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### LEAD STORIES

#### TOP-DOWN OR BOTTOM-UP? MEMBERS DELIBERATE HOW TO ADDRESS WTO- MEA RELATIONSHIP

At the third meeting of the special (negotiating) session of the WTO Committee on Environment (CTE) on 10-11 October, WTO Members continued to disagree on how to examine the relationship between the WTO and multilateral environmental agreements (MEAs). Major discussions took place over whether Members should adopt a 'top-down' approach, such as that favoured by the EC and Japan, or a 'bottom-up' approach, such as that advocated by Australia and a number of other Members.

#### Background

In paragraph 31 of the Doha Ministerial Declaration, Members agreed to negotiations, "without prejudging the outcome", on: (i) the relationship between existing WTO rules and specific trade obligations set out in MEAs. The negotiations shall be limited in scope to the applicability of such existing WTO rules as among parties to the MEA in question. The negotiations shall not prejudice the WTO rights of any Member that is not a party to the MEA in question; (ii) procedures for regular information exchange between MEA secretariats and the relevant WTO committees, and the criteria for the granting of observer status; and (iii) the reduction, or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services.

At the last special session on 11-12 June (see BRIDGES Weekly, 12 June, <http://www.ictsd.org/weekly/02-06-12/story3.htm>), there was wide support for an Australian proposal that the MEA-WTO negotiations be undertaken in three phases: analysis, discussion, and negotiations. WTO sources indicated on 11 October that Members were still in the study, or analysis, phase, and that it was not clear when this would graduate to the next stage.

## A top-down approach

In its submission on the relationship between MEAs and the WTO (TN/TE/W/10, searchable at <http://docsonline.wto.org/>), Japan proposed identifying and categorising specific trade obligations under MEAs according to their specificity, stating up front whether or not they should be considered compatible with WTO rules. Japan's paper proposed four categories for trade-related MEAs. As examples, it looked at the Convention on International Trade in Endangered Species (CITES), the Basel Convention on Transboundary Movement of Hazardous Wastes, the Montreal Protocol on Substances that Deplete the Ozone Layer, and at a number of regional fisheries agreements. It further stated that a possible outcome of negotiations could be the adoption of a binding interpretive understanding on MEAs and WTO rules. According to Japan, WTO Members must make clear when it is permissible or not for governments to impose trade-restrictive measures intended to meet their obligations under MEAs.

The Japanese proposal was welcomed by the EC, Norway and Switzerland. The EC said that on para 31(i), the WTO should first discuss principles and parameters, then look at applying these to specific trade measures in MEAs.

## A bottom-up approach

Australia countered the EC-Japan perspective, arguing that Members should first identify the specific trade obligations in MEAs to be addressed and the appropriate WTO rules, then discuss these provisions with the relevant MEA secretariats, then move on to a negotiating phase. Such an approach fits with the view of the US, which has said that in its view, the Doha mandate points to talks that examine the relationship between the two sets of rules and then simply describes that relationship.

Due to concerns around its non-membership in agreements such as the Kyoto Protocol to the UN Framework Convention on Climate Change and to the Biosafety Protocol of the UN Convention on Biological Diversity, the US at Doha successfully resisted negotiations on MEAs that could lead to changes in the WTO rights and obligations of non-parties to MEAs. Earlier in September, a US official warned that a push to formalise MEA-WTO linkages could result in developing countries questioning the basis for existing cooperation. Notably, the Australian perspective was supported by the US, Brazil, China, India, S. Korea and Taiwan at the October meeting.

In an effort to move the debate forward in the area of a bottom-up approach, a submission from New Zealand (TN/TE/W/12) compiled existing information on trade provisions of the Basel Convention, the Montreal

Protocol and CITES, together with existing information regarding WTO rules that are potentially relevant to these MEAs.

According to sources present at the meeting, approximately 40 delegations made substantive interventions on top-down vs. bottom-up perspectives. As such, the source said, despite the differences in approaches, the CTE special session showed that substantive discussions were possible on both perspectives. Indeed, the EC said that its intention was to "complement" the Australian approach. For its part, Norway cautioned Members that the CTE needed to be careful that para. 31 (i) would not be used to weaken MEAs.

The issue of agriculture, which many see as the make-or-break issue of the Doha negotiations, reportedly cropped up frequently in Member interventions, particularly with reference to messages emerging from the World Summit on Sustainable Development advocating progress on reducing agricultural subsidies. The EC and Japan are often targeted by Members such as Australia, Brazil and others for maintaining high levels of support for their agriculture sectors. Sources indicated that the trade and environment negotiations are likely to be linked eventually with talks on agriculture.

## Environmental good and services

Regarding para. 31(ii), agreement now exists in the CTE that negotiations on environmental goods are to be addressed in the Negotiating Group on Non-Agricultural Market Access, while environmental services are to be addressed in the Services negotiations, with the CTE adopting a clarification and monitoring role. However, Members are not yet decided on how this role will be exercised. The US proposed that there could be joint sessions between the CTE and the Goods Negotiating Group. For its part, Qatar proposed including goods involving natural on an eventual list of environmental goods. A combined list of environmental goods elaborated by both the Asia Pacific Economic Cooperation (APEC) forum and the Organisation for Economic Cooperation and Development (OECD) (TN/MA/S/6) on 7 October was forwarded by the WTO Secretariat to the Negotiating Group on Market Access.

## MEA observership still blocked

On the continuing question of MEA observership, participation of MEA secretariats in the special CTE sessions remains blocked at the higher political level at the WTO (see related story, this issue). At last week's meeting, the EC proposed an early decision to give observer status to MEAs and to the UN Environment Programme (UNEP). Making reference to 'the spirit of

Johannesburg', the EC argued that there was an urgent need for the WTO to open up to key MEAs and to UNEP, as the CTE negotiations could affect their future. Concerns voiced by the Convention on International Trade in Endangered Species and by UNEP at the 8-9 October regular CTE session (see related story, this issue) reinforce the EC's arguments.

To get around the current observership blockage, an informal special 'MEA information session' of the CTE is scheduled for 12 November, where MEA secretariats will engage with Members. However, this remains an informal meeting, and MEA representatives reportedly remain sceptical that it can replace substantive input in a formal session.

ICTSD reporting; "EU Calls For UNEP To Be Given Observer Status In WTO Talks," UN WIRE, 11 October 2002; "Update On The Environment Talks At The WTO," FRIENDS OF THE EARTH INTERNATIONAL, 10 October 2002.

