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LEAD STORIES

GOVERNMENTS MEET IN GENEVA TO DISCUSS WIPO DEVELOPMENT AGENDA

Members of the World Intellectual Property Organization (WIPO) met in Geneva from 11-13 April to discuss whether the organisation is fulfilling its 'development mandate' as a specialised agency of the UN. Discussions centred around four proposals on how WIPO could best address development concerns. This process, a direct response to calls for a 'development agenda' for WIPO, could potentially lead to substantial changes in the organisation's mandate. At the end of the meeting members decided to hold two further sessions of the IIM before the end of July 2005.

The 'development agenda'

In September 2004, fourteen developing countries including Brazil and Argentina made a proposal ([WO/GA/31/11](http://www.wipo.int/patent/wo/ga/31/11)) for the 'Establishment of a Development Agenda for WIPO' to the organisation's General Assembly, its main decision-making body. In response, WIPO members decided to hold an 'inter-sessional inter-governmental meeting' (IIM) to discuss the proposal's call for wide-ranging changes to the mandate and functioning of WIPO, as well as related submissions from other member states (see [BRIDGES Weekly](#) 8 September 2004; and [BRIDGES Weekly](#) 6 October 2004). Decisions taken during the IIM are thought likely to be passed by the General Assembly, since the same people tend to attend both. The 11-13 April meeting was the first session of the IIM, and was chaired by Ambassador Rigoberto Gauto Vielman of Paraguay.

Proposals on the table

At the meeting, WIPO members discussed the four proposals tabled subsequent to the original call for the WIPO agenda to be more development-focused. These came from the US (IIM/1/2); Mexico (IIM/1/3); the UK (Observation from the UK); and the 14 original proponents of the WIPO 'development agenda,' now referring to themselves as the 'Friends of Development' (FoD; IIM/1/4).

Friends of development challenge WIPO's underlying philosophy

The FoD's recent submission elaborates on their original proposal, and is structured around four broad concerns. First, it calls for a review of the mandate and governance of WIPO; second, it seeks the promotion of pro-development norm-setting in WIPO; third, it proposes principles and guidelines for the provision and evaluation of WIPO's technical assistance; and fourth, it suggests guidelines for future work on the transfer and dissemination of technology and related competition policies.

The 30-page document emphasises the need to distinguish between the incorporation of a development agenda in all of WIPO's bodies and the mere improvement of technical assistance to developing country members. It calls on WIPO to accept its role as a UN specialised agency and adopt the institution's overall commitment to development, including the principles set out by the Millennium Development Goals. The proposal demands that development concerns be reflected in all of WIPO's activities.

Submissions from the US, Mexico and the UK

Both the US and the Mexican proposals clearly reject any substantive change in WIPO's mandate. They focus instead on a general improvement of the technical assistance provided by WIPO. One of the means proposed by the US is the establishment of a partly web-based Partnership Programme in WIPO. The US proposal focuses on organisational issues, rather than responding directly to the underlying substantive concerns expressed in both of the FoD submissions.

Rather than a concrete proposal, the UK submission was a strategy paper that spelled out observations with respect to intellectual property and development. The UK paper recalls the outcomes of the report by the 2002 UK Commission on Intellectual Property Rights that had already asked the WIPO Secretariat to examine the impact of its work on development. While the UK submission clearly indicates its concern about the developmental impact of WIPO's activities, it does not see any reason for concrete change at this point in time.

Negotiating positions remain largely unchanged

Discussions largely repeated the positions outlined in the proposals. Developed countries such as the US warned against turning WIPO into a development agency, pointing to the existence of other UN bodies such as the UN Development Programme (UNDP) and the UN Conference on Trade and Development

(UNCTAD). Supporters of the FoD submissions countered that the call for a 'development agenda' is simply a request for the integration of development concerns into WIPO's ongoing work, not for turning the organisation into a specialised development agency.

The FoD's proposal to establish a WIPO Evaluation and Research Office (WERO) to carry out 'development impact assessments' of all of WIPO's programmes and activities also proved controversial. Switzerland and other developed countries cautioned against the unnecessary creation of new bodies, arguing that the issues could be tackled by improving existing WIPO bodies such as the Permanent Committee on Cooperation for Development Related to Intellectual Property (PCIPD).

