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LEAD STORIES

TRIPS COUNCIL: STILL NO SOLUTION ON MEDICINES IN SIGHT

Informal discussions continued among heads of delegations on 26 November on the implementation of paragraph 6 of the Doha Declaration on the TRIPs [Trade-related Aspects of Intellectual Property Rights] Agreement and Public Health, based on a 24 November draft put forward by the TRIPs Council Chairman. Deep divisions remained over which countries should be eligible to use the system, which diseases should be covered and what the timeframe and content should be for negotiating a permanent solution once the waiver is in place.

According to paragraph 6 of the Doha Declaration on the TRIPs Agreement and Public Health, the TRIPs Council must find an expeditious solution to the problems countries may face in making use of compulsory licensing (i.e. allowing the use of a patent without the consent of the patent-holder under certain conditions) if they have insufficient or no pharmaceutical manufacturing capacity. The TRIPs Council is mandated to report to the WTO General Council on this by the end of 2002.

Eligibility and coverage

According to the Chair's draft, all least-developed countries would automatically be eligible as importers, while all other Members would be eligible following a once-off notification to the WTO (see BRIDGES Weekly, 20 November 2002, <http://www.ictsd.org/weekly/02-11-20/story1.htm>). The most recent draft text also includes language in the preamble noting that "developed country Members not in transition and some other Members have indicated their intention not to take advantage of the system established by this Decision as importing country Members". The Chairman furthermore proposed the inclusion of a footnote which would specify which countries would want to use the system and which would only use it under specific circumstances, as called for in particular by the US and the EU. Members from economies in transition and high-income developing countries objected to the inclusion of any

categories of countries that were not officially recognised by the WTO. Several of these countries, in particular Korea and Hungary, would not like to exclude themselves from using the system set up by the Decision.

Members also remained divided over the diseases that should be covered by the solution. The US proposed alternative text for paragraph 1b ("eligible importing Members"), which would include language on the circumstances in the eligible countries, i.e. to address HIV/AIDS, malaria, tuberculosis and similar infectious diseases. This proposal responds to concerns of the pharmaceutical industry over a broad mechanism that would include any type of diseases (i.e. also cancer or asthma). Several Members strongly opposed this amendment on the grounds that it would undermine the purpose and objectives of the TRIPs and health Declaration, which refers to "measures to protect public health" (paragraph 4).

Post-waiver negotiations

Another contentious issue relates to the permanent solution -- an amendment of the TRIPs Agreement, according to the Chairman's draft -- which would substitute the interim waiver (Article 11 of the 24 November draft). In this context, the Chairman has put forward alternative language for Article 11, which clarifies that the negotiations would not be linked to the "single undertaking" launched at the Doha Ministerial Conference last year. The Chairman furthermore proposed to start negotiations on 1 January 2004 and to finalise them by 30 June 2004. These dates would be sooner than the US would prefer, but later than called for by the EU and the African countries. Regarding the amendment, some Members raised the possibility of leaving open the language on the permanent solution, thereby also allowing for a consideration of an authoritative interpretation of Article 30 as called for by Brazil and others.

Formal TRIPs Council focuses on geographical indications

Much of the discussions in the regular session of the TRIPs Council focused on extending the higher level of protection for geographical indications (GIs) to products other than wines and spirits (set out in Art. 23). Members largely reiterated their positions and made little progress on bridging the gap. In particular, countries were divided over the additional costs to consumers and producers of GI extension. Those in favour of extension, including European and some developing countries, argued that it would not significantly increase costs, while others, such as the US, Canada, Japan, Australia, New Zealand and some developing countries, believed that it would. The TRIPs

Council is required to report on this issue to the Trade Negotiations Committee (TNC) by the end of the year. Members could not agree whether the report should include the proponents' proposal to begin negotiations and/or the opponents' demand to abandon this issue.

The TRIPs Council meeting was suspended on 27 November and will reconvene in the afternoon of 29 November to complete the negotiations on paragraph 6. The report to the TNC on TRIPs-related implementation issues also remains to be finalised. In addition to GI extension, these issues also include the review of Article 27.3(b) (patentability of life forms), postponing the deadline for developing and least-developed countries to comply with the TRIPs Agreement, and applying Articles 7 and 8 of the Agreement to ensure transfer of technology. The Chairman will circulate a draft report prior to reconvening the meeting.

On 28 November, Members continued negotiations on a multilateral system for notifying and registering GIs for wines and spirits pursuant to the Doha mandate.

ICTSD reporting.

S&D REVIEW COMING DOWN TO THE WIRE -- MEETING ALMOST DAILY

As Members quickly approach a 31 December deadline on the review of special and differential treatment (S&D) provisions, special sessions of the Committee on Trade and Development (CTD) have met almost daily in hopes of finding agreement. Various formal and informal sessions have taken place on 20, 21, 25, 26, 27, and 28 November - ranging on agreement-specific and cross-cutting issues, the monitoring mechanism, and 'the way forward'. A first draft of the report that Members hope to present to the 10-12 December General Council meeting is expected to be available before the end of the day on Friday, 29 November. This would give Members the weekend to consider the draft report before reconvening on 2 & 3 December to determine whether sufficient convergence on positions could be achieved. Initial reactions on what is allegedly going to be found in the report indicates that much ground remains to be covered in a short period of time, and that both political will and flexibility will have to come from all Members if a deadlock is to be averted.