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### **CTD LOOKS AT TECHNICAL ASSISTANCE FOR 2003**

On 8 and 9 October, the 42nd session of the WTO's Committee on Trade and Development (CTD) met to address, inter alia, the planning of technical assistance for 2003, the ongoing work on the participation of developing countries in world trade, and a review of the flexibilities for developing countries under GATT 94 Article XVIII (i.e. Government Assistance to Economic Development). The discussions of the first day focused specifically on technical assistance matters, with the second day looking at the other items. While some headway was made on the TA issues, most of the others saw limited discussions, with many being pushed forward to the next CTD meeting on 11 November.

#### **Comments on technical assistance from the new Director-General**

The discussions on technical assistance (TA) began with some introductory remarks from WTO Director-General Supachai Panitchpakdi. Dr. Supachai conveyed a few points regarding technical assistance, of which the 2003 TA Plan, he said, "was a key element in [his] evolving thoughts" on the subject. His first, and arguably most important, comment was on the nature of TA that he felt was best within the competencies of the WTO Secretariat to deliver. This, he noted, lay primarily in the realm of providing "technical assistance to build effective capacity for negotiations" as well as to assist developing countries (in collaboration with relevant multilateral agencies) in understanding the rules and their implementation. On the sensitive issue of

providing TA to help with developing the commercial capacity to take advantage of market access opportunities that could emerge through the WTO rules-based trading system (what is often termed as dealing with 'supply-side constraints'), Supachai indicated that the WTO's role would be to "seek coordination and advocate [for] such TA with development institutions and bilateral donors."

His other points on TA touched on a broad number of items, including the continued focus on LDCs and acceding countries, the need for "systematic, cumulative and sustainable capacity building", and the need to concentrate on the quality and not quantity of TA activities. He also indicated that the objectives of TA activities were not simply focused on the Fifth Ministerial in Cancun (September 2003), but rather to establish a framework for TA that would last beyond Cancun and the Doha negotiations themselves. Finally, calling it perhaps "the greatest challenge" of TA work, he noted the need for results-oriented coordination with other agencies, bilateral donors and the recipient countries themselves.

#### **Technical Assistance Plan**

With those points in mind, Members began a discussion on the delivery, focus, and costing of the 2003 technical assistance plan (WT/COMTD/W/104 & /104/Add.1, searchable at <http://docsonline.wto.org/>). One developed country delegate noted "near-consensus" among delegates that the Secretariat was trying to do too much and that alternative providers, such as the UN Conference on Trade and Development & the International Trade Commission, needed to be brought on board to assist in delivering the required activities. With respect to the nature of TA activities to be provided by the Secretariat, developing country Members were reportedly divided -- with some indicating that supply-side issues needed to take greater importance, and others pointing to market access and other concerns. Many developing country Members also voiced concerns that numerous activities that they had requested had not been included in the Plan.

In that regard, 451 activities have been decided upon out of the 1038 requested. This breaks down into 251 national activities (approximately two per developing country and three per least developed country) and 190 regional activities (as regional events were designed where national requests exceeded available capacities). Twenty-one areas form the structure for these events. One trade source noted, however, the low percentage of activities provided versus those requested in certain areas that had a high number of requests. For example, the source said, the issues of WTO rules (subsidies, antidumping, etc), market access and intellectual property rights all had low

acceptance rates of only 25 percent. Those of implementation (of WTO obligations) and mainstreaming (of trade into development strategies) were even lower with 18 percent and 16 percent respectively. Discussions on the substance of the Plan did not take place at the 8-9 October meeting, and were postponed until the next CTD session in November.

### TA budget

Supachai also provided a budget (currently restricted) on the envisaged TA activities for 2003. One developed country delegate expressed surprise over the availability of this information already, as well as over the tripling in costs from 2002 activities. A number of the larger trading powers allegedly called for full accounting of the 2002 Plan, including those events that have yet to, or will not, take place. One source indicated their belief that a fair amount of money likely remained after this year's events and that 2002 expenditures would have to be reviewed before the 2003 figures could be approved.

### Participation in world trade

Members spoke very briefly on this issue, primarily to thank the Secretariat for its latest contribution (WT/COMTD/W/100/Add.1, searchable at <http://docsonline.wto.org/>) and to request more time to review the data. This item will be revisited again at the November session.

### Article XVIII

With little movement on the issue of Article XVIII (Government Assistance to Economic Development) so far (see BRIDGES Weekly, 3 July 2002, <http://www.ictsd.org/weekly/02-07-03/story3.htm>), Members still found themselves re-iterating known positions. India reportedly argued that in light of the fact that this clause had not been invoked since the mid-1980s, it was clearly in need of review. Developed countries questioned this claim as they felt little new information had been presented that convinced them of the need for a review. The Chair postponed these discussions as well, reportedly making sure to note that the Doha Declaration mandates discussions on this matter.

Article XVIII is one of the embodiments of development in the WTO in that it allows for special and differential treatment for developing countries.

The Committee on Trade and Development will meet again on Monday 11 November to discuss, inter alia, revisions to the technical assistance plan, participation of developing countries in world trade, the review of Article XVIII, the ongoing work on paragraph 51 of the

Doha Declaration relating to sustainable development, and the year-end annual report.

ICTSD reporting.

## OTHER NEWS

### EU AGRICULTURE MINISTERS FAIL TO FINALISE GMO RULES

The European Council of Agricultural Ministers at its 14-16 October meeting failed to reach agreement on the European Commission's proposed labelling and traceability regulations for genetically modified organisms (GMOs), instead postponing the debate to next month's Council meeting. This comes at a time when the US is reported to have stepped up pressure on the EU to restart the approval process for GMOs, effectively on hold since 1998, following the entry into force of the revised EU Directive on the environmental release of GMOs.

Disagreement persisted, inter alia, over how strict the labelling requirements for GMOs should be. While the UK opposed labelling of products derived from GMOs (as proposed by the Commission), others called for the proposed regulations to be tightened even further by including labelling for meat and dairy products from animals fed on GM feed. Countries also disagreed over the labelling threshold for the accidental presence of GMOs. The European Commission had proposed a threshold of one percent, which was amended to 0.5 percent by the European Parliament at its last meeting (see BRIDGES Trade BioRes, 11 July 2002, <http://www.ictsd.org/biores/02-07-11/story2.htm>).

However, some countries and civil society groups regard these thresholds as too high, instead calling for zero percent. Denmark, as the current EU president, put forward a compromise proposal for a two to three year transition period on accidental GMO presence for the GMOs currently awaiting approval. While the current de facto moratorium on the approval of new GMOs was not explicitly discussed in the meeting, there was a general understanding that the legislation was "the next step to lifting the moratorium", one Commission official noted.

