



INTERNATIONAL CENTRE FOR
TRADE AND SUSTAINABLE
DEVELOPMENT

BRIDGES

Weekly Trade News Digest

12 June 2003

Volume 7 Number 21

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LEAD STORIES

TNC HEARS STATEMENT BY BURKINA FASO PRESIDENT, CONSIDERS SUBMISSION ON ROAD TO CANCUN

The WTO Trade Negotiations Committee (TNC) met on 10 June to consider reports on progress in ongoing negotiations, and heard a statement by the president of Burkina Faso regarding a submission by West and Central African countries on cotton subsidies.

The chairs of the negotiating groups on dispute settlement, non- agricultural market access, services, and trade and environment provided their statements. In the general discussion, Members reiterated previous positions, expressing their disappointment with the current stalemate in negotiations and calling for movement especially in the area of agriculture in order to unblock the situation. Some made reference to current EU talks on reform of the Common Agricultural Policy (CAP), and their expectations for change.

Ambassador Péter Balás (Hungary), Chair of the special session of the DSB, reported that the group had failed to meet a 30 May negotiating deadline for the review of the dispute settlement understanding (see BRIDGES Weekly, 4 June 2003 <http://www.ictsd.org/weekly/03-06-04/story2.htm>). He noted that discussions on a consolidated Chair's draft began on 20 May, and a revised version of the draft was produced on 28 May. Members agreed that further work was needed, but disagreed on its format and on whether it should be based on the draft only or also on further submission (the Chair's report, TN/DS/9, including the revised Chair's draft is available at <http://docsonline.wto.org>). At the TNC, Members agreed to include the issue on its agenda for further discussion.

Chair Pierre-Louis Girard (Switzerland) of the negotiating group on market access said that he had issued draft negotiating modalities two weeks before (see BRIDGES Weekly <http://www.ictsd.org/weekly/03-05-28/story1.htm>), but that delegations were not yet in a "negotiating mood". However, Members had accepted the draft as a starting point, and discussions would

continue as before despite the missed official 30 May deadline (TN/MA/11).

African President addresses TNC regarding cotton subsidies

The President of Burkina Faso, Blaise Compaore, in an unusual move addressed the TNC directly. He is the first head of state to speak at a regular WTO meeting. In his statement, he referred to an initiative at the WTO by four West and Central African (WCA) countries - - Benin, Burkina Faso, Chad and Mali -- to eliminate cotton subsidies worldwide in an effort to ensure the survival and development of the cotton sector in their region (see BRIDGES Trade BioRes, 2 June 2003, <http://www.ictsd.org/biores/03-06-02/story1.htm> and TN/AG/GEN/4).

In his statement to the TNC, President Compaore said, "our countries are not asking for charity, neither are we requesting preferential treatment or additional aid. We solely demand that, in conformity with WTO basic principles, the free market rule be applied. Our producers are ready to face competition on the world cotton market - under the condition that it is not distorted by subsidies". He stressed that settling this issue is essential to the Doha round of trade negotiations, and would function as a test in Cancun, allowing Members to prove they can live up to their promises made in Doha. Most Members had positive reactions to the statement, with Morocco, speaking for the African Group, underlining the importance of the initiative. One Member commented however that the proposal should be considered in a broader context and questioned the singling out one specific product. EU Trade Commissioner Pascal Lamy, speaking at a subsequent public hearing in Brussels, said in relation to cotton that the proposal does not pose a problem to the EU.

Developing countries submit paper on road to Cancun

Colombia, on behalf of a group of 26 developing countries ranging from Argentina to Morocco and India, presented a paper entitled The Doha Agenda: Towards Cancun (TN/C/W/13). The paper was the outcome of discussions within an ad hoc group of important developing country players. They agreed on a set of elements they deemed essential to the Doha process, outlined in the paper: the centrality of the development dimension; the delicate overall balance of the package; and the importance of a transparent process. The paper goes on to outline actions to be taken at this point in order to enhance momentum with a view to the fifth Ministerial Conference in Cancun in September. The

actions span the negotiating areas key to the developing countries in question.

On development issues, the paper highlights the need for concrete results prior to Cancun, "instead of calling into question the basic principles underlying them," and stresses the role of technical assistance and capacity-building. The paper underscores the central importance of agriculture to many developing countries and singles out the need to reduce or eliminate export subsidies and support, while calling for discussion on how to deal with market access in a way that safeguards developing country concerns. On non-agricultural market access, the paper emphasises less than full reciprocity for developing countries and elimination of non-tariff barriers.

On services, the paper states that progress has been moderate, and work could be boosted by progress in other areas. The paper notes that Members do not agree on the Singapore issues, and each issue should be treated separately. Were modalities to be decided in Cancun, by explicit consensus, they would need to provide certainty on the structure and precise content of negotiations. The paper also stresses the importance of changes to the DSU to guarantee the balance between Members rights and obligations, and urges Member's to reach consensus on TRIPS and public health as the issue needs to be resolved before Cancun.

In their responses, a number of Members welcomed the submission. Canada, Norway, New Zealand felt that the paper was moderated and displayed a real commitment to the Doha round. However, some differences were expressed as well, with New Zealand pointing out that the level of ambition with regard to non-agricultural access could have been higher.

The next meeting of the TNC is scheduled for 14-15 July.

ICTSD Reporting; "African President to Make Direct Plea For Deal on Elimination of Cotton Subsidies," WTO REPORTER, 9 June 2003.

BUSY TRIPS COUNCIL SESSION FOCUSES ON HEALTH, BIODIVERSITY, GIS AND S&D

Meeting on 4-5 June and again briefly on 6 June, the regular session of the Council for Trade-related Aspects of Intellectual Property Rights (TRIPs) received a number of proposals related to health and biodiversity.

While momentum for progress on the relationship between the TRIPs Agreement and the Convention on Biological Diversity (CBD) appears to be growing, progress on TRIPs & health remains elusive. On 6 June, the TRIPs Council met for a special (negotiating) session on the multilateral register for geographical indications for wines and spirits, where countries largely repeated their traditional positions.

The Council also discussed two sets of proposals related to special and differential treatment (see related story, this issue).