The 31 December deadline, being an extension of a missed 31 July deadline earlier this year, is to report to the General Council, with clear recommendations for a decision, on a review of "all special and differential treatment provisions [...] with a view to strengthening them and making them more precise, effective and operational" (see BRIDGES Weekly, 14 November, <http://www.ictsd.org/weekly/02-11-14/story2.htm>).

Where lies the current impasse?

The crux of the divergence between mostly developed countries and most of the developing countries is how to deal with the 85-plus proposals that have to-date been submitted to the special sessions of the CTD (searchable under document symbol TN/CTD at <http://docsonline.wto.org>). A related element is to what degree should Members proceed with the monitoring mechanism, which was the only item approved in principle in the report that went to the General Council at the initial 31 July deadline (see BRIDGES Weekly, 6 August, <http://www.ictsd.org/weekly/02-08-06/story2.htm>).

Dealing with the 85+ proposals

Most of the sessions during the week of 25-29 November were consumed with the issue of how to categorise the proposals into baskets, so as to facilitate progress in those areas where agreement was possible. They also considered which proposals could potentially go into which baskets and what timelines would apply to any post-31 December basket (s). Both Kenya and India expressed discomfort in moving ahead with a 'basket' approach as they felt it was a "re-adjustment" of the mandate given by Ministers at Doha. One source in attendance noted that India said they wanted clear recommendations on almost all the agreement-specific proposals -- indicating, continued the source, their tacit acceptance of the approach.

Supported by most African and Least-Developed Country Members, one African delegate indicated on a few occasions this week that if there was no political will on the part of developed countries to carry out the mandate as given, then the best solution was to end the special session discussions now and transmit a factual report to Ministers at the Fifth Ministerial meeting in Cancun (September 2003) for their input and clarification. The delegate explained that the CTD special sessions had been an extremely arduous process over the last year (having been extended already once for six months) and consumed a disproportionate amount of human resources from the small delegations relative to the benefits it was bringing. Consequently by attending these meetings, his delegation had sacrificed attendance at other important committees, and thus had suffered a net loss, rather than gain. Another extension (into 2003), he concluded, would impinge on important work required in agriculture, services, and market access -- as well as the preparations for Cancun.

'Basket' approaches offered

Despite these reservations, two (informal) proposals were put forward on basket approaches -- by Canada

and Switzerland respectively. The Swiss proposal, which was responded to favourably by some developing countries, suggested a first basket where consensus appeared possible, a second for those requiring more work, and a third that had impacts on the 'rights and obligations' of Members (and thus would be difficult to find consensus on). Canada's proposal envisaged a first basket of proposals that could be "addressed by fleshing out plans of action, or allowing respective committees the opportunity to properly address the concern and report back to the CTD." The second were those proposals that addressed cross-cutting issues found in paragraph 12.1 of the Decision on Implementation (i.e. improved information flows, incorporating S&D into the architecture of WTO rules, etc.). The third basket would be for proposals that Canada felt "the issue or problem [had] not been clearly demonstrated or articulated," requiring further analysis and likely being sent to relevant bodies for clarification.

At the 26 November meeting, a basket approach came into view that would potentially see developed countries accept an initial basket of agreement-specific items before the end of the year (with some developed countries allegedly tying this to the acceptance of a monitoring mechanism to begin immediately, see below). The remaining proposals could be dealt with in a number of ways, including keeping some or all of the proposals in the CTD for continued negotiations (under a new deadline), and/or sending a third basket to subsidiary bodies for further discussions. This third basket, speculated one source close to the negotiations, would likely contain all of the more controversial items (i.e. those of highest value to developing countries), and could potentially have a deadline aligned with the conclusion of the round (i.e. 2005). One developing country delegate said of the items that might go to the different bodies, "they would go the way of implementation issues and become just impossible to follow."

According to a Latin American delegate, the initial list prepared by Chair Ransford Smith (Jamaica) of potential items for the first basket - which were discussed orally at the 26 November session and circulated in paper on 27 November - were of little or low commercial value. Despite this, he continued, developed countries were still responding negatively to most of them, and were not providing concrete suggestions on how to improve upon them so as to make them feasible. He noted that personally, he felt the mood in the committee was getting worse.

Monitoring mechanism becomes a condition

One item that could prove to be a stumbling block in finding agreement before 31 December is the monitoring mechanism. Initially proposed by the Africa

Group, and agreed upon in principle in the 31 July report, it has gone from being the one concession granted by developed countries in the first report to a condition (for some developed countries) for moving ahead.

Developing countries envisage it as a mechanism to monitor the outcome of the Doha mandate on reviewing S&D provisions. It would monitor all Members, analysing and making recommendations on how to best improve the capacity of developing countries to make use of S&D provisions (including measures to be taken by developed countries). As such, they view it as the final step in this review process, and do not want to proceed with outlining its functions, structure and terms of reference until the appropriate time.

Most developed countries on the other hand, view the mechanism, or "monitoring procedure" as termed in the latest US proposal (TN/CTD/W/19), as an all-encompassing instrument that would take on a large number of roles that otherwise fall into the domain of the CTD (including dealing with information exchange between different WTO bodies on S&D and facilitating greater coherence with relevant international organisations). In addition, the US proposal sees it as a venue to assess the implementation and utilisation of S&D provisions by developing countries, which most developing countries view sceptically. One trade expert, commenting on the number of tasks given to the mechanism in the US proposal, speculates that it is an attempt to paralyse the mechanism by giving it too many duties.