The US is reported to have stepped up pressure on the EU to restart the approval process for GMOs. US Undersecretary of State for Economics, Business and Agricultural Affairs Alan Larson, speaking at a conference, described the de facto moratorium as a "threat to the trading system", which was based on political considerations and not on sound science. "It is



widely recognised as an unlawful act," he added. "It really is incumbent on EU decision makers to fix this problem." He did not specify, however, whether the US was going to challenge the moratorium at the WTO if it was not lifted. Others, however, believe that the US position might be softening. "In August, the signal we were getting was that a swift dose of WTO action would be a good thing," said one EU official. "Now there's a certain amount of optimism that they will hold off as long as some progress is made in the meantime with the approval process," he added.

Whether the approval process will be restarted now depends on agreement by EU member states. While the moratorium was originally intended to remain in place until the entry into force of the revised Directive 2001/18/EC (17 October 2002), several countries, including Austria, Belgium, Denmark, Greece, Luxembourg, France and Italy, continue to oppose a lifting of the ban until the traceability and labelling requirements (see BRIDGES Trade BioRes, 11 July 2002, referenced above) enter into force (expected in spring 2003 at the earliest). Under the revised Directive, new market approvals of GMOs will be granted for a fixed period of up to ten years. New approvals will be subject to strict environmental risk assessments on a case-by case basis, including long-term cumulative effects of GMOs on human health, the environment and the food/feed chain. Furthermore, the Directive provides full traceability of GMO products at all market stages and labelling of all GMO products, including those derived but no longer containing GMOs.

ICTSD reporting; "US shifts tactics in GMO clash with EU," FT, 15 October 2002; "EU deadlocked on GMO food control, mulls compromise," REUTERS, 15 October 2002; "EU puts off deal on biotech rules," AP, 10 October 2002.

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## **WTO ENVIRONMENT COMMITTEE STUMPED ON LABELLING**

Meeting for 2002's last session of the regular WTO Committee on Trade and Environment (CTE) on 8-9 October, Member delegates remained far from agreement over how to address labelling issues. Some little progress was made on the mandate of identifying and debating environmental aspects of ongoing trade negotiations to reflect sustainable development, but Members continued to struggle with an appropriate procedure for the CTE to follow.

### **Labelling**

The focus of the 8-9 October CTE meeting was on labelling requirements for environmental purposes, as outlined in paragraph 32(iii) of the Doha Ministerial

Declaration. According to WTO sources, discussions around labelling remain "completely stuck" at the CTE, in the sense that the body is struggling with how it can add value to an issue-area which most Members prefer to deal with at the Committee on Technical Barriers to Trade (TBT) (which meets this week). Switzerland submitted a paper (WT/CTE/W/219, searchable at <http://docsonline.wto.org/>) that aimed to move the ecolabelling process forward. The Swiss paper set out two main points: firstly, that the WTO Secretariat should look at and compile definitional aspects around ecolabelling, for instance by referring to work done at the International Organization for Standardization (ISO); secondly, that the CTE could look at work done in the TBT Committee on specific trade concerns relevant to environmental labelling.

The Swiss submission garnered little support amongst many developing country and some developed country Members, most of whom argue that the relevant work around specific trade concerns and eco-labelling should be looked at through the TBT Committee. The Swiss replied that the CTE nevertheless had a mandate from Doha to address labelling concerns. Surprisingly, the EC did not make any major substantive interventions on this item, leaving Switzerland, according to one source who attended the meeting, "quite isolated" on this issue. At the June CTE session the EC had submitted a paper to both the TBT Committee and the CTE (WT/CTE/W/212), in which the EC proposed, inter alia, that the two Committees work towards devising guidelines or interpretation of the TBT Agreement with respect to labelling requirements for environmental purposes.

Many developing -- and some developed -- countries are wary of engaging too heavily at the CTE on ecolabelling, as they are concerned that stronger ecolabelling regimes could prove a barrier to their market access. One expert in this area commented after the meeting that the eco-labelling discussion at the CTE could be jump-started by approaching the issue from a market access perspective.

### **Para. 51: Reflecting sustainable development in the negotiations**

Discussions inched forward on the CTE's para. 51 Doha mandate of "identifying and debating developmental and environmental aspects of the negotiations, in order to help achieve the objective of having sustainable development appropriately reflected. While modalities or procedures have still not been established, Members agreed to begin a substantive discussion under para. 51 on market access -- particularly environmental goods -- and agriculture for the next CTE session. This, according to sources, represents a move forward from the last meeting, where resistance from Australia around including

agriculture (and services) meant there was little chance to discuss substance around para. 51 for this meeting. In its intervention on para. 51, the US advocated following agriculture, services and fisheries, while New Zealand proposed that the CTE focus on environmental goods. The EC repeated its desire for the CTE and the WTO Committee on Trade and Development to convene jointly on para. 51, or to hold an outreach event, but CTE Chair Oguz Demiralp said that the timing was not yet right.

### MEA observer status pushed

Both the Convention on International Trade in Endangered Species (CITES) and the UN Environment Programme (UNEP), who attended the CTE as observers, expressed their disappointment that observer status for multilateral environmental agreement (MEA) secretariats at the CTE special negotiating sessions was still blocked. This issue remains at the level of the Trade Negotiations Committee (TNC), where it continues to be held back by political conflicts around approving the League of Arab States as an observer at the WTO (see BRIDGES Weekly, 20 June 2002, <http://www.ictsd.org/weekly/02-06-20/story1.htm>). At the CTE, ISO presented a statement updating Members on its activities on ISO 14000. There are currently 25 approved observers to the CTE; however, usually only those with a direct interest in the discussions participate.

### Also at the CTE session

Market access and the relevant provisions of the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) (Doha Declaration paras. 32(i) and (ii), respectively) were also on the agenda for this CTE session, but received no new submissions and little discussion due to its focus on labelling. On market access, some countries referred back to India's proposal (WT/CTE/W/207) discussed at the last CTE session on 13-14 June that had been enthusiastically received by a number of developing country delegations (see BRIDGES Weekly, 20 June 2002, <http://www.ictsd.org/weekly/02-06-20/story1.htm>). India's paper, inter alia, highlighted how environmental measures in developing countries' export markets hampered the entry of developing country exports that may themselves be environmentally friendly. On TRIPs, India referred back to the last TRIPs Council meeting (see BRIDGES Weekly, 25 September 2002, <http://www.ictsd.org/weekly/02-09-25/story2.htm>).

The next regular CTE meeting is scheduled for late January - early February 2003.

ICTSD reporting.