ACP, EC call for technical assistance on TRIPs & health

In a letter to the TRIPs Council Chair (IP/C/W/401, available at <http://docsonline.wto.org/>), the African, Caribbean and Pacific (ACP) Group of States expressed their disappointment with WTO Members' failure to agree on a draft text released on 16 December 2002 on paragraph 6 of the Doha Declaration on TRIPs and public health, describing the developments in the WTO on this issue as "disheartening". They rejected any attempts to limit the scope of the solution to national emergencies, as proposed by the US, or to involve the World Health Organization (WHO), as proposed by the EU (see BRIDGES Weekly, 15 January 2003, <http://www.ictsd.org/weekly/03-01-15/story1.htm>). The Group urged developed countries to adapt their intellectual property enforcement policies according to the Doha Declaration, and stressed the need for assistance to ACP governments to integrate the TRIPs public interest safeguards into their legislation.

The need for technical assistance, in particular from the World Intellectual Property Organisation (WIPO), the WTO and the WHO, was also highlighted in an EC communication, which focused on the implementation of the Doha Declaration rather than on paragraph 6 (IP/C/W/402). Such assistance, the EC noted, was required for developing countries to make the necessary legislative, administrative or policy adjustments to implement the Declaration. The EC also highlighted the importance of regional cooperation on intellectual property matters as an important means of implementing the TRIPs Agreement and the Doha Declaration. While all speakers, including the US, signalled their interest in finding a multilateral solution on paragraph 6 before the next WTO Ministerial meeting in Cancun in September, no progress was made at the TRIPs Council session, evoking sentiments of disappointment and frustration among developing and several developed countries. TRIPs Council Chair Ambassador Gopala Menon of Singapore announced that he would hold informal consultations on TRIPs &

health and that the TRIPs Council had authorised him to call a special meeting "at short notice if necessary".

CBD-TRIPs discussion picking up speed

Momentum is again building on discussions related to the review of Article 27.3(b) (patentability of life forms), traditional knowledge (TK) and biodiversity, with new submissions received from Switzerland (IP/C/W/400, available at <http://docsonline.wto.org/>), the African Group (IP/C/W/404) and India on behalf of Brazil, Bolivia, Cuba, Dominican Republic, Ecuador, Thailand, Peru and Venezuela (IP/C/W/403, available at http://www.ictsd.org/iprsonline/ictsd/docs/wto_IPCW403.pdf). The Swiss submission proposed an amendment to WIPO's Patent Cooperation Treaty that would enable countries to require patent applicants to declare the source of the genetic resources and TK in patent applications. Switzerland also reiterated the "crucial importance" of databases to protect TK. On the CBD-TRIPs relationship, Switzerland noted that the two "can and should" be implemented without conflict and that there was no need to modify the provisions of either.

In contrast to the Swiss proposal, both the African Group's and the India-led submissions stressed the need for a multilateral solution to these issues in the TRIPs Council, while also noting that any efforts in the WTO would not preclude work on these issues in other forums. They highlighted the limited progress that has so far been made in WIPO's Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and noted the limitations of national laws and contracts to prevent biopiracy at the international level.

The India-led paper reiterated a previous proposal from the signatory countries for amending the TRIPs Agreement to require patent applicants to (a) disclose the source of origin of the biological resource and associated TK; and (b) provide evidence of prior informed consent and benefit-sharing (BRIDGES Trade BioRes, 11 July 2002, <http://www.ictsd.org/biores/02-07-11/story1.htm>). The submission also addressed a number of arguments against a proposal put forward by the US. By reiterating their proposal, the countries aimed to ensure that this item remains on the agenda and that the proposal would be discussed and adopted as part of the Doha round of trade negotiations. Similarly, the African Group noted that "any protection of genetic resources and TK will not be effective until international mechanisms are found and established within the framework of the TRIPs Agreement," and described other means such as access contracts and databases as merely "supplementary". The African submission, however, went considerably further in its scope than the India-led proposal by calling for Article

27.3(b) to be revised so as to prohibit patenting of plants, animals and micro-organisms. On traditional knowledge, the Group proposed to classify TK as a category of intellectual property rights and put forward a draft Decision on TK for adoption by the TRIPs Council.

At the meeting, the EC noted that the Swiss proposal further developed many of the EC's own ideas, though the EC did not specify whether the issue should be addressed in the WTO or in WIPO. The EC again signalled its willingness to discuss mandatory disclosure of origin requirements (see BRIDGES Trade BioRes, 26 September 2002, <http://www.ictsd.org/biores/02-09-26/story1.htm>). The EC, however, rejected the African Group's call for a ban on patenting of life forms. While acknowledging that the Swiss proposal showed willingness to engage in discussions, one developing country trade source believed that restricting the debate to WIPO was not satisfactory as it would not oblige countries to address biopiracy through intellectual property rights.

No progress on GIs

On geographical indications (GIs), Members did not address the contentious question of whether the higher level of protection awarded to wines and spirits should be extended to other products. This issue is being discussed in informal consultations initiated by WTO Director-General Supachai Panitchpakdi (see BRIDGES Weekly, 21 May 2003, <http://www.ictsd.org/weekly/03-05-21/wtoinbrief.htm>).

Regarding the multilateral register of GIs for wines and spirits, special session Chair Ambassador Eui-xong Chung of Korea identified two key outstanding issues, including "legal effect" -- whether Members should be required to protect registered terms -- and "participation" -- whether those who do not register a term are nevertheless obliged to protect registered terms (see BRIDGES Weekly, 7 May 2003, <http://www.ictsd.org/weekly/03-05-07/story2.htm>). Sri Lanka and the Czech Republic again raised the issue of whether the register should be specifically for wines and spirits or whether it should cover GIs more broadly. The general wording, put forward by Bulgaria at the last special session, would allow the multilateral system to be expanded to include products other than wines and spirits should Members agree to expand the higher level of protection under Article 23.

The Chair is hoping to put forward a single draft without options shortly. The next special session is scheduled for 2-3 July. While this would be the last officially scheduled session before Cancun, additional meetings might be needed if Members are to agree on a text by

the Ministerial meeting as called for in the Doha Ministerial Declaration.