Finally, the majority of developing country members, including the groups of African and Asian countries, expressed support for many of the issues raised in the FoD submissions, and stressed the importance of ensuring that the design and implementation of intellectual property rules take into account different countries' respective levels of development -- that one size should not be made to fit all.

Future steps

After a long debate, members agreed that two further sessions of the IIM would be necessary to examine the proposals in further depth. The next session of the IIM was scheduled for 20-22 June; a third three-day gathering will be held in July. These meetings will afford members more time for discussion before the 30 July deadline for agreeing on a final submission on the IIM for the WIPO General Assembly. The Chair invited members to make "operational and actionable" proposals before the June session.

According to the final draft summary circulated on 13 April by the Chair, the final draft report on this session of the IIM has to be finished by May 11. The initial draft report will be made available to members, inter-governmental organisations, and NGOs by April 25, with a 4 May deadline for submitting comments on it to the WIPO Secretariat.

One of the surprises at the outset of the meeting was members' immediate decision to grant ad-hoc observer status to the 17 non-governmental organisations (NGOs) that had asked to attend the gathering. While granting ad-hoc observer status to the NGOs, however, several member states including the US pointed out that the move would not set a precedent for future WIPO meetings, and that NGOs should apply for permanent observer status before the next General Assembly in September 2005. However, the same 17 NGOs will receive ad-hoc observer status for the two

upcoming sessions of the IIM, thanks to a last-minute intervention by the Civil Society Coalition, an international federation of public interest groups.

The 14 Friends of Development are Argentina, Bolivia, Brazil, Cuba, Dominican Republic, Ecuador, Egypt, Iran, Kenya, Peru, Sierra Leone, South Africa, Tanzania and Venezuela.

ICTSD reporting.

ANTIGUA, US GAMBLING DISPUTE: APPELLATE BODY ISSUES MIXED REPORT

On 7 April, the WTO Appellate Body released its ruling in the "gambling dispute" brought by Antigua and Barbuda against certain US laws restricting the cross-border supply of gambling and betting services from foreign operators (see [BRIDGES Weekly](#), 17 November 2004; and [BRIDGES Weekly](#) 24 November 2004). Although the Appellate Body's ruling was mixed, it upheld the panel's findings on two of the most crucial issues in this case, albeit for different reasons.

US did not exclude gambling services from GATS commitments

First, the Appellate Body agreed with the panel's conclusion that US market access commitments outlined in a schedule attached to the General Agreement on Trade in Services (GATS) covering "other recreational services" included gambling services. The US had argued that it never intended to allow the cross-border supply of such services and that "gambling services" are not specifically mentioned in the schedule in question.

The Appellate Body further upheld the panel's findings that restrictions under three US federal laws on several means of supplying gambling services amounted to a failure to offer services and service suppliers from Antigua treatment "no less favourable" than that set out under its GATS schedule of commitments. However, the Appellate Body disagreed with the panel's findings that some eight state-level laws were also inconsistent with the US' GATS commitments. According to the panel, "Antigua failed to identify how these [state] laws operated and how they were relevant to its claim of inconsistency" with GATS market access provisions.

Appellate Body partly reverses the panel's ruling on public morals

Second, the US had argued that the remote supply of gambling and betting services raised significant concerns relating to the maintenance of public order and the protection of public morals, an exception provided for in both the GATS and the General Agreement on Trade and Tariffs (GATT). In response to this defence, the panel agreed that the challenged US federal laws constituted measures to protect public morals or public order, but found that they were not "necessary" to do so -- in the sense that the US had not explored and exhausted reasonably available alternatives such as engaging in bilateral and multilateral consultations with Antigua to determine whether it was possible to address its public morals concerns in a WTO-consistent manner.