## DEVELOPING COUNTRIES CONTRIBUTE FOOD FOR THOUGHT IN DISPUTE SETTLEMENT NEGOTIATIONS

At a meeting of the special (negotiating) session of the WTO Dispute Settlement Body (DSB) on 14 October, a number of new proposals for review of the Dispute Settlement Understanding (DSU) were received from developing countries, bringing new ideas to the table (see BRIDGES Weekly, 18 September 2002, <http://www.ictsd.org/weekly/02-09-18/story2.htm>). Negotiations on improvement and clarifications to the DSU, according to paragraph 30 of the Doha Declaration, are scheduled to conclude no later than May 2003.

On behalf of Cuba, Honduras, India, Indonesia, Malaysia, Pakistan, Sri Lanka, Tanzania and Zimbabwe, India submitted two proposals, one on 'Special and Differential Treatment for Developing Countries' within the DSU and another covering a range of issues from amicus curiae ('friend of the court') briefs to the term of appointment of Appellate Body Members (see TN/DS/W/19 and TN/DS/W/18, searchable at <http://docsonline.wto.org/>). Inter alia, the second proposal states, "there is no need for making any provision for accepting amicus curiae briefs. It would, however, be necessary and useful to address this issue during the review. This could be done by clarifying the meaning of the word "seek" in Article 13 of the DSU, so as to clear the uncertainty and controversy surrounding the issue." Article 13 outlines provisions around the 'Right to seek information', saying inter alia that dispute settlement panels may "seek information from any relevant source".

### Jamaican, LDC proposals

Jamaica also presented a proposal (TN/DS/W/21) asserting that "an independent mechanism needs to be developed to ensure that developing countries not only obtain legal advice but also obtain assistance in arguing their case before a panel at a cost which these countries can afford." On third parties, Jamaica would like third parties' rights enhanced to ensure that they receive all written submissions, and receive the decision at the same time as parties to the dispute. Jamaica also called for technical assistance for interested Members.

The DSB also received a proposal from Zambia (TN/DS/W/17) on behalf of the least-developed country (LDC) Group, containing a number of new ideas. Zambia calls on Members to recognize that "the difficulties faced by LDCs are often more debilitating than those faced by the rest of the WTO Membership. As a result, a level of specificity is needed in addressing their concerns within the textual provisions of the DSU.

Some of the key provisions conferring rights and containing other structurally fundamental provisions of the DSU need to be made LDC specific." LDCs propose a modification of DSU Article 8.10 to the effect that "in any dispute involving a developing country, there must be at least one panelist from a developing country. Therefore, the words "if a developing country Member so requests" should be struck off from Article 8.10."

With regard to panel and Appellate Body decisions, LDCs charge that they "have displayed an excessively sanitised concern with legalisms, often to the detriment of the evolution of a development-friendly jurisprudence. This stifling approach may be attributable to the requirement that every panel or Appellate Body Division should emerge with a single neat report. There is no provision for dissenting judgments in the DSU. This needs some re-thinking given the inadequacies highlighted in the DS jurisprudence." LDCs also call for recognition of collective retaliation as a remedy within the DSU.

The special session of the DSB meets next on 13-14 November.

ICTSD reporting.

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### **WTO MEMBERS DISCUSS WTO'S ROLE AND FUNCTIONING AT WEEKEND RETREAT**

At an 11-12 "retreat for WTO permanent representatives" organised by General Council Chair Ambassador Sergio Marchi, Canada, some 100 developing and developed country Ambassadors convened during the weekend to informally address themes such as "International Trade Relations And The Role Of The WTO", "The WTO Agenda & Governance" and "The WTO And The World We Serve". Amongst the issues discussed were the question of whether Members were generally satisfied with the WTO's contribution in achieving fundamental objectives such as peace, raising living standards and promoting sustainable development; whether the consensus principle could be modified so as to prevent misuse of veto; and whether the WTO should build closer ties with parliaments, trade unions, non-governmental organisations (NGOs) and the private sector.

Speaking to the WTO envoys, former WTO Director-General Peter Sutherland pointed to the danger of "irrelevancy" of the WTO, arguing that private business now focuses more on bilateral negotiations rather than on developments at the multilateral level. One way to reverse this trend, he said, would be to speed up the decision-making process at the WTO -- especially the negotiations currently held under the Doha mandate.

Stating that he generally considered the Doha agenda somewhat overloaded, Sutherland said, however, that, "with the ministers having approved the [Doha] agenda, there is no going back on it."

In his remarks to the Ambassadors, new WTO Director-General Supachai Panitchpakdi raised several organisational issues, such as the need to overcome certain resource constraints within the WTO Secretariat, the need to provide the office of the Director-General with more discretion and flexibility, general options for WTO reform, as well as possible ways to reconcile trade disputes outside the formal dispute settlement mechanism. Furthermore, Supachai circulated a proposal on establishing an advisory group aimed at fostering consensus amongst the Membership on several negotiating areas -- a suggestion which was reportedly rejected by various developing countries. According to a trade source, several Members had views different to those expressed by Supachai, stressing the need to clearly separate the roles of the Director-General and the Secretariat, as well as to ensure that the Secretariat provides impartial services to the whole Membership. With respect to the proposal to strengthen the Director-General's role as a mediator in trade disputes, it was reported that some Members preferred to keep the current process as it stands now. Whereas some developing country Members told Supachai that they preferred the current consensus principle to stay untouched, others indicated that some degree of modifying the decision-making process could be workable. Nevertheless, Members could not agree on what role the Director-General should have in the complex negotiations.

ICTSD reporting; "Sutherland Warns WTO On Direction," WASHINGTON TRADE DAILY, 14 October 2002.

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### **IN BRIEF**

#### **FAO TO LAUNCH AGRICULTURE STRATEGY FOR AFRICA AMIDST DECLINING COMMODITY PRICES**

On 11 October, UN Food and Agriculture Organization Director Jacques Diouf announced during a speech in Lomé, Togo that the FAO had begun work on an agricultural development strategy for Africa. Diouf said that food security programs would soon begin in several African countries, including regional initiatives in the West African Economic and Monetary Union (UEMOA) and the Economic Community of West African States

(ECOWAS). The strategy will maintain a focus on water and soil management in the context of rural infrastructures, the need to increase production by small farmers, and an aim to diversify agricultural production methods. Diouf's comments were reinforced by the 10 October release of a study by the UN Conference on Trade and Development (UNCTAD) entitled 'World Commodity Trends and Prospects', which stated that the ongoing sharp decline in primary commodity prices such as agricultural goods was having a "major impact" on Third World producer countries. The report noted that the impact was being felt most by countries in sub-Saharan Africa that are major producers of commodities such as coffee, cotton and sugar. Price drops for these goods, according to the report, have been "dramatic," with the level of commodity prices in current US dollars now comparable with that of the early 1970s.