ICTSD reporting.

OTHER NEWS

'FRIENDS OF THE CHAIR' LOOKING TO SAVE WTO'S S&D REVIEW

On 5 June, Heads of Delegations met again with General Council (GC) Chair Perez del Castillo (Uruguay) to continue the review of special and differential treatment (S&D) provisions (see BRIDGES Weekly, 4 June 2003, <http://www.ictsd.org/weekly/03-06-04/story1.htm>). Discussions at this meeting focussed mainly on Article XVIII of GATT 1994, which potentially carries large developmental value by giving developing countries space in trade rules to temporarily promote and protect domestic industry. While the discussions were characterised by one developing country delegate as "engaging," none of the proposals on the table (which included one on sanitary and phytosanitary measures) could be agreed upon. In an attempt to jump-start the process forward, especially on the more valuable (and contentious) proposals, Chair Castillo requested that the 'Friends of the Chair' group work on redrafting some of the proposals on which Members have already been able to make some progress. While a number of delegations have expressed apprehension over this process, they continue to await what fruits it may bear before passing judgement. Some sources close to the negotiations have speculated that if meaningful and valuable progress does not come soon, the S&D review may once again find itself in a deadlock.

Process

The 85-plus proposals over which Members have disagreed since mid-2002 (see BRIDGES Weekly, 6 August 2002, <http://www.ictsd.org/weekly/02-08-06/story2.htm>) are being dealt with now in three categories. The first category, which this Heads of Delegations process is currently addressing, tackles 38 proposals that 'could' be agreed upon before or at the Cancun Ministerial (of which 12 were 'agreed' in principle in December 2002, and another two on 21 May 2003). The second category, comprising another 38 proposals, has been sent to relevant WTO subsidiary bodies -- which are to report back to the GC just prior to Cancun (these would be open to early

harvest). Category three, the 15 proposals on which delegates have had most difficulty in finding consensus, would be examined with regard to how they might be redrafted in a way more suitable to agreement, while preserving the concepts they embody (see full proposal at <http://www.ictsd.org/issarea/development/resources/Latest-SDT-proposals.pdf>). It seems however that redrafting will commence in category one first.

The redrafting exercise in category one, reportedly to be led by Brazil, will include other 'Friends' such as Kenya, Bangladesh, the US, the EC, and Norway. One report indicated that they are scheduled to meet on 12 June to begin redrafting all 24 of the proposals that remain unresolved.

Transparency

Both developing country delegates and civil society organisations have raised broader concerns over the Heads of Delegations and the 'Friends of the Chair' processes. As the former are informal meetings, there are no minutes or records taken, and thus any delegation that cannot attend is hard-pressed to find out exactly what was discussed -- to say nothing of participating. The latter meetings are also informal, with no records taken, and further their attendance is usually restricted to the specified 'Friends'. While a few delegates did highlight the freedom of discussion facilitated by the off-the-record discussions, most indicated some concern about how it was being handled. One Asian delegate was circumspect about the internal transparency related to the 'Friends of the Chair' process, but was willing to wait and see the outcome in coming days (including whether additional countries would be invited to engage in the redrafting).

Article XVIII

A fair amount of the redrafting, speculated one trade source, will involve merging various proposals on the same articles. This was expressly requested by the US delegation in the 5 June discussions on Article XVIII. When asked why they thought this was being sought on Article XVIII specifically (which has five separate proposals relating to it), one source from a developing country mission indicated their belief that it was to facilitate the "watering down" of proposals and trading-off one proposal for another. Another possible reason, offered one trade analyst, is the value that Article XVIII could potentially play for developing countries.

Article XVIII of GATT 1994, entitled 'Government Assistance to Economic Development', recognises that it may be necessary and justifiable for those Members whose economies can only support low standards of

living and are in the early stages of development to take protective or other measures affecting imports in order to implement programmes and policies of economic development designed to raise the general standard of living. It deals with modifying or withdrawing concessions (part A), limiting imports due to balance-of-payment (BOP) difficulties (part B), and other measures relating to governmental assistance to establish an industry (part C).

Switzerland and the Quad (US, EC, Canada, & Japan) reportedly wanted to focus the discussions mainly on guidelines for part C, and have the relevant committees deal with parts A and B (e.g. Committee on Balance of Payments, Committee on Trade and Development, etc.). This would, expressed a developing country delegate, be tantamount to moving most of the potentially valuable Article XVIII proposals to category two -- i.e. those to be dealt with by subsidiary bodies.

SPS

On the two proposals submitted on Article 10.3 of the Agreement on Sanitary and Phytosanitary Standards (SPS), dealing with time-limited exceptions for developing countries on new SPS measures, Members remained at odds. In particular, the US, Australia, Switzerland, Japan, Hungary, and Canada opposed the automatic nature of the exception being requested. The EC reportedly appeared more flexible on the matter -- being willing to consider "shall positively consider", as opposed to "shall grant" (as requested by a group of developing countries), and "is enabled to grant", as the language currently stands.

Category II - TRIPs

On the category two items, which have now been sent to the subsidiary bodies, the TRIPs Council dealt with two of the relevant proposals. Least-developed countries had called for the 2006 compliance deadline to be automatically extended for all countries that lacked a "viable technological base". The US, Canada, Japan, Switzerland and other developed countries opposed an automatic extension, noting that they were willing to be flexible depending on circumstances, as they were in the case of pharmaceutical patents where the deadline for LDCs had been extended to 2016.

The African Group had put forward two proposals. The suggestion to extend the compliance deadline under Article 65.4 for patents on pharmaceuticals and agricultural chemicals past 2005 was generally opposed by developed countries although Norway and the EU signalled their willingness for more detailed discussions. Developed countries also rejected a proposal to interpret "exclusive marketing rights" and

when they would apply in order to make a clear distinction between such rights and patents. The US noted that the TRIPs Agreement was already sufficiently clear on this point.

The 'Friends of the Chair' group is expected to meet on 12 June. The next informal consultations are scheduled for 16 & 17 June -- however reports indicate these meetings will be limited to a dozen or so Members.

ICTSD reporting.