The Appellate Body disagreed with the panel's reasoning that US had failed the "necessity test" outlined under the public morals defence in the particular GATS clause and in WTO jurisprudence because it had not entered into consultations with the small Caribbean island state. According to the Appellate Body, "engaging in consultations with Antigua, with a view to arriving at a negotiated settlement ... was not an appropriate alternative for the Panel to consider because consultations are by definition a process, the results of which are uncertain and therefore not capable of comparison with the measures at issue in this case." According to the Appellate Body the only inconsistency with the US defence under the GATS public morals clause stemmed from the fact that the US did not demonstrate that the prohibition embodied in the measures at issue applied to both foreign and domestic suppliers of remote gambling services. The Appellate Body based this latter conclusion on a federal law -- the Interstate Horse Racing Act (IHA) -- that appeared to permit domestic service suppliers to supply remote betting services for horse racing.

Both Antigua and US claim victory; US civil society groups concerned

Both US and Antiguan trade officials have claimed victory in this case. A senior official in Washington said that it would be relatively easy for the US to adapt its laws to comply with the aspects of the panel report left intact by the Appellate Body. In a separate statement, Acting US Trade Representative Peter Allgeier also noted that "by reversing key aspects of a deeply flawed panel report, the Appellate Body has affirmed that WTO members can protect the public from organized crime and other dangers associated with Internet gambling."

Lawyers from Antigua, on the other hand, pointed out that the report would "pave the way for new... opportunities for Antiguan gaming operators" and that "this is a landmark victory for Antigua as the first, and

smallest, WTO member to defeat the United States, the largest member, in this well-respected international trade court."

However, several civil society groups in the US have raised concerns about the implications of the Appellate Body ruling for public morals as well as the prerogative of the US to regulate its own gambling industry. For instance, the National Coalition Against Legalized Gambling (<http://www.ncalg.org/>) said it was "highly disturbed" by the ruling, which could open the way for further future challenges of US federal, state and local gambling regulations covering casinos, slot machines and lotteries. Public Citizen's Global Trade Watch (<http://www.citizen.org/trade/index.cfm>) said that the "explosive ruling" should arouse public attention to the "serious threat to democracy and sovereignty... posed by the WTO."

The full Appellate Body report, WT/DS285/AB/R, is available at <http://docsonline.wto.org>.

ICTSD reporting; "Antigua, U.S. both claim win in WTO gambling fight," Reuters, 7 April 2005; "WTO Gives U.S. Scope to Maintain Online Gambling Ban," Bloomberg, 7 April 2005.

S&D TALKS ADJOURN EARLY AMIDST DISAGREEMENT

WTO Members continued to debate the order in which to address agreement-specific and cross-cutting issues related to special and differential treatment (S&D) for developing countries during a meeting of the Committee on Trade and Development Special (negotiating) Session (CTD-SS) scheduled for 6-7 April. The meeting was cut short because some countries, led by India, were not interested in accepting an agenda that, in their view, did not give sufficient priority to the agreement-specific S&D proposals.

Sources report that Chair Faizel Ismail of South Africa built upon his earlier idea for organising the work of the CTD-SS (see [BRIDGES Weekly](#), 9 February 2005), by classifying both agreement-specific proposals and cross-cutting issues into two broad categories -- flexibility and capacity building. Reportedly, the agenda he suggested would have had Members spend the rest of the two-day meeting on the proposals in the "flexibility" category, with the remaining time on the first day devoted to the agreement-specific proposals and the entire second day to cross-cutting issues. The agenda would have dedicated the next CTD-SS meeting, scheduled for the week of 10 May, to the agreement-specific and cross-cutting issues that fell into the "capacity building" category.

Several developing countries, including India, Malaysia, Mexico, Colombia, and Peru, said that they had not been adequately consulted about this classification and expressed fears that structuring work along those lines would shift negotiations towards cross-cutting issues instead of ensuring that Members focus their attention on the agreement-specific proposals. They argued that the July Package ([WT/L/579](#)) requires concrete recommendations for the problems highlighted in the agreement-specific proposals by July 2005, while the mandate for cross-cutting issues calls only for 'reporting' to the General Council at an unspecified date. Some countries said that, for now, the CTD-SS should focus solely on agreement-specific proposals, giving priority to those submitted by least developed countries, and should only move to discussions of cross-cutting issues once some progress has been made on the agreement front.