The last regular scheduled special sessions of the Committee on Trade and Development (CTD) before the 31 December deadline are 2 & 3 December, where Members will attempt to find agreement on the report that is to go to the General Council at its 10-12 December meeting.

ICTSD reporting.

OTHER NEWS

US ZERO-TARIFF PROPOSAL MEETS WITH MIXED REACTIONS

US Trade Representative Robert Zoellick on 26 November unveiled a US proposal to eliminate tariffs on virtually all consumer and industrial products in all WTO members by 2015. While the proposal was greeted enthusiastically by most US manufacturers, it met with

strong resistance from the US textiles and apparel industry. Criticism was also heard from the EU and the head of the WTO.

The US proposal, which will be submitted to the WTO Negotiating Group on Market Access at its next meeting on 2-3 December, envisages a two-phase approach to eliminating tariffs by 2015. By 2010, all tariffs of 5 percent or less and tariffs on highly-trade goods would be eliminated, while remaining duties would be reduced to less than 8 percent. By 2015, remaining tariffs would be cut to zero. These efforts would be complemented by a reduction of non-tariff barriers. The US is planning to put forward a list of such barriers in January 2003. "Our proposal would turn every corner store in America into a duty-free shop for working families," said Zoellick. This move follows an earlier US proposal put forward on 25 July to reduce global tariffs on agricultural goods from 62 to 25 percent or less and to eliminate all export subsidies for agricultural products over five years.

The proposal was welcomed by most US exporters. "Essentially, the United States is proposing to launch a Planet Earth Free Trade Agreement," said Kevin Burke, President of the American Apparel & Footwear Association. Describing the proposal as "visionary and realistic", the National Foreign Trade Council, one of the key proponents of zero tariffs, strongly endorsed the proposal, which they believe will "energise the Doha Development Agenda by setting a bold goal that will provide enormous economic benefits to developing and developed economies and raise the level of ambition in all other areas of the negotiations."

Other US industry groups, however, notably the textile manufacturers, were far less enthusiastic about the proposal. The American Textile Manufacturers Institute, representing the US textile industry, described the proposal as an "outright gift to China" which would "simply ensure China's takeover of the worldwide textile and apparel trade", according to the Van May, chairman of the ATMI. May added the proposal ran counter to the US administration's promise to minimise the impact of future trade deals on the domestic textile industry as a top priority.

A word of caution was also heard from WTO Director-General Supachai Panitchpakdi who noted that developing countries could suffer under the US proposal as many of them had very high tariffs on goods to protect their fledgling industries and could face a disproportionate burden. He added that the WTO's "main concerns" were rising tariffs and tariff peaks. According to trade sources, the proposal would require most other countries to cut their import taxes more radically and more quickly than the US. Also, US anti-dumping and safeguard taxes, which run up to 30

percent in the case of steel, would unlikely be affected by the plan.

The EU rejected the US proposal as "unrealistic", stressing that "it has to take into account preoccupations of developing countries". For its part, the EU had submitted a proposal on industrial tariffs earlier this month, calling for reducing tariff peaks and the unilateral elimination of tariffs in developed countries on exports from least-developed countries by May 2003. The US proposal is also expected to meet with criticism from high-tariff Latin American and Asian countries, such as Brazil and India, which are likely to argue against the increased competition that their domestic industries would face while their agricultural products were still subject to steep barriers in the US markets.

To obtain more information on the US proposal: http://www.ustr.gov/new/Zero_Tariff.htm.

"AAFA President Applauds U.S. Government's New Global Market Access Initiative," AAFA PRESS RELEASE, 26 November 2002; "NFTC Strongly Endorses U.S. Market Access Proposal," NFTC PRESS RELEASE, 26 November 2002; "U.S. proposes agreement at WTO to scrap tariffs on all industrial products by 2015," WTO REPORTER, 27 November 2002; "Washington seeks the end of all import taxes," IHT, 27 November 2002; "U.S. Zero-Tariff Proposal meets stiff resistance," WSJ, 26 November 2002; "U.S. Proposes Tariff-Free World," USTR PRESS RELEASE, 26 November 2002.

WTO: NEW ZEALAND CALLS FOR NEGOTIATIONS ON FISHING SUBSIDIES IN 2003

During the meeting of the WTO Negotiating Group on Rules on 25-27 November, New Zealand suggested establishing a negotiating platform on fisheries subsidies in 2003, an idea seen as "premature" by Japan. The Group furthermore discussed proposals on anti-dumping issues put forward by the "Friends of Anti-Dumping" and the US.

New Zealand looks ahead on fishing subsidies

New Zealand felt that the Negotiating Group had made real progress on understanding the fishing subsidies issue and proposed that a corresponding negotiating platform should be established in 2003, which would initially discuss the categorization or classification of fisheries subsidies. New Zealand's idea was supported by Norway, who cited findings of an OECD report illustrating that fisheries management, research and

development and environment, which should not be actionable, received 70 percent of sector subsidies while the remaining 30 percent was directed to financially supporting fishing fleets.