"FAO Announces Agricultural Development Strategy For Africa," PANAFRICAN NEWS AGENCY, 11 October 2002; "Poor Nations Feel Impact of Falling Commodity Prices," IPS, 10 October 2002.

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### **CONCERNS RAISED OVER NEW US AGRICULTURE DEPARTMENT LABELLING GUIDELINES**

Recently issued US Department of Agriculture (USDA) guidelines for voluntary food labelling indicating country of origin are set to become mandatory by October 2004, according to sources. The labelling initiative has been criticised by various private sector and government parties from various countries. The rules outline specific criteria that must be met to use the label "United States Country of Origin"; many other countries feel that this distinction will create an unfair marketing advantage for American goods and may be in breach of WTO rules. Canada, together with other countries, has stated in comments filed with the USDA that this program "denies the market reality of a highly integrated North American red meat industry and will restrict trade to the detriment of producers" in both the US and Canada. Parties in Australia and New Zealand have also made public their dissatisfaction regarding the guidelines.

USDA Issues Country-of-Origin Labelling Plan; Mandatory Labelling Set for September 2004, WTO REPORTER, 11 October 2002.

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## **WTO IN BRIEF**

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### **EU RECEIVES ACP SUPPORT AGAINST BRAZIL-AUSTRALIA SUGAR SUBSIDY CASE**

The European Union has found the ACP (African, Caribbean and Pacific group) to be an ally in the consultative phase of a brewing dispute with Brazil and Australia over European sugar subsidies (see BRIDGES Weekly, 2 October 2002, <http://www.ictsd.org/weekly/02-10-02/story1.htm>). Four ACP countries with preferential access to the EU's sugar market -- Fiji, Guyana, Mauritius and Swaziland -- requested last week to join WTO consultations between the EU and Brazil & Australia. Australia and Brazil, which are the world's biggest producers of sugar cane - claim that the EU is providing export subsidies to its sugar producers in excess of its WTO commitments to limit subsidised exports to 1.6 million metric tonnes per year. Confirming expectations that the EC would use the support of its former colonies in the ACP to shore up its case at the WTO, EU Trade Commissioner Pascal Lamy said the Brazil- Australia consultations request was "disastrous news" for many countries that are poorer than Australia or Brazil. According to the EC, the EU imports 1.5 to 2 million tonnes of sugar per year from the ACP under its ACP-EU sugar protocol, and sugar prices in the EU are approximately double world market prices. The EC further said it expected further ACP countries that benefit from the preferential EU scheme to submit requests to the WTO to join consultations on the side of the EU. If European, Brazilian and Australian diplomats are unable to reach an agreement by the end of November, Australia and Brazil could request the establishment of a WTO panel to rule on the case.

"Lamy Says Appeal Against EU Sugar Regime Is Bad For The ACP," EUROSTEP PAF, 11 October 2002; "EU Rounds Up Developing Trade Partners To Ward Off WTO Attack on Sugar Subsidies," WTO REPORTER, 15 October 2002; "News from the DG Trade," EU TRADE NEWS WEEKLY DIGEST, 11 October 2002.

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### **MACEDONIA SOON TO BECOME WTO'S NUMBER 145**

On 15 October, the WTO's General Council approved the report of the working party for the accession of Macedonia, clearing the way for the former Yugoslavian nation to become the WTO's 145th Member. Macedonia, which applied for Membership in 1994, had already finished bilateral and plurilateral negotiations



with WTO Members on its terms of entry last month. Once the Macedonian parliament approves the pact, the country will become a Member 30 days after the WTO Secretariat is officially informed of the ratification. Macedonia's economy minister Besnik Fetaj said he hoped WTO Membership would boost foreign investment and strengthen Macedonia's ability to deal with the "challenges of globalisation." The old Yugoslavia was a member of WTO's predecessor body, the General Agreement on Tariffs and Trade (GATT), until it was suspended in 1992 as the country disintegrated into civil war. Last year, Macedonia exported goods worth USD1.17 billion, while importing goods worth USD 1.63 billion, according to the WTO. Twenty-six other countries are presently negotiating for WTO accession, many of which are either Arab, former Soviet states or other countries in the Balkans. Yugoslavia and Bosnia are also vying for WTO membership.

"WTO members give green light for Macedonia to join," REUTERS, 15 October 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: 17-23 October

12-23 October, Aalborg, Denmark: EURO ENVIRONMENT 2002 BUSINESS AND SUSTAINABLE PERFORMANCE. The conference will explore how business can seek solutions and be the engine of change towards a sustainable society. The conference theme this year is 'Can business be a driving agent of global governance and hold the keys to the goals of global sustainability?' Goals that will be explored that encompass sustainable technological and organisational solutions for the external environment, supply-chain management, corporate social responsibility, ethical values and stakeholder relations, occupational health, green marketing, and business branding. For further information on this event, visit <http://www.akkc.dk/index.asp?arrangement=327&kategori=kongresser&sprog=eng>.

18-19 October, Nairobi, Kenya: Africa Regional Seminar: Investment for Development. Organised by

Eco News Africa, CUTS-CITEE, and the UN Conference on Trade and Development (UNCTAD). Of particular attention will be discussions on Trade-Related Investment Measures (TRIMs) and the work in the WTO Committee on TRIMs and the Working Group on Trade and Investment. GATS and TRIPs will also be addressed to the extent that they attempt to regulate FDI flows. No contact information available at time of press.

23 October, Ottawa, Canada: THE FUTURE OF GLOBAL SUSTAINABLE DEVELOPMENT: A CIVIL SOCIETY WORKSHOP TO FOLLOW UP ON THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (WSSD). Event organized by Action Canada for Population and Development, Canadian Council for International Cooperation, Canadian Environmental Network, One Sky, United Nations Association in Canada with the Youth Summit Team and the World Conservation Union (IUCN). Participants will share their analysis of the WSSD and address the following questions: What were the outcomes of the WSSD? How can we as civil society organisations ensure that governments act upon the commitments made at Johannesburg? How can civil society organisations become involved in the WSSD implementation plan? How can we generate the interest and commitment of both nation- states and individuals to work towards integrating principles of sustainability into policy and our daily lives? For further information, or to reserve a space, email: [wssd@canada.com](mailto:wssd@canada.com); tel: (1- 514) 895-7664; Internet: <http://www.cen-rce.org/wssd/activities.html>.