INVESTMENT NEGOTIATIONS: NEW SUBMISSION SIGNALS SUPPORT, NGOS HIGHLIGHT PITFALLS

In advance of the 10-11 June WTO Working Group on the Relationship between Trade and Investment (WGTI), Canada, Korea and Costa Rica made a submission to the Working Group, stating their readiness to proceed to the next phase of work, i.e. negotiations on a multilateral framework for investment within the WTO. Also prior to the final meeting of the WTO Working Group on the Relationship between Trade and Investment, several NGOs organised a briefing in Geneva.

Submission supporting the launch of investment negotiations

The 5 June submission from Canada, Korea and Costa Rica (WT/WGTI/W/162, searchable at <http://docsonline.org>), emphasises that after almost seven years since its inception at the WTO first Ministerial meeting in Singapore, and particularly since Doha, the preparatory work of the WGTI is complete and the launch of negotiations is the next logical step. While, according to the submission, there is not agreement on all issues by all delegations, real progress has been made and issues have been clarified to such a degree that the time is ripe for negotiations.

The paper outlines the purpose of an investment agreement, noting that in the absence of investment rules, investment will continue to take place, "but well crafted rules at the multilateral level can contribute to a framework not only where investment can take place and flows enhanced, but which can facilitate transparency and predictability, and thereby enhance economic efficiencies -- as well as defer to sustainable development priorities". The paper also recognises the needs of developing and least developed countries (LDCs), and stresses that a multilateral framework for investment can take into account the interests of all the

Members in a balanced way. In conclusion, Canada, Korea and Costa Rica emphasise that "we can collectively commit to addressing the challenges and opportunities posed by the growth in importance of FDI to the trading system... or simply choose to observe this growth that will continue to evolve without our input. Further delay risks undermining prospects for investment rules in the WTO system".

NGO briefing and launch of new report

At an NGO briefing held on 10 June, John Hilary, Trade Policy Analyst with ActionAid, introduced a new report entitled "Unlimited Companies: the developmental impacts of an investment agreement at the WTO," highlighting the potential pitfalls of an agreement. Having investment issues within a WTO framework would conflict with the principle of the 'right to regulate,' he said. Examining evidence from countries including Haiti, Uganda, India and Brazil, the report takes a comprehensive look at the impacts of foreign investment by companies -- such as Coca Cola and Nestlé -- on developing countries. While recognising some benefits of FDI, the report highlights the importance of foreign investment policies, and the need for careful management and government regulation in order to maximise the benefits from and defend against the negative effects of foreign investment.

According to John Hilary, a forum outside the WTO, preferably within the UN system, would provide a better home for an agreement with binding commitments and responsibilities with regard to investment, both for host countries and corporations. He highlighted several international standards applying to investment operations, such as the Draft Human Rights Principles and Responsibilities for Transnational Corporations and other Business Enterprises. According to the ActionAid report, any investment framework "must have effective mechanisms for enforcing corporate liability at both national and international levels, as well as formal monitoring systems which include civil society participation".

IUP comments

Peter Rossman, Communications Director at the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) felt that the nature of investment proposals being put forward at the WTO was reflective of business and corporate interests and would, if accepted, "entrench investor rights". Supporting governments' rights to regulate foreign investment and capital flows, he pointed out that the present way the WTO functioned and was structured would imply that corporate interests would predominate and undermine

legislative safeguards for protecting labour and other rights enshrined in national constitutions.

Referring to a Trade Union Statement on the agenda for Cancun, Peter Rossman noted that while it recognised that multilateral investment rules could, in principle, help governments avoid engaging in destructive competition for foreign direct investment (FDI), the statement only supported multilateral investment rules that would govern FDI alone and which would be built around the promotion and protection of social and environmental policies as well as binding and enforceable investor obligations covering core labour standards.

Comments from the Third World Network

Chien-Yen Goh of Third World Network noted that there was little understanding of the elements of the relationship between the various issues related to potential negotiations on an investment agreement, including the question of modalities such as definition and scope of negotiations. He noted that while developed countries wanted to look at portfolio investment, developing countries wanted to confine discussions to FDI. He also highlighted the need to focus on home country obligations and obligations on the part of multinational corporations (MNCs.) He added that the work on understanding the implications of investment-related issues had only just begun, and countries were in no position to determine what an agreement should look like by Cancun.

The WTO Working Group on Trade and Investment Working Group was held from 10-11 June, and a report will follow in the next issue of BRIDGES Weekly.

The ActionAid report is available at <http://www.actionaid.org/resources/pdfs/embargoed.pdf>.

The Trade Union Statement on the Agenda for the 5th Ministerial Conference of the WTO is available at http://www.ictsd.org/ministerial/cancun/docs/trade_union_statement.pdf.

ICTSD Reporting.

IN BRIEF

NEW INITIATIVE TO HELP CUSTOMS COMBAT ENVIRONMENTAL CRIME

On 2 June the UN Environment Programme (UNEP) launched a new initiative -- the Green Customs Project -- to deal with the problem of environmental crime. The initiative aims at helping customs officers combat illegal trade in ozone depleting substances, hazardous waste and endangered species. Environmental crime has become a significant and very lucrative market that yields more than US\$25 million per year. However, this number does not account for the negative impacts on the environment and health of humans and animals. Initially elaborated by UNEP, Interpol, the World Customs Organisation (WCO) and the secretariats of multilateral environmental agreements (MEAs), the Green Customs initiative aims at improving international coordination to strengthen domestic capacity. A Green Customs website, also launched on 2 June, will widen the communication networks so that more information can be gathered and exchanged worldwide. Thanks to related training presentations, customs officers will learn about the tools and guidelines to beat environmental crime. Economies in transition and least-developed countries will represent an important target audience of this new initiative.

To Green Customs web site is available at: <http://www.unepie.org/ozonaction/customs/>.

"New initiative to combat growing global menace of environmental crime," UNEP PRESS RELEASE, 2 June 2003.