Japan rejected the proposal, stating that in their opinion it was premature and that the causal link between subsidies and fish stock depletion had yet to be proven. They also noted that the "Friends of Fish" still had not convinced the Group that the current Subsidies Agreement was insufficient for dealing with problems in the fishing sector.

The environmental group WWF urged governments to move forward with the actual fishing subsidies negotiations as they felt that the rationale for such action had already been given by the Doha mandate. They suggested that the Group should be discussing "forms of rules and institutional arrangements to discipline harmful fishing subsidies in the WTO." With regard to the OECD definition, the WWF felt it was too narrow for the present purpose, making it overly simplistic to classify 70 percent of subsidies as non-actionable.

"Friends of Anti-Dumping" Respond To US and EC Papers

During the meeting, Japan presented a general "concept paper" on behalf of the "Friends of Anti-Dumping" - including Brazil, Chile, Colombia, Costa Rica, Hong Kong, China, Israel, Japan, Korea, Mexico, Norway, Chinese Taipei, Singapore, Switzerland, Thailand, and Turkey - which responded to previous US and EC anti-dumping papers tabled during earlier meetings. The proposal noted that anti-dumping measures had often been used as an inappropriate and excessive protective mechanism to shield domestic industries from international competition instead of countering injurious dumping, despite efforts made during the Uruguay Round to improve such measures. The proposal called for dumping negotiations to clarify and improve rules in three areas, i.e. to prevent damaging and excessive anti-dumping actions; prevent excessive burdens on respondents; and increase transparency, fairness, and predictability of the overall system. Brazil presented another "Friends of Anti-Dumping" paper with eight suggestions on how to modify the WTO Anti-dumping Agreement. The Group has now made 31 suggestions for proposed changes.

While Canada supported much of the Friends' paper, the US felt that the paper failed to include an important element of the Doha Mandate, namely to strengthen the WTO Anti-dumping Agreement. According to the EC, a number of points raised by the Group overlapped with their own piece, including the reduction of the cost of investigation.

US pushes "procedural fairness"

The US in their paper called for greater "procedural fairness" in the context of anti-dumping and countervailing duties investigations. They stressed the importance of making available all relevant information from national governments to interested parties and clarifying verification procedures used by authorities to submit information during investigation. The paper recognised that such procedural fairness was "central to the "rule of law" in the legal and administrative systems of civil societies to ensure a fair and open decision-making process."

Responding to the paper, Chile noted that a balance must be found to improve both procedural issues and substance. One Latin American official found the American paper to simply reflect practices currently used in the US. He went on to say, "it's another case of them telling everyone to do as we do."

ICTSD reporting, "Japan, others unveil antidumping proposal at WTO," KYODO, 25 November 2002. "U.S. Puts Forward Proposal on WTO Disciplines for Antidumping Investigations," WTO REPORTER, 26 November 2002.

IN BRIEF

CANADA, US LOOK AT ENVIRONMENTAL IMPLICATIONS OF NEW TRADE DEALS

On 22 November, the Canadian Government released its initial environmental assessment of the WTO negotiations with the aim of helping trade negotiators to incorporate environmental considerations into trade policy. It is the first of three reports that will be prepared as the process continues with the final report to be released after the conclusion of the Doha round in 2005. This preliminary report concludes that the new negotiations will not have a significant impact on the Canadian environment as the further liberalisation of trade would not significantly affect Canada's trade. In compiling this report, the Canadian government has consulted with numerous people throughout the country and with the publication of this initial draft, hopes to attain more opinions concerning the issue. The US has released a similar report in an effort to acquire knowledge from specialists concerning a potential free trade agreement (FTA) with the Central American countries. The US has called for comments on potential environmental repercussions of such an agreement as well as potential implications for US environmental laws

and regulations. This data will then be compiled and used during the negotiations for the FTA.

To obtain a copy of the Canadian environmental assessment: <http://www.dfait-maeci.gc.ca/tna-nac/ea1105-e.pdf>

"Initial Environmental Assessment of the new World Trade Organization (WTO) Negotiations," DFAIT, 22 November 2002; "Initiation of Environmental Review of Central America Free Trade Negotiations," OFFICE OF USTR, 22 November 2002. "Canadian Assessment of WTO Talks Finds Minimal Environmental Impact," WTO REPORTER, 26 November 2002.

EU RELEASES ANNUAL REPORT ON US TRADE RESTRICTIONS

On 20 November, the European Commission released its eighteenth annual report on barriers to trade and investment in the US. Trade between the partners, according to the report, amounts to over 1.1 trillion Euro with each partner employing about 3 million people in the other. However, also highlighted in the report were tough security measures put in place by the US after the 11 September attacks last year as well as a failure to comply with numerous WTO rulings. The Commission stated that the best way to handle these barriers to trade was to "deepen bilateral cooperation with US authorities." According to Trade Commissioner Pascal Lamy, "tackling bilateral trade obstacles is essential to transatlantic confidence-building." At the same time, the Commission has made it known that more formal dispute settlement measures, through the WTO, will be taken if necessary. Earlier this year, the EU won the right to impose USD4 billion worth of sanctions against the US for its Foreign Sales Corporation laws through a dispute settlement with the WTO (see BRIDGES Weekly, 13 September 2002, <http://www.ictsd.org/weekly/02-09-13/story2.htm>). The EU has not imposed any of the sanctions as of yet, hoping that the US will remedy the situation.