23-25 October, Opatija, Croatia: ENERGY AND THE ENVIRONMENT 2002. The two main topics of the Congress in Opatija, Sustainable Energy Sources and Processes and Integrating Environmental Concerns into Energy Development, reflect the challenges confronting Croatia and other countries in this field. The congress participants are expected to give contributions to technical and institutional solutions for many economic, environmental and social issues in the field of energy. The participation of guests from abroad will facilitate exchanges of ideas, research results and practical experiences relevant for developing and implementing of new and environmentally sustainable energy policies and technologies. For further information contact: Croatian Solar Energy Association, Vukovarska 58 HR-51000 Rijeka, Croatia, tel: +385 51 - 651 518, 651 514, 675 801; fax: ++385 51 67 58 01; email: [huse@riteh.hr](mailto:huse@riteh.hr); Internet: <http://rijeka.riteh.hr/ee2002/>.

24-25 October, Stellenbosch, South Africa: 4TH AFRICAN ANNUAL INVESTMENT CONFERENCE. Hosted by Africa Centre for Investment Analysis (ACIA). The conference will run under the theme "Essential Development Finance for the New African Union". It aims to provide key policy- related solutions in

finance and investment relevant to promoting sustainable development in Africa. Participants at the conference will include African governments, governors of reserve banks, CEOs of major financial institutions, micro lending organisation and stock markets, investors, and NGOs. For further information contact: Lidia du Plessis, email: [lidia@acia.sun.ac.za](mailto:lidia@acia.sun.ac.za); Internet: <http://www.acia.sun.ac.za/>.

23-24 October, Los Cabos, Mexico: ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM TRADE MINISTERS MEETING. To be followed by the APEC Economic Leaders meeting. For further information, contact the APEC Mexican secretariat, tel: (52) 55 54 88 28 60; fax: (52) 55 54 88 28 54; Internet: <http://www.apec2002.org.mx/>.

### 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.

15-17 October, Geneva, Switzerland: WTO TEXTILES MONITORING BODY.

16-18 October, Geneva, Switzerland: WTO NEGOTIATING GROUP ON RULES.

17 October, 10:00, Geneva, Switzerland: WTO COMMITTEE ON TECHNICAL BARRIERS TO TRADE.

17 October, 18:00, Geneva, Switzerland: WTO INFORMAL COUNCIL ON TRADE- RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS).

17-18, 21 October, 13:00, Geneva, Switzerland: WTO SPECIAL SESSION OF THE COMMITTEE ON TRADE AND DEVELOPMENT.

18 October, 10:00, Geneva, Switzerland: WTO DISPUTE SETTLEMENT BODY.

21-22 October, Geneva, Switzerland: WTO COMMITTEE ON ANTI-DUMPING PRACTICES - WORKING GROUP ON IMPLEMENTATION.

23 October, Geneva, Switzerland: COMMITTEE ON ANTI-DUMPING PRACTICES - INFORMAL GROUP ON ANTI-CIRCUMVENTION.

23 October, 10:00, Geneva, Switzerland: WTO WORKING PARTY ON GATS RULES.

### Other Forthcoming Events

25 October, Los Cabos, Mexico: ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM BUSINESS LEADERS MEETING. For further information, contact the APEC Mexican secretariat, tel: (52) 55 54 88 28 60; fax: (52) 55 54 88 28 54; Internet: <http://www.apec2002.org.mx/>.

26-27 October, Los Cabos, Mexico: 10TH ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM ECONOMIC LEADERS MEETING. Inter alia, participants will discuss APEC's contribution to the WTO Doha mandate, including building support for Doha's timeline and deadlines, trade facilitation, and corporate governance measures. For further information, contact the APEC Mexican secretariat, tel: (52) 55 54 88 28 60; fax: (52) 55 54 88 28 54; Internet: <http://www.apec2002.org.mx/>.

29-30 October, Ciespal, Diego de Almagro Avenue N32-133, Quito, Ecuador: FORUM: TOWARDS SUSTAINABILITY IN THE AMERICAS. Organised by the Ecuadorian Center for Environmental Law -- CEDA with the support of Fundacion Futuro Latinoamericano - FFLA. Discussions on key issues related to sustainable development within the framework of the Free Trade Area of the Americas (FTAA) will be held. Discussions will cover investment, intellectual property rights and biodiversity, market access, sustainability assessments, and civil society participation and transparency. These discussions will take place prior to the 1 November FTAA Ministerial meeting, with the objective of providing negotiations with some of the major civil society concerns regarding the sustainability impacts of the hemispheric trade integration process. For further information, contact: CEDA - CENTRO ECUATORIANO DE DERECHO AMBIENTAL; Eloy Alfaro 17-70 y Rusia, tercer piso; Telefaxes: (593-2) 2231-410/1; (593-2) 2238-609; email: [ceda@uio.satnet.net](mailto:ceda@uio.satnet.net); Internet: <http://www.ceda.org.ec/>.

1 November, Quito, Ecuador: FREE TRADE AREA OF THE AMERICAS (FTAA) 2002 FTAA MINISTERIAL MEETING. The Government of Ecuador will host the seventh FTAA Ministerial Meeting. Trade Ministers from the 34 FTAA member countries will meet to review the progress achieved to date and to give guidance to negotiators for the final phase of the negotiations. The Ministerial meeting will be preceded by the twelfth meeting of the FTAA Trade Negotiation Committee (TNC), which will take place on 28-31 October, also in Quito. Other events being held in Quito in parallel with the official meetings, are: the Americas Business Forum (ABF); "Towards Sustainability in the Americas" organised by the Ecuadorian Centre for Environmental

Law (CEDA); and "Another America is Possible" organised by the Hemispheric Social Alliance. For further information on the conference or these other meetings, visit [http://www.dfait-maeci.gc.ca/tna-nac/civil\\_society-e.asp](http://www.dfait-maeci.gc.ca/tna-nac/civil_society-e.asp).

29-30 October, Harare, Zimbabwe: REGIONAL WORKSHOP ON 'INTERFACE BETWEEN TRADE AND REGIONAL PARTNERSHIP AGREEMENTS- WTO, COTONOU, AGOA AND NEPAD: ARE THEY CONFLICTING OR COMPLIMENTARY?' The objectives of the workshop are to bring out the myths and realities of the above agreements as part of the initiatives of demystifying policy debate for the benefit of stakeholders. The workshop will examine the linkages between the WTO and other partnership agreements from the point of view of people-centred development in Africa. It is being jointly organised by CUTS-Africa Resource Centre, Institute for Global Dialogue, and MWENGO. For further information, contact: Sajeev K.S. Nair; email: [cutsarc@zamnet.zm](mailto:cutsarc@zamnet.zm) or Thomas Deve, MWENGO; email: [Thomas@mwengo.org.zw](mailto:Thomas@mwengo.org.zw); tel: +260-1-224992; Internet: <http://www.cuts.org/>.