US, CHILE SIGN FTA

The US and Chile signed a bilateral free trade agreement (FTA) on 6 June, one month after the US signed an FTA with Singapore (see BRIDGES Weekly, 14 May 2003, <http://www.ictsd.org/weekly/03-05-14/inbrief.htm>). After 11 years of negotiation, Chile is now the first country in South America to sign a free trade pact with the US. US Trade Representative Robert Zoellick said this "symbolic" deal would serve as a "template" for other countries in Latin America to open up their markets, and an early stop on the road towards a Free Trade Area of the Americas (FTAA), a 34-nation free-trade zone stretching from Alaska to Argentina. Thanks to the FTA, Chile expects to increase its exports to the US significantly. According to Chilean Foreign Minister Soledad Alvear the country's GDP could grow by one percent extra annually, as 85 percent of customs barriers between the two countries

are eliminated. The new FTA still needs the approval of the congresses of the countries.

"U.S., Chile Sign Historic Free Trade Agreement," MERCOPRESS, 7 June 2003; "U.S. to sign free-trade agreement with Chile," WASHINGTON TIMES, 6 June 2003; "Chile: A Giant Step toward Free Trade across the Americas?", BUSINESS WEEK, 6 June 2003; "Free Trade Agreement between Chile and U.S.A," MERCOPRESS, 6 June 2003; "U.S. and Chile sign free trade pact," EFE, 6 June 2003; "Chile euphoric over U.S. trade deal," REUTERS, 5 June 2003; "U.S. Sets Date to Sign Free-Trade Agreement With Chile," WASHINGTON POST, 28 May 2003.

MAKING TRADE WORK FOR THE POOR: MINISTERIAL DISCUSSIONS, CIVIL SOCIETY DECLARATION

The government of Denmark organised a high-level meeting on trade and development in Copenhagen in late May to move the dialogue on trade and development further in anticipation of the fifth WTO Ministerial in Cancun in September. Participants -- representing ministers from least-developed countries (LDCs), their developed country partners, and officials from the IMF, World Bank and WTO, including WTO Director-General Supachai Panitchpakdi -- focussed in particular on the so-called 'Integrated Framework' for trade-related assistance to LDCs, jointly implemented by the WTO and five other intergovernmental organisations. The meeting concluded, inter alia, that: trade and development should be considered from a very broad perspective; development assistance can play a key role in supporting developing countries in their efforts to further their trade agenda; and that strengthening the link between trade and development policies and adopting a coherent approach to trade related assistance and capacity building in each developing country on the basis of national priorities is important.

Civil society groups, meeting in Copenhagen prior to the ministerial gathering at a meeting entitled "Influencing Policymakers on Trade and Development" issued a declaration on trade and development. Organised by the Danish 92 Group, the meeting emphasised that while trade can be a tool for sustainable development, liberalisation is not the single answer to the humanitarian and development needs of developing countries. The Declaration focussed in particular on the need to ensure policy space for trade and development in developing countries, changes necessary in the area of agriculture, and the need to defend the existing framework -- based on the precautionary principle -- for genetically modified

organisms. Signed by NGO representatives both from the South and the North, the Declaration challenged decision-makers to move away from words and rhetoric and deliver true change in the context of grid-locked WTO negotiations, which they viewed as symptomatic of an unsustainable, unequal world.

To access the Chair's report of the high-level meeting see:

http://www.um.dk/udenrigspolitik/handel&udvikling/chairmans_summary.pdf.

To view the civil society statement, visit: <http://www.92grp.dk/inenglish/hovedsid.htm>.

ICTSD reporting.

NEW BIOTRADE PROJECT LAUNCHED IN BOLIVIA

A National Sustainable Biotrade Programme (PNBS) was launched in Bolivia on 11 June with the aim of helping to reduce poverty and fostering sustainable development. The UN Conference on Trade and Development (UNCTAD) Biotrade Initiative -- which seeks to enhance the ability of developing countries to produce value-added products and services derived from biodiversity for both domestic and international markets -- is the sponsoring agency. Switzerland and the Netherlands will make financial contributions. Bolivia, a member of the group of "megadiverse" countries that together contain some 70 percent of the world's biodiversity, possesses a great deal of natural wealth, while poverty levels are high. The PNBS seeks to promote income generation and the fair distribution of the benefits through the sustainable use of biodiversity. Its objective is to stimulate production of and trade in biodiversity goods, according to ecological, social and economic sustainability criteria. The programme contains five elements, including the development of standards for promoting the sustainable management of biodiversity and training in biotrade for the various national stakeholders. Other projects will complement the Bolivia Programme. These include the UNCTAD/ICC Biotrade Facilitation Programme and the Andean Biotrade Programme implemented by the Andean Community.

"UNCTAD, Netherlands and Switzerland join together to support the national biotrade project in Bolivia," UNCTAD PRESS RELEASE, 11 June 2003.

UNFF: NUMEROUS DECISIONS BUT UNCERTAIN FUTURE

Delegates convened in Geneva, Switzerland from the 26 May to 6 June for the third meeting of the United Nations Forum on Forests (UNFF-3). After two weeks of discussions, participants agreed on Terms of References for three ad hoc working groups on: approaches to monitoring, assessing and reporting; financing and transfer of environmentally sound technologies; and consideration, with a view to recommending the parameters, of a mandate for developing a legal framework on all types of forests. Resolutions were adopted on: forest health and productivity; economic aspects of forests; and maintaining forest cover to meet present and future needs. Regarding the economic aspects of forests, delegates agreed to a final resolution that highlights, among others things, the need to develop new markets for environmental services, and requests countries to enhance market access for forest products and services.

In the light of the relatively many resolutions adopted delegates were pleased with the outcome of the UNFF-3 and foresaw it moving into a new, more active phase. However, some questioned the quality of UNFF-3 in the light of the half-empty conference room. In particular, countries complained about the low attendance of developing countries, including those developing countries which hold a great amount of the world's forests. Some participants were displeased with what they saw as a lack of commitment to action and implementation, while others pointed out that the UNFF is not an implementing agency.

For a more detailed report on the meeting, please see the forthcoming issue 11 (volume 3) of BRIDGES Trade BioRes at: <http://www.ictsd.org/biores/index.htm>.

For daily briefings see IISD's Linkages webpage at: <http://www.iisd.ca/forestry/unff/unff3/>.