To obtain a copy of the 2002 Report on US Barriers to Trade and Investment: http://europa.eu.int/comm/trade/mk_access/ustbr2002.pdf.

"EU Ready to Take U.S. to WTO Over Trade Disputes," REUTERS, 20 November 2002; "EU Annual Report On Us Trade Barriers Highlights Need For Enhanced Co-Operation," EU TRADE NEWS, 20 November 2002.

G20 MEETS TO DISCUSS TRADE AND TERRORISM

At a one-day conference on 23 November, the G20 agreed in New Delhi, India, to redouble efforts to cut all sources of funding to terrorist organisations, while at the same time work harder for the removal of high subsidies and trade barriers. The group of 20 was formed in 1999 and an international forum of finance ministers and central bank governors representing 19 countries, the European Union and the Bretton Woods Institutions (the International Monetary Fund and the World Bank). During discussions on reducing barriers to trade, developing countries called on the wealthy countries to increase market access, which would not only help the members of the group, but all of the WTO. In a communiqué issued at the end of the conference, the group acknowledged that, "the process of globalisation has not yet delivered its potential in reducing poverty in some of the world's poorest countries. Reduction of the remaining high trade barriers and trade-distorting subsidies would contribute to spreading further the benefits of globalisation, including to the poorest developing countries." The 2003 meeting of the G20 will be held in Mexico.

Further information on the G20 and the communiqué: <http://g20.nic.in/indexe.html>.

"G20 Vows To Lift Trade Curbs, Choke Terror Funds," DOW JONES, 25 November 2002; "G20 targets terrorist financing," TAIPEI TIMES, 25 November 2002; "G20 pledge to benefit global trade," BUSINESSDAY, 27 November 2002.

WTO IN BRIEF

JAPAN TO HOST MINI-MINISTERIAL IN FEBRUARY

Japan's Foreign Minister, Yoriko Kawaguchi, announced on 19 November that the country would host another informal ministerial meeting in Tokyo before the Cancun Ministerial in September. The 25 trade ministers that attended the 'mini-ministeria' held in Australia on 14 and 15 November (see BRIDGES Weekly, 20 November 2002, <http://www.ictsd.org/weekly/02-11-20/story1.htm>) will be invited to attend the meeting in Japan. Issues that will be discussed during the meeting will primarily focus on the farm trade talks, which are reaching their deadline under the Doha round of negotiations. Japan also

desires to talk with agriculture-exporting Cairns group countries, such as Canada and Australia, concerning the stalemate in their agriculture negotiations. According to the Doha Ministerial Declaration, "modalities for the further commitments, including provisions for special and differential treatment, shall be established no later than 31 March 2003". The deadline for non-agricultural products is May. Japan is tentatively planning on holding the meeting on 15 and 16 February.

"Japan To Host Informal WTO Talks In Tokyo In Feb," KYODO, 25 November.

CANADA ET AL. REQUEST WTO WAIVER FOR DIAMOND CERTIFICATION

On 22 November during the meeting of the Council for Trade in Goods, Canada put forward a proposal co-sponsored by Sierra Leone, Thailand, Japan, the UAE, Brazil, the Philippines and Australia for a WTO waiver relating to the Kimberley Process establishing a certification process preventing trade in conflict diamonds. Specifically, the request looks to institute "a waiver from the provisions of Article I: 1, Article XI: 1 and Article XIII: 1 of the GATT 1994 [that] will lend legal certainty to the relationship between those measures and the GATT 1994". One source noted that the request led to "a positive initial discussion" in the meeting and was supported by more than eight Members. However, Members were in general agreement that additional time was required to examine the details of the proposed waiver in capitals. The Chair requested Canada to undertake consultations on the issue, and it was decided that the Council would revert to the item during the next meeting at the end of January. The Kimberly Process Participants in the Interlaken Declaration of 5 November plan to formulate an international system of rough diamond certification, with the hope of breaking the connection between armed conflict and the trade of rough diamonds.

The communications requesting a waiver are contained in G/C/W/431 and G/C/W/431/Corr.1, searchable at <http://docsonline.wto.org/>.

ICTSD Reporting.

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.

Coming Up This Week: 28 November - 5 December

25-29 November, Rome, Italy: SIXTH CONFERENCE OF THE PARTIES TO THE VIENNA CONVENTION AND THE 14TH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL. For further information, contact: Ozone Secretariat; tel: +254 (02) 623-850 or 621-234; fax: 623-601 or 623-913; Internet: <http://www.unep.org/ozone/mop/14mop/14mop.shtml>

25-29 November, Geneva, Switzerland: WIPO STANDING COMMITTEE ON THE LAW OF PATENTS (EIGHT SESSION). For further information, contact: WIPO, tel: +41 (022) 338 9111; fax: 733 54 28; Email: WIPO.mail@wipo.int; Internet: http://www.wipo.org/news/en/index.html?wipo_content_frame=/news/en/conferences.html

27 - 29 November, Cusco, Peru: MEETING OF MEGADIVERSE COUNTRIES. Organised by The Group of Like Minded Megadiverse Countries. An expert meeting on access to genetic resources and benefit sharing (ABS) and traditional knowledge will take place over the first two days of this. The final segment of the meeting will bring together Ministers and high-level representatives of the Group to analyse and approve a political statement. To view the Cancun Declaration of Like-Minded Megadiverse Countries, see:

<http://www.embamexcan.com/english/Environment/CancunDeclaration.html>. For further information on this event, visit <http://www.gefoodalert.org/Calendar/detail.cfm?whichevent=503>.

