. By Derek Hall. This paper explores the relevance for the debate on "pollution havens" of two cases from the international political economy of Japan-Southeast Asia relations. The first case -- the changes in Japanese FDI to Asia in the 1970s -- demonstrates that Japanese firms and the Japanese state consciously attempted to relocate highly polluting industry in order to escape anti-pollution protest in Japan. The second case -- the effort to create in Asia and the Pacific an export-oriented industrial tree plantation (ITP) sector supplying regional pulp and paper markets -- shows, somewhat counter-intuitively, that political contestation related to the environmental problems caused by ITPs has encouraged Japanese companies to concentrate their tree planting activity not in Southeast Asia but in Australia.

THE CAP DOESN'T FIT. July 2002. By Sustain and the UK Food Group. According to this paper the European Common Agricultural Policy (CAP) must be transformed to embrace new social, environmental, animal welfare, rural and international development, and health objectives. The two groups go on to provide detailed recommendations as to what the objectives of a CAP should be and what changes must take place in the short run as well as the long run in order to create a successful policy. To obtain a copy of this publication, visit <http://www.ukfg.org.uk/pages/news/pnewsev.htm>.

## WTO Documents

Unless otherwise indicated, WTO documents can be downloaded at: <http://docsonline.wto.org/>.

COMMITTEE ON TRADE AND DEVELOPMENT - Implementation of Special and Differential Treatment Provisions in WTO Agreements and Decisions - A Review of Mandatory Special and Differential Treatment Provisions - Note by the Secretariat - Addendum, 21 December 2001. WT/COMTD/W/77/Rev.1/Add.2.

WTO SECRETARIAT TECHNICAL COOPERATION IN THE TRIPS AREA. This document focuses on the WTO Secretariat's activities on assisting Members to understand their rights and obligations which flow from the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). IP/C/W/375, 12 September 2002.

### Electronic Resources

SUSTAINABLE DEVELOPMENT ONLINE. The role of SDO is to provide access to significant websites built by organisations supporting the move towards SD. SDO is a starting point to engage with SD subjects. SDO is continually updated and maintained and visited by one of our researchers. Information can also be accessed via SDO on many interconnected subjects. To view the site, visit <http://sd-online.ewindows.eu.org/>.

CIEL OXFAM IATP STATEMENT ON INVESTMENT. On 16 - 17 September 2002 WTO Members, meeting as the Working Group on the Relationship between Trade and Investment (WGTI), held their third formal meeting since the Doha Ministerial Conference. CIEL, IATP and Oxfam are concerned that this meeting constitutes another step towards negotiating a WTO agreement on investment - in practice setting aside sustainable development. To view this statement, visit [http://www.ciel.org/Tae/WTO\\_Investment\\_12Sep02.html](http://www.ciel.org/Tae/WTO_Investment_12Sep02.html).

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