ICTSD Reporting; "Summary of the third session of the United Nations Forum on Forests," IISD's Earth Negotiations Bulletin, 9 June 2003.

LDCs, APEC HOLD PRE-CANCUN MEETINGS

Trade ministers from the group of least-developed countries (LDCs) met in Dhaka, Bangladesh, from 31 May to 2 June to coordinate their positions in advance of the WTO fifth Ministerial Conference, to be held in Cancun in September. The ministers adopted a Dhaka

Declaration, which called on the Cancun meeting to, inter alia, agree on "binding commitments on duty-free and quota-free market access for all products from LDCs on a secure, long-term and predictable basis with realistic, flexible and simplified rules of origin to match the industrial capacity of LDCs in order to raise their market share in world trade". The Declaration also spelled out the agreed LDC negotiating positions on all issues on the table, ranging from agriculture to the Singapore issues. Bangladeshi Commerce Minister Amir Khasru Mahmud Chowdhury noted that "LDCs have no alternatives...but to adopt trade as a principal tool for fighting poverty," and said "we demand easy (maybe temporary though) movement of manpower, unrestricted market access, flexibility of rules of negotiation and exemption of LDCs from anti-dumping".

Meanwhile, the 21 members of the Asia-Pacific Economic Cooperation (APEC) met from 2-3 June in Khon Kaen, Thailand. This group, which includes WTO Members ranging from Australia, Canada, Chile and China, to the Philippines, Singapore, Vietnam and the US, adopted a Ministerial Declaration and an action plan on Severe Acute Respiratory Syndrome (SARS), and said it was working on a joint position for the Cancun Ministerial. The APEC trade ministers stressed their commitment to the Doha round, highlighting EU farm subsidies as the key area where movement must first be achieved. Regarding the numerous bilateral agreements that APEC countries -- and the US in particular -- are pursuing, WTO Director-General Supachai Panitchpakdi commented at the meeting that, "it doesn't affect us at the moment but I hope that when we move to the final stages of WTO talks, the full concentration will be on the WTO".

To access the Dhaka Declaration see: http://www.sdnbd.org/sdi/issues/economy/ldc_dhaka/documents/ldc_final_declaration.pdf.

"Poor countries agree common demands in trade," REUTERS, 2 June 2003; "Bangladesh to urge trade strategy for poor nations," REUTERS, 24 May 2003; "WTO head eyes speedier trade talks, Australia wary," REUTERS, 3 June 2003; "Conclusion of APEC Trade Ministers' Meeting," APEC SECRETARIAT PRESS RELEASE, 3 June 2003; "Trade Ministers Discuss Bilateral trade Growth At APEC Meet," BRUNEI DIRECT, 4 June 2003.

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.

ICTSD Event

Cancelled - 19 June, Geneva, Switzerland: IUCN/ICTSD DIALOGUE ON COMING TO GRIPS WITH THE BIODIVERSITY AGENDA IN TRADE. The purpose of this dialogue is to bring together a group of actors from the environment and trade policy communities to assess international developments relating to trade and biodiversity, and to examine prospects post-Cancun. For further information contact Marianne Jacobsen, email: mjacobsen@ictsd.ch.

Coming Up: 12 - 18 June

10-12 June, Carillo Puerto, Mexico: ZONA MAYA MEETING IN PREPARATION FOR CANCUN. The International Forum on Globalisation (IFG) and the Organisation of Communal Forest Producers of the Zona Maya (OEPFZM) are organising a meeting to prepare for the upcoming WTO Ministerial in Cancun, Mexico. The meeting's agenda will focus on two objectives: to deepen the understanding among forest groups of the potential impacts of WTO on forests and to explore what can be done to impact WTO decisions in Cancun. To better know the emerging alternatives, and truly comprehend "what's at stake," a visit to at least one forest community that has been FSC-certified will be organised. For further information contact Victor Menotti, IFG, tel: +1-415-561-3482; email: vmenotti@ifg.org.

10-13 June, St. Gallen / Geneva, Switzerland: MODEL WTO 2003. Hosted by Oikos, a University of St. Gallen student group, this simulation game will be a model of the negotiations at the World Trade Organisation (WTO). For further information visit: <http://www.model-wto.org/>.

11-13 June, Durban, South Africa: AFRICA ECONOMIC SUMMIT 2003. The World Economic Forum's Africa Economic Summit will gather leaders from business, politics and civil society. The Summit will focus on economic targets and enable the creation of new partnerships aimed at fostering development. For further information, please contact World Economic

Forum; +41-22-869-1212; fax: +41-22-786-2744; e-mail: africasummit@weforum.org; Internet: <http://www.weforum.org/site/homepublic.nsf/Content/Africa+Economic+Summit+2003>.

12 June, Washington, D.C.: TESTIMONY OF AMERICA'S WORKING POOR AND FARMERS. The America Needs Human Rights campaign of Food First/The Institute for Food and Development Policy in collaboration with Rep. Dennis Kucinich (D-OH) will host a briefing on the impact of free trade agreements on the working poor in America. Those directly afflicted will testify before representatives, policymakers and the media on how free trade policies have negatively impacted their livelihoods, health and human rights. Voices traditionally left out of the public debate on trade -- maquiladora workers, migrant farm-workers, displaced workers, and family farmers -- will collectively voice their experiences. For further information contact Christine Ahn, tel: +1 510 654-4400 ext. 235; email: cahn@foodfirst.org.

12 June, Brussels, Belgium: MEETING ON WTO NEGOTIATIONS/ SUSTAINABILITY IMPACT STUDY. The Institute for Development Policy and Management (IPDM), Manchester University, will present a Sustainability Impact Assessment study on WTO negotiations. The event is part of the European Commission/DG Trade dialogue with civil society. Subjects to be discussed include market access, environmental services, and competition. The report, which is the final report in a series, is available at: <http://idpm.man.ac.uk/sia-trade/Phase%203A/frontpage3A.htm>. Pre-registration is required, visit: http://trade-info.cec.eu.int/civil_soc/intro1.php; or email: belgin.bingol@cec.eu.int.