14 November, Sydney, Australia: 'MINI-MINISTERIAL' MEETING OF CERTAIN WTO MEMBERS. A so-called 'mini-ministerial' meeting to discuss ongoing negotiations aimed at lowering global trade barriers. The Sydney meeting will occur a year after the WTO launched the current round of trade liberalisation talks in the Qatari capital of Doha (see BRIDGES Weekly, 13 September 2002, <http://www.ictsd.org/weekly/02-09-13/wtoinbrief.htm>).

4 December, Hamburg, Germany: THE REGULATION OF GENETICALLY MODIFIED ORGANISMS (GMOs) IN INTERNATIONAL, EUROPEAN AND NATIONAL LAW. This seminar will feature the current regulatory framework and policy-making on genetically modified organisms within international, EU and national law. Academics, representatives from government, industry and NGOs will discuss the state of affairs and options for the future in various jurisdictions. For further information contact: Ms. Karin Meyer- Pannwitt; email: [meyer-pannwitt@tutech.de](mailto:meyer-pannwitt@tutech.de); tel.: +49-40-766180-72; fax: +49-40-766180-78; TUHH-Technologie GmbH (TuTech), Umwelt- und Biotechnologie; Kasernenstr. 12, 21073 Hamburg, DE.

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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).

TURNING THE TIDE ON FISHING SUBSIDIES: CAN THE WTO PLAY A POSITIVE ROLE? By the Worldwide Fund for Nature International (WWF), October 2002. In anticipation of the 16 October meeting of the WTO Rules Committee that will address fisheries subsidies, WWF renews its call on governments to eliminate the billions of dollars in wasteful subsidies that drive the depletion of the world's fish stocks. This document presents WWF's case for how the WTO can play a positive role towards helping manage the ocean's resources sustainably, offering substantive solutions to government leaders. For further information, contact Kyla Evans, Head of Press WWF International, tel: +41 22 364 9550; email: [kevans@wwfint.org](mailto:kevans@wwfint.org). The issue brief can be found at: [http://www.panda.org/downloads/policy/turning\\_tide\\_on\\_fishing\\_subsidies.pdf](http://www.panda.org/downloads/policy/turning_tide_on_fishing_subsidies.pdf).

TRADITIONAL KNOWLEDGE OF BIODIVERSITY IN ASIA-PACIFIC: PROBLEMS OF PIRACY & PROTECTION. October 2002. Prepared by GRAIN and Kalpavriksh. One area where IPRs are particularly controversial is traditional knowledge from the third world, where tribes and communities have used natural remedies for many years, but are often not granted the rights to their discoveries, which can be acquired by pharmaceutical or chemical companies. In this way, the paper argues, plants are vanishing so quickly from the world that one major drug is becoming extinct every two years. This paper looks at this problem and poses questions for improvement in the future. To obtain a copy of this publication, visit <http://www.grain.org/publications/tk-asia-2002-en.cfm>.

ECONOMIC DEVELOPMENT AND THE WTO AFTER DOHA, (World Bank Paper WPS# 2851). By Bernard Hoekman. June 2002. This paper analyses what actions could be taken in the context of the WTO's Doha negotiations to assist countries in reaping benefits from deeper trade integration. It discusses the policy agenda that confronts many developing countries and identifies a number of focal points that could be used both as targets and as benchmarks to increase the likelihood that WTO negotiations will support development. To achieve these targets, Hoekman proposes a number of negotiating modalities for both goods and services-related market access issues, as well as rule-making in regulatory areas. To obtain a copy of this paper, visit <http://www.worldbank.org/research/trade/archive.html>.

DIRTY EXPORTS AND ENVIRONMENTAL REGULATION: DO STANDARDS MATTER TO TRADE? (World Bank Paper WPS# 2806). By John S. Wilson, Tsunehiro Otsuki and Mirvat Sewadeh. March 2002. The paper addresses an important part of the background context for deciding whether or how to link trade agreements to the environment from a developing country perspective. The authors ask whether

environmental regulations affect exports of pollution-intensive or "dirty" goods in 24 countries between 1994 and 1998. Based on a Heckscher-Ohlin-Vanek (HOV) model, net exports in five pollution-intensive industries are regressed on factor endowments and measures of environmental standards (legislation in force). The results suggest that, if country heterogeneity such as enforcement of environmental regulations is controlled for, more stringent environmental standards imply lower net exports of metal mining, nonferrous metals, iron, and steel and chemicals. To obtain a copy of this paper, visit

<http://www.worldbank.org/research/trade/archive.html>.

### Electronic Resources

TIPS FORUM 2002: GLOBAL INTEGRATION, SUSTAINABLE DEVELOPMENT AND THE SOUTHERN AFRICAN ECONOMY. The Forum was held in Johannesburg on 9-11 September, sponsored by IDRC, USAID and GTZ. The aim of the Annual Forum is to focus on major economic problems in the region and to evaluate the role of global integration therein. Many of the papers prepared for the Forum address trade policy issues and challenges confronting Southern African economies in the context of WTO negotiations. For the Forum final program and papers, visit <http://www.tips.org.za/>.

NAFTA CHAPTER 11 ON INVESTMENT - UNITED PARCEL SERVICE OF AMERICA, INC. ("UPS") V. GOVERNMENT OF CANADA -- SUBMISSIONS. A number of legal submissions regarding this case have been posted on the Dispute Settlement section of the website of the Canadian Dept. of Foreign Affairs and International Trade, including transcripts of the 29-30 July Hearings on Jurisdictional Objections. See <http://www.dfait-maeci.gc.ca/tna-nac/parcel-e.asp>.

### Positions Available

UNDP LEADERSHIP DEVELOPMENT PROGRAMME. Organised by the United Nations Development Programme (UNDP). The deadline for applications is 1 November 2002. Third annual Leadership Development Programme (LEAD), an entry point for young development professionals interested in a career with UNDP. LEAD provides qualified individuals exciting opportunities to develop the experience, knowledge and skills to serve as development practitioners and leaders in UNDP, while contributing to UNDP's development work. Qualifications and background: A masters degree (or equivalent) in development related studies, economics, politics/public administration/governance, international relations, business administration, environmental management, conflict resolution; proficiency in English and at least one of the other UNDP working languages: French, Spanish, Arabic, Russian; 2-3 years work experience, normally post-

masters, in development, crisis/post-conflict management, consultancy work (particularly in the public sector), work in developing countries, and/or management in a multi-cultural environment. Gender balance and geographical diversity will be considered. There will be a preference for individuals of under 35 years of age. For further information or an application, visit <http://www.undp.org/ohr/lead/>.