2-4 December, Geneva, Switzerland: TRADE AND DEVELOPMENT BOARD, THIRTIETH EXECUTIVE SESSION, ON LDCs. Objectives of this meeting are: to make a substantive contribution to the policy debate on poverty reduction strategies, identifying policy measures, at both the national and the international level, which can enable LDCs to escape the poverty trap; to promote consensus on national and international policies for effective policies of poverty reduction in the LDCs; and to encourage the wider dissemination and discussion of key messages of the

LDC Report 2002 among policy makers from both LDCs and their development partners. For further information on this event, fax: +41 (0) 22 917 0056; or email: unctad.meetings.services@unctad.org; Internet: http://www.unctad.org/en/docs/tb30d1_en.pdf

4-5 December, Sao Paulo, Brazil: LATIN AMERICA REGIONAL SEMINAR ON INVESTMENT FOR DEVELOPMENT, organised by CUTS-CITEE. The seminar will be held under the "Investment for Development", which is being conducted by CUTS-CITEE in collaboration with UNCTAD with support from Department for International Development (DFID), UK. The objectives of the seminar are to share research findings of the project with the civil society and disseminate information on the various issues relating to Foreign Direct Investment (FDI). The project researcher from Brazil will present his research findings. For further information, contact Mr. Bipul Chatterjee/Ms. Purnima Purohit, CUTS, tel: +91 (0)141 220 74 82; fax: 220 74 86 <http://cuts.org/forthcoming-events.htm> - LATIN%20AMERICA.

5 December, 9:00, Geneva, Switzerland: ENHANCING THE WTO DISPUTE SETTLEMENT UNDERSTANDING. Organised by the Federal Trust for Education and Research. Discussion panellists for the discussion include: Roderick Abbott, Deputy Director General, World Trade Organisation; Mateo Diego-Fernandéz, Counsellor, Permanent Mission of Mexico to the WTO; Brendan McGivern, Counsellor, Permanent Mission of Canada; and Rachel Thompson, Associate Director, Global Trade Practice, APCO Worldwide. For further information, contact Alexis Krachai, tel: +44 (0) 20 7735 4000; email: alexis.k@fedtrust.co.uk; Internet: http://www.fedtrust.co.uk/dsu_london.htm

WTO Events

An updated list of forthcoming WTO meetings is posted at: 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.

28 November, 10:00, Geneva, Switzerland: COMMITTEE ON BUDGET, FINANCE AND ADMINISTRATION. Items to be discussed include administrative updates and progress reports, as well as financial matters.

28 November, 10:00, Geneva, Switzerland: DISPUTE SETTLEMENT BODY. WTO/AIR/1972.

28 November, 09:00, Geneva, Switzerland: SPECIAL SESSION OF THE COUNCIL FOR TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS. Items to be discussed include negotiation of the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits.

28 November, 14:00, Geneva, Switzerland: WORKING GROUP ON TRADE AND TRANSFER OF TECHNOLOGY. Items on the agenda include a presentation by the World Bank, other WTO bodies with a concern in this area, and various submissions by member states.

29 November, 10:00, Geneva, Switzerland: COMMITTEE ON CUSTOMS VALUATION. WTO/AIR/1975.

29 November, 14:00, Geneva, Switzerland: TRADE POLICY REVIEW BODY - VENEZUELA. Reports to be discussed include a report by the government of Venezuela and a report by the Secretariat concerning Venezuela.

29 November, 10:00, Geneva, Switzerland: WORKING GROUP ON TRANSPARENCY IN GOVERNMENT PROCUREMENT.

1 & 2 December, 09:45, Geneva, Switzerland: WORKSHOP ON THE RELATIONSHIP BETWEEN TRADE AND INVESTMENT.

2 & 3 December, 10:00, Geneva, Switzerland: NEGOTIATING GROUP ON MARKET ACCESS.

2 & 3 December, 13:00, Geneva, Switzerland: SPECIAL SESSION OF THE COMMITTEE ON TRADE AND DEVELOPMENT.

3 December, Geneva, Switzerland: WORKING GROUP ON THE RELATIONSHIP BETWEEN TRADE AND INVESTMENT.

3 December, 10:00, Geneva, Switzerland: WORKING PARTY ON GATS RULES.

Other Forthcoming Events

9-17 December, Geneva, Switzerland: FOURTH SESSION OF THE WIPO INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE. For further information on this conference, contact WIPO; tel: +41 (0) 22 338-9111; email: WIPO.mail@wipo.int.

9-13 December, Geneva, Switzerland: SIXTH MEETING OF THE CONFERENCE TO THE PARTIES TO THE BASEL CONVENTION. For further information, contact the Basel Convention Secretariat, tel: +41 (0)22 917 8218; fax: 797 3454; email: sbc@unep.ch; Internet: <http://www.basel.int>.

12 December, Brussels, Belgium: EU PUBLIC MEETING. The European Commission is hosting a public meeting to discuss the Mid-Term reports for the current sustainability impact assessment (SIA) studies of proposed WTO Negotiations (Sector Studies for Market Access, Environmental Services and Competition; and Preliminary Overview of Potential Impacts of the Doha Agenda). To register for this meeting, contact Ms Kacimi; email: fatiha.kacimi@cec.eu.int.