13 June, Washington DC, US: DEMONSTRATION OF RESEARCH TOOL ON CHINA'S WTO ACCESSION. The US General Accounting Office (GAO) will demonstrate an electronic database and research tool related to China's WTO accession agreement. Given the complexity and length of the agreement, this new tool will help the trade community analyse China's WTO commitments and identify opportunities. For further information, please contact Adam Cowles, tel: +1 202 512 9637; fax: +1 202 512 9088; email: CowlesA@gao.gov; Internet: <http://www.gao.gov>.

14-15 June, Windsor, Ontario, Canada: NAFTA AT TEN: HARMONISATION AND LEGAL TRANSFORMATION. The University of Windsor, Faculty of Law and the Law School at the University of Detroit Mercy will hold a conference on legal transformation and harmonisation in the North American Free Trade Area to recognise the tenth anniversary of the NAFTA. Panels will cover topics

such as: e-commerce and harmonisation; intellectual property, harmonisation or transformation?; harmonisation and legal transformation; harmonisation and protection of the environment; corporate law, regulation and responsibility; and NAFTA, democracy and social justice. For further information visit: <http://cronus.uwindsor.ca/users/t/brogan/main.nsf>.

16-17 June, Bern, Switzerland: WORLD TRADE FORUM 2003. The World Trade Institute and the World Bank are organising this event, which will focus on the following question: What can the multilateral trading system realistically deliver for developing economies? Legal, economic, empirical, and institutional analyses that pertain to the above theme will be presented. For more information, contact Simon Evenett, at email: simon.evenett@wti.org or conferences@worldtradeinstitute.ch.

16-18 June, Geneva, Switzerland: PUBLIC SYMPOSIUM: CHALLENGES AHEAD ON THE ROAD TO CANCÚN. The WTO is hosting a public symposium on the challenges being faced by WTO Members, in anticipation of the September Ministerial meeting in Cancún, Mexico. The symposium will feature an opening plenary followed by work sessions on key subjects being negotiated in the Doha Round. Topics include trade and development, issues related to agriculture, trade in services and trade and environment. In addition, time will be set aside for governments, parliamentarians and civil society to organise their own events during the symposium on issues of their choice. For further information, please visit:

http://www.wto.org/english/tratop_e/dda_e/symp_devagenda_03_e.htm.

16-20 June, Berlin, Germany: 55TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION. For further information, contact: International Whaling Commission, tel: (440) 1223-233971, fax: 1223-232876, email: iwc@iwcoffice.org; Internet: http://www.iwcoffice.org/2003_meeting.htm.

17-20 June, Marrakech, Morocco: IAIA '03 - ANNUAL CONFERENCE OF THE INTERNATIONAL ASSOCIATION FOR IMPACT ASSESSMENT. The general theme of this conference is capacity building. Participants will also consider the impact of globalisation. IMPACT ASSESSMENT OF TRADE. This event is part of the 23rd annual conference of the International Association for Impact Assessment and will address topics such as capacity building and technical assistance in developing countries, international consultation and stakeholder involvement, assessment techniques, trade development policy, multilateral environmental agreements, and corporate

responsibility in relation to technology transfer, multinational operations, and free trade zones. Papers concerning these and related topics are welcome. For further information contact: Clive George; tel: (70 1) 297-7908; fax: 297-7917; email: clive.george@man.ac.uk; Internet: <http://www.iaia.org/>.

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, and are open to WTO Members and accredited observers only.

10-12 June, Geneva, Switzerland: WTO WORKING GROUP ON THE RELATIONSHIP BETWEEN TRADE AND INVESTMENT.

12 June, Geneva, Switzerland: WTO COUNCIL FOR TRADE IN GOODS.

12 June, Geneva, Switzerland: WTO COMMITTEE ON TRADE AND DEVELOPMENT.

12-13 June, Geneva, Switzerland: WTO COUNCIL FOR TRADE IN GOODS ON TRADE FACILITATION.

16 June, Geneva, Switzerland: WTO TRADE POLICY REVIEW BODY - MOROCCO.

16-18 June, Geneva, Switzerland: WTO PUBLIC SYMPOSIUM ON "CHALLENGES AHEAD ON THE ROAD TO CANCÚN".

18 June, Geneva, Switzerland: WTO WORKING GROUP ON TRANSPARENCY IN GOVERNMENT PROCUREMENT.

18-19 June, Geneva, Switzerland: WTO NEGOTIATING GROUP ON RULES.

Other forthcoming meetings

21-22 June, Sharm el-Sheikh, Egypt: MINI-MINISTERIAL. This meeting, bringing together trade ministers from more than 20 WTO Members, will focus on paving the way for a deal at the WTO fifth Ministerial meeting in Cancun in September. Ministers are expected to address agricultural and non-agricultural market access, services, developing country access to

essential medicines, special and differential (S&D) treatment for developing-country WTO Members, as well as the Singapore issues.

28-30 July, Montreal, Canada: MINI-MINISTERIAL. This meeting, bringing together trade ministers from more than 20 WTO Members, will focus on paving the way for a deal at the WTO fifth Ministerial meeting in Cancun in September.

19-21 September, London, UK: INAUGURAL CONFERENCE: THINKING THROUGH A COLLAPSING WORLD. Pathways to Reconciliation is an interdisciplinary and cross-cultural network, which aims to foster practices directed toward reconciliation. For further information, email info.collapsingworld@med.monash.edu.au or visit <http://collapsingworld.org>.

15-16 October, Toronto, Canada: FREE TRADE AND DEEP INTEGRATION IN NORTH AMERICA: REVITALISING DEMOCRACY, UPHOLDING THE PUBLIC GOOD. The Centre for Research on Latin American and the Caribbean (CERLAC) at York University and the Canadian Centre for Policy Alternatives (CCPA) are organising a conference to explore recent trends in continental integration, with a particular focus on Canada-US relations. The conference will enable Canadian researchers to express their opinions on free trade and deeper integration in North America. An alternative perspective will also be proposed to emphasise the role of Canada in North America as well as in the world. For further information, please contact Yasmine Shamsie, email: yasmine@yorku.ca; Internet: <http://www.yorku.ca/cerlac/deep-integration.html>.