### WTO RESOURCES

REVISED TIMELINE TO THE CANCÚN MINISTERIAL CONFERENCE. The WTO last week released the principal dates in the revised timeline that WTO Director-General Supachai Panitchpakdi, as chairperson of the Trade Negotiations Committee (TNC), circulated to WTO Members for the 3-4 October 2002 TNC meeting (see BRIDGES Weekly, 9 October 2002, <http://www.ictsd.org/weekly/02-10-09/story1.htm>). It is intended to help focus discussion under agenda item 2 ("Future Work") by providing a concise summary of the key dates and deadlines established so far. It was circulated by the chairman on his own responsibility and without prejudice to any participant's position on the issues listed. During this period, according to the WTO, the General Council is also to receive reports, particularly on implementation and other issues concerning developing and least-developed countries. The timeline is available at: [http://www.wto.org/english/tratop\\_e/dda\\_e/tnc\\_07oct02\\_e.htm](http://www.wto.org/english/tratop_e/dda_e/tnc_07oct02_e.htm) - summary.

WTO INTERNATIONAL TRADE STATISTICS 2002. According to this new report released by the WTO on 10 October, global trade is expected to experience a one percent recovery this year, following a 1.5-percent contraction in 2001. That remains far behind the trade growth levels of the 1990s and the 11 percent rise in import-export activity reached in 1999-2000. However, the WTO report qualified the expectation of one percent on continuing a trend of economic recovery in the industrialised countries and in Asia through the last half of this year. According to the document, the WTO predicts "a continuation of sluggish growth in both Western Europe and Japan." One WTO official said the meagre prospects in Western Europe were of particular concern, since the region accounts for a significant chunk of global trade (40 percent, according to the WTO report). In addition to the outlook for 2002, the report contains up-to-date statistics on international trade in 2001. It can be viewed or downloaded from the WTO website at: [http://www.wto.org/english/res\\_e/statis\\_e/statis\\_e.htm](http://www.wto.org/english/res_e/statis_e/statis_e.htm). Highlights from the WTO International Trade Statistics report can be found at: [http://www.wto.org/english/news\\_e/pres02\\_e/pr316\\_e.htm](http://www.wto.org/english/news_e/pres02_e/pr316_e.htm).



**Recently Released Documents**

WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (WSSD): JOHANNESBURG DECLARATION ON SUSTAINABLE DEVELOPMENT AND THE WSSD PLAN OF IMPLEMENTATION, 7 October 2002, WT/COMTD/W/106, WT/CTE/W/220. Note by the Secretariat, submitted to Committees on Trade and Development and Trade and Environment. These are the legal texts agreed upon by world leaders at the 26 August - 4 September 2002 WSSD, distributed to WTO Members via the CTE and the CTD.

GENERAL COUNCIL SPECIAL SESSION ON IMPLEMENTATION: MINUTES OF MEETING, 3 October and 1 November 2001, WT/GC/M/70. Document has recently been de-restricted and is now available on the WTO website at <http://docsonline.wto.org/>.

DOHA MINISTERIAL CONFERENCE: SUMMARY RECORD (9-14 November 2001) WT/MIN (01)/SR/1 - WT/MIN(01)/SR/9.

Committee on Technical Barriers to Trade: SPECIFIC TRADE CONCERNS RELATED TO LABELLING BROUGHT TO THE ATTENTION OF THE COMMITTEE SINCE 1995 (4 October 2002), G/TBT/W/184. Note by the WTO Secretariat. This document summarises all concerns raised by Members about the potential adverse trade effects or inconsistencies with the TBT Agreement related to labelling.

Trade Policy Review Body: REPORT OF THE TRADE POLICY REVIEW BODY FOR 2002, 7 October 2002, WT/TPR/W/29. This report provides the annual assessment of the TPRM for 2002. It discusses the TPRs of Members conducted over the year and the main issues arising from them.

Negotiating Group on Rules: KOREA'S VIEWS ON THE DOHA DEVELOPMENT AGENDA DISCUSSIONS ON FISHERIES SUBSIDIES, 2 October 2002, TN/RL/W/17. In this submission, Korea inter alia counters arguments made by other Members that the peculiarity of fisheries subsidies and products justify the sectoral treatment of fisheries subsidies. It advocates

for more efforts to be made to deal with problems in the management of fish resources.

Committee on Agriculture Special Session: TARIFF QUOTA ADMINISTRATION: AUCTIONING, 30 September 2002, TN/AG/S/9. Background note by the WTO Secretariat. This paper examines the question of the status under WTO rules of auctioning tariff quota import licences by governmental authorities, and outlines elements of possible disciplines regarding this method of administration.

Council for Trade in Services Special Session: SMALL AND MEDIUM-SIZED SERVICES ENTERPRISES: COMMUNICATION FROM THE UNITED STATES, 1 October 2002, TN/S/W/5. This submission, inter alia, looks at some of the challenges faced by small and mid-sized businesses in overcoming foreign barriers to trade. These include transparency in domestic regulation, commercial presence requirements, movement of natural persons, electronic delivery of services and commitments in related services.

Working Group on the Relationship between Trade and Investment: COMMUNICATION FROM INDIA ON DEVELOPMENT PROVISIONS, 7 October 2002, WT/WGTI/W/148. In its submission, India references a recent paper by Barry Eichengreen of the University of California, Berkeley, to argue that financial flows in no way resemble flows of goods and services. Thus developing countries need policy flexibility to determine the form of investment that would lead to growth. India draws a parallel between liberalising capital, a factor of production, and liberalising another factor of production, particularly movement of labour.

Working Group on the Relationship between Trade and Investment: COMMUNICATION FROM INDIA ON NON-DISCRIMINATION, 7 October 2002, WT/WGTI/W/149. India advocates in its submission that developing countries preserve fully their discretionary authority with regard to investment flows. In this context, it challenges whether non-discrimination provisions are absolute, and whether they should also apply to investment. India also highlights its understanding of the basic differences between the concept of 'commercial presence' under the GATS and the concept of investment.

Working Group on the Relationship between Trade and Investment: COMMUNICATION FROM INDIA -- VIEWS ON MODALITIES FOR PRE-ESTABLISHMENT COMMITMENTS BASED ON A GATS-TYPE POSITIVE LIST APPROACH, 7 October 2002, WT/WGTI/W/150. India here notes that binding rules on 'pre-establishment commitments' will neither be feasible nor necessary, as developing countries need to retain the ability to screen and channel FDI in tune with their domestic interests and priorities. It favours bilateral investment treaties (BITs) over a multilateral investment approach, as India argues they provide flexibility to the host country while also extending protection to foreign investors.

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