2-7 January, Hyderabad, India: ASIAN SOCIAL FORUM. The main themes of the forum are the following: Peace and Security; Debt, Development and Trade; Nation State, Democracy and Exclusions; Ecology, Culture and Knowledge; Social Infrastructure, Planning and Cooperation; and Alternatives and Peoples Movements. For further information on this conference, visit <http://www.wsfindia.org>.

10 January, Paris, France: EUROPEAN SEMINAR ON FINANCE, ENVIRONMENT AND SUSTAINABLE DEVELOPMENT. This event is intended to highlight the issues addressed during the World Summit for Sustainable Development (WSSD) in Johannesburg. Financial leaders will debate around issues of fundamental importance to capital markets and the financial services community. The seminar will introduce innovative tools and techniques for enhanced risk management and assessment of emerging commercial opportunities linked to sustainability. For further information on this seminar, contact Kiki Lawal at UNEP, email: kiki.lawal@unep.ch.

23-28 January, Davos, Switzerland: WORLD ECONOMIC FORUM ANNUAL MEETING 2003. For further information, visit <http://www.weforum.org/site/homepublic.nsf/Content/Annual+Meeting+2003>.

3-7 February, Nairobi, Kenya: UNEP GOVERNING COUNCIL. For further information on this event, visit <http://www.unep.org/>, or contact beverly.miller@unep.org.

6-9 February, New Delhi, India: DELHI SUSTAINABLE DEVELOPMENT SUMMIT 2003. The deliberations at DSDS 2003 will essentially focus on translating the priorities set at the World Summit on Sustainable Development (WSSD) into action. It will also add value to the WSSD process through many action-oriented

suggestions for the global community to realize the goal of sustainable development. For further information, visit <http://www.teriin.org/dsds/2003/index.htm>.

19 February, Geneva, Switzerland: COMPETITION POLICY AND PRO-POOR DEVELOPMENT. A symposium based on a two-year research and advocacy project titled "The 7- Up Project" by CUTS Centre for International Trade, Economics & Environment (CUTS-CITEE). The meetings will focus on three main questions: How does Competition Policy and law help the poor?; What type of competition law should a country have?; How do developing countries deal with cross-border issues? For further information on this symposium, visit <http://www.cuts.org/>. To view the completed study, visit <http://www.cuts.org/7-up>.

30 May - 12 June, Havana, Cuba: IV INTERNATIONAL CONVENTION ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT. Leading professionals from various environmental fields and environmental justice groups will participate in the conference through the presentation of scientific and policy papers, poster displays, active participation in specific US- Cuba sessions during the conference, and through productive networking with their Cuban colleagues during the entire delegation tour. For further information on this convention, visit <http://www.globalexchange.org/>.

30 June - 5 July, Rome, Italy: 25TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION. For further information on this conference, visit <http://www.codexalimentarius.net/timetab.htm>.

10-14 September, Cancun, Mexico: WTO FIFTH MINISTERIAL CONFERENCE. For further information on this conference, visit <http://www.wto.org/>, or email: enquiries@wto.org.

RESOURCES

If you have a relevant resource (books, papers, bulletins, etc.) you would like to see announced in this section, please forward a copy for review by the BRIDGES staff to resources@ictsd.ch. Submissions of publications to ICTSD's documentation centre would also be welcomed (see mailing address below).

"Foreign Direct Investment and Environmental Impacts - Is the Debate Over". By Kevin R. Gray in REVIEW OF EUROPEAN COMMUNITY AND INTERNATIONAL ENVIRONMENTAL LAW 11 (3, 2002): 306-313. This article addresses the academic and political debate surrounding the environmental impacts caused by the introduction and competition for foreign investment. Although there is considerable anecdotal evidence that

environmental standards are either driven down or not improved, the data is not consistent enough to substantiate any definitive trends. However, lack of conclusive information does not negate the pressures States feel to modify their environmental regulatory requirements to induce FDI, the author concludes.

"The precautionary principle and ecological hazards of genetically modified organisms." By Mario Giampietro in AMBIO 31 (6, 2002): 466- 470. This paper makes three points relevant to the application of the precautionary principle to the regulation of GMOs. i) The unavoidable arbitrariness in the application of the precautionary principle reflects deeper epistemological problem affecting scientific analyses of sustainability. This requires understanding the difference between the concepts of "risk", "uncertainty" and "ignorance". ii) When dealing with evolutionary processes it is impossible to ban uncertainty and ignorance from scientific models. Hence, traditional risk analysis (probability distributions and exact numerical models) becomes powerless. Other forms of scientific knowledge (general principles or metaphors) may be useful alternatives. iii) The existence of ecological hazards per se should not be used as a reason to stop innovations altogether. However, the precautionary principle entails that scientists move away from the concept of "substantive rationality" (trying to indicate to society optimal solutions) to that of "procedural rationality" (trying to help society to find "satisfying" solutions). Available at <http://ambio.allenpress.com/ambioonline/?request=get-toc&issn=0044-7447&volume=031&issue=06>.