RESOURCES

"Necessity Revisited - Proportionality in WTO Law After: EC - Asbestos; Korea - Beef; and EC - Sardines," by Jan Neumann and Elisabeth Türk in the JOURNAL OF WORLD TRADE (Vol. 37 Issue 1, 2003). This article analyses to what extent recent WTO jurisprudence in the GATT and the TBT Agreement contain proportionality testing. It first explains how certain aspects of the necessity test in Article XX (b) (d) GATT have been softened. It then describes the contours of the necessity tests in the TBT, the SPS and the GATS. The article concludes that WTO law currently does not include a proportionality test, in a strict sense, and that adopting such a test would be inappropriate.

EAST ASIA INTEGRATES: A TRADE POLICY AGENDA FOR SHARED GROWTH. By the World Bank

(5 June 2003). The report emphasises the advantages of a regional trade strategy between and within East Asian countries. According to the World Bank, actions such as liberalisation of agriculture, and common technical and hygiene standards could bring East Asia trade benefits worth US\$ 300 billion a year within a decade. The role of China, and its emergence as a new member of the WTO, is also stressed as a dominant factor for neighbouring countries. The report urges policymakers to broaden their approach beyond the technical perspective of trade policy to emphasise development outcomes and links to social stability, in their national development strategies, in their regional and bilateral agreements and in their global negotiating positions. For further information visit: <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20114482~menuPK:34463~pagePK:34370~piPK:34424~theSitePK:4607,00.html>.

GEOGRAPHICAL INDICATIONS WEBSITE. Through this website, those interested in learning more about the topics of protection of geographical indications will find information about the use of names that point to a specific geographic place. It provides links to relevant rules in the US, the EU and other countries, and also to regimes of international organisations such as WIPO and WTO. The website can be accessed at: <http://www.geographicindications.com>.

AMERICAN OPINIONS ON GLOBAL WARMING. By the University of Oregon (June 2003). A survey conducted at the University of Oregon has revealed that "more than 80 percent of Americans think the United States should reduce its greenhouse gas emissions". The Kyoto Protocol is strongly supported. It has also been stressed that investment in renewable energy should be increased. Democrats, Republicans, Conservatives and Liberals all agree to support national policies to address global warming. The full report and results can be accessed at <http://osrl.uoregon.edu/projects/globalwarm>.

STATUS OF THE RIGHTS OF FARMERS AND PLANT BREEDERS IN ASIA. By Ujjwal Kumar and Suman Sahai (Gene Campaign, June 2003). This book compares the salient features of the Plant Variety Protection (PVP) legislation (enacted or proposed) of nine Asian countries -- Bangladesh, India, Pakistan, Sri Lanka, China, South Korea, Malaysia, Philippines and Thailand. It also contains three articles that provide a detailed account of the rights of farmers in the Indian PVP law in the context of India's move to join the UPOV Convention. It highlights points to show that joining UPOV is not in the interest of developing countries. For further information, please write to Prabhu Ram at: gc@genecampaign.org or genecamp@vsnl.com.

AGRICULTURAL POLICIES IN OECD COUNTRIES - MONITORING AND EVALUATION 2003. By the OECD. Analysing support to farmers in OECD countries, the authors of this report find that the level of support as a whole has not changed since 2000, despite some major policy initiatives in 2002. Overall, there was neither a reduction in market protection nor an improvement in market orientation, although there has been some progress since the mid-1980s. Wide differences in support levels continued across countries and between commodities. The report concludes that more market orientation and policies better targeted to specific objectives are needed in many OECD countries to reduce the costs to domestic consumers and taxpayers, to further integrate domestic and world agricultural markets, to improve the prospects for developing countries, to reduce environmental pressure and to achieve various goals that governments have set for themselves. The report also provides an analysis of the US Farm Security and Rural Investment Act of 2002, focusing on its provisions, effects and implications. The full report can be accessed at http://www.ictsd.org/issarea/ag/resources/OECD_subsidies.pdf.

THE IMPACT OF OECD MEMBERS' AGRICULTURAL SUBSIDIES ON WELFARE AND FOOD SECURITY IN SUB-SAHARAN: THE CASE OF MAIZE. By Maria Soledad Bos. The report deals with the issue of subsidies that OECD countries provide to their agricultural sectors. Subsidies lead to high volumes of exports from OECD countries, which artificially decrease prices on a global scale. Agricultural developing countries are the first to be concerned by this phenomenon. The author has focused the analysis on maize in five African countries. She demonstrates how much welfare and food security could be affected if domestic and export subsidies of maize would be totally eliminated in OECD countries, noting that there would be both positive and negative effects that would vary across countries. The full report is available at <http://www.ictsd.org/issarea/ag/resources/ImpactMaizeSubsidiesOnSSA.pdf>.

trade. Some advocacy and fundraising experience would be greatly appreciated. The application deadline is 20 June. For further information please contact Patrick Mallet, Executive Director, tel: +1 250 353 7699; e-mail: pmallet@isealalliance.org.

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BRIDGES Weekly Trade News Digest© is published by the International Centre for Trade and Sustainable Development (ICTSD), <http://www.ictsd.org/>. Electronic distribution is carried out by the Institute for Agriculture and Trade Policy (IATP).

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BRIDGES Weekly Trade News Digest is made possible in 2001 - 2003 through the generous support of the Government of the United Kingdom (DFID). Additional support is provided by ICTSD's core donors: the Governments of Finland, Denmark, the Netherlands and Sweden; Christian Aid (UK), MISEREOR, NOVIB (NL), Oxfam (UK) and the Swiss Coalition of Development Organisations (Switzerland). The **Weekly** also benefits from support for the **BRIDGES** series of publications including: the Rockefeller Foundation, the John D. and Catherine T. MacArthur Foundation and Swiss Development Cooperation. ISSN 1563-003X

POSITION VACANCY

ISEAL -- a collaboration of international standard-setting and conformity assessment organisations working on social and environmental issues -- is currently hiring for a Policy Director for its Certification Policy Monitoring Project. This is a 5-month full-time position with the potential for longer-term employment. It will be based in the EU. The successful candidate will be responsible for initiating a project to monitor international policy fora on behalf of ISEAL members. The candidate should have, inter alia, a good understanding of international standards discussion and