"Abstract Options for World Trade Organization Involvement in Food Aid." By Linda M. Young in THE ESTEY CENTRE JOURNAL OF EDITORIAL INTERNATIONAL LAW AND TRADE POLICY, Volume 3 Number 1, 2002. WTO members have presented diverse positions on food aid issues to the current round of negotiations on agriculture. Some members desire increased disciplines on food aid, while others are adamant that the WTO needs to fulfill past promises and meet the current need to increase the food security of developing countries. Underlying this debate are questions about the role of the WTO in food aid issues. It is proposed that a new, more cohesive institution for food aid be adopted to partner with the WTO. To view this journal, visit <http://esteyjournal.com/>.

"The WTO post-Doha Agenda: issues and challenges" THIRD WORLD RESURGENCE 141/142 (May/June 2002): 24-62. Collection of ten articles examining the post-Doha work agenda and reasons for its alleged "lopsidedness". Content: The WTO post-Doha agenda: squeezing the south under an inequitable work programme (Martin Khor); The Singapore issue (Martin Khor); Developing countries call for principles and

procedures for WTO Ministerial Conferences (Chakravarthi Raghavan); Prominent speakers criticize 'new issues' at official WTO symposium (Cecilia Oh); NGOs call for EU transparency in trade talks on services; US farm subsidies a blow to poor countries (Hardev Kaur); US farm bill 2002: its implications for world agricultural markets (Joseph Stiglitz); US farm bill sparks widespread criticism (Lean Ka-Min); US steel tariffs spark global concern (Martin Khor); Rethinking trade policy and the multilateral trade system (Martin Khor).

"U.S. Farm Policy and the WTO: How Do They Match Up?" By Chad E. Hart and Bruce A. Babcock. THE ESTEY CENTRE JOURNAL OF INTERNATIONAL LAW AND TRADE POLICY 2 (1, 2002). The debate over a new farm bill has focused on how to spend an additional USD73.5 billion in funding for the agricultural budget over ten years. The House of Representatives, the Senate Agriculture Committee, and Senators Cochran and Roberts (supported by the Bush Administration) have each proposed a structure for the next farm bill. A critical question becomes whether these proposals conflict with U.S. commitments to limit subsidies under the WTO agreement. This paper explores this issue and concludes with a discussion of the future direction of U.S. farm subsidies and new WTO agreements. To view this journal, visit <http://esteyjournal.com/>.

WTO Resources

These recently released WTO documents of note from a sustainable development perspective are available on the WTO website at: <http://docsonline.wto.org/>.

OVERVIEW OF DEVELOPMENTS IN THE INTERNATIONAL TRADING ENVIRONMENT (WT/TPR/OV/8). 15 November. Trade Policy Review Body. Annual report by the Director-General. DG Supachai Panitchpakdi, in his first annual report to members on developments in the international trading environment, underlined the economic benefits of successful market-access negotiations in both goods and services, especially to developing countries. Serious obstacles to trade, he said, remain in agriculture, textiles and other manufactures. The report will be the basis of the WTO Trade Policy Review Body's annual review on 11 December 2002 of developments in the international trading environment and multilateral trading system. To view the report, visit http://www.wto.org/english/news_e/news02_e/overview_annual_report_tpr_e.doc.

DISPUTE SETTLEMENT REPORTS. The Dispute Settlement Reports of the World Trade Organization (WTO) include Panel and Appellate Body reports, as well as arbitration awards, in disputes brought to the

WTO since 1996. These are the authorized paginated reports in English. The reports are available to order in paper form, or in a searchable database within the WTO website. To order a Dispute Settlement Report in print, visit https://secure.vtx.ch/shop/boutiques/wto_index_boutique.html?language=E. To view a searchable Dispute Settlement Report database, visit http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm.

Electronic Resource

NEW WTO TRADE ROUND: TALKING TRADE - WHAT'S GOING ON? Transcript from an Internet chat hosted by the European Commission on 21 November. European Trade Commissioner Pascal Lamy, the Egyptian Trade Minister Youssef Boutros-Ghali and WWF held an Internet chat. Participants had the opportunity to ask questions in all eleven official languages of the European Union thanks to the assistance of a team of interpreters. It was also possible to follow the whole discussion in English. An edited version of the transcripts presenting the questions with their answers for easy reading will be made available soon. To view this transcript, visit http://europa.eu.int/comm/chat/lamy9/index_en.htm.

Position Vacancy

UN FOOD AND AGRICULTURAL ORGANIZATION (FAO). The FAO is looking for a Senior Programme Officer under the Resources and Strategic Partnerships Unit. The position is for a fixed term of three years. Specific duties will include: responsibility for the overall management and monitoring of the implementation of FAO's policy of cooperation with Non-Governmental Organisations; prepare strategic papers and evaluations regarding NGO/CSO participation in FAO policy for and participate in major interdisciplinary initiatives to ensure civil society involvement; to develop, monitor, and document field programmes in partnership with NGO's in close collaboration with FAO technical units and field offices; as well as others. Qualifications include: an advanced university degree in social sciences or related field; ten years of responsible professional experience in international or national organisations in working with the non-governmental/civil society sector in the field of development; and a working knowledge of two of the following languages: French, English, Spanish. For further information, contact: Resources and Strategic Partnerships Unit (TCDS) - FAO Via delle Terme di Caracalla 00100 Rome ITALY - Fax No. +39 06 570 55175.

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