Other Members, including several developed countries, continued to argue that the cross-cutting issues were central to the negotiations and as such had to be included either before or at the same time as talks on the agreement-specific proposals. Canada suggested a "middle way" in which Members moved forward with negotiations on agreement-specific proposals but with the freedom to propose cross-cutting solutions. The need to clarify the relationship between the two elements of the negotiations and find common ground will be a priority in the informal consultations that are tentatively scheduled for 14 April.

ICTSD reporting.

OTHER STORIES

EXAMINATION OF SMALL ECONOMIES' PROBLEMS UNDERWAY

At a 6 April meeting of the Committee on Trade and Development Dedicated Session (CTD-DS) WTO Members began examining the characteristics and problems of small economies. As per the process agreed at the previous meeting, according to which Members will first examine the characteristics and problems of small economies and then develop solutions to them, talks began on the first four of 17 characteristics/problems identified in an earlier submission (WT/COMTD/SE/W/12, see [BRIDGES Weekly](#), 23 February 2005).

The CTD-DS, which is instructed by the Doha mandate to focus exclusively on trade-related issues pertaining to "small, vulnerable economies," discussed small

economies' physical isolation, geographical dispersal and distance from large markets; insignificant participation in the multilateral trading system; small, fragmented and highly imperfect markets; and, in general, very open economies.

Some Members, including several larger developing countries, said that these characteristics are not unique to small economies and are shared by other developing countries. Although the countries that tabled the list of problems (Antigua and Barbuda, Barbados, Bolivia, Dominican Republic, El Salvador, Fiji, Guatemala, Honduras, Mongolia, Nicaragua and Trinidad and Tobago) acknowledged that this was true, they argued that small economies are different in the extent to which these characteristics affect them, as well as in their capacity to respond.

The new chair of the CTD-DS, Ambassador Gomi Tharaka Senadhira of Sri Lanka, suggested that the characteristics/problems be categorised into three areas: areas where WTO solutions can be found; areas where WTO solutions may be available but perhaps only in combination with action from other organisations; and areas where solutions lie elsewhere. He proposed prioritising the first category, and said that the last could potentially be left out of negotiations in the committee.

Chair Senadhira's proposed methodology came in response to suggestions from some Members that the committee focus on trade-related problems, where they say the WTO would be most useful. Some of the characteristics raised in the list, they argue, could be addressed at a national level through competitiveness, export diversification, or productivity policies, rather than in the WTO. Others problems, such as the geographical isolation of small economies, did not lend themselves to WTO solutions, they added.

The Members that put forward the list countered that the WTO could respond to all of the characteristic/problems identified. For example, geographical isolation causes small economies to lose competitiveness in commodity exports due higher transportation costs and longer shipping times. Measures taken in the WTO could mitigate some of the problems caused by physical isolation through trade facilitation and other measures. Furthermore, the proponents argued that dismissing from the start all problems assumed not to have a WTO solution would be putting the 'cart before the horse,' and would compromise the agreed process to look at characteristics and problems, and then possible solutions. Members failed to agree on the Chair's proposal, and decided instead to work through the 17 characteristics/proposals.

Members characterised the meeting as a "useful exchange" and noted that although no concrete agreements were reached, the proponents of the list are trying to inject speed and direction into the negotiations. The latter would like Members to move on to possible solutions as early as possible, preferably at the next formal meeting of the CTD-DS, in order to have some concrete outcomes by July. These would in turn help Members have a package ready for the Hong Kong Ministerial Conference in December.

Informal gatherings are planned for early May in order to address the remaining items on the list. The next formal meeting is being planned for week of 10 May.

ICTSD Reporting.

RULES NEGOTIATIONS FOCUS ON ANTI-DUMPING AND FISHERIES SUBSIDIES

The formal meeting of the WTO Negotiating Group on Rules got under way on 11 March, following a long informal session on anti-dumping issues earlier that day. During the session, which ran until 13 April, Members focused on negotiations related to anti-dumping (AD), subsidies and countervailing measures (SCM).

Egypt calls for clarification in the anti-dumping negotiations

With regards to anti-dumping, countries discussed an Egyptian proposal (TN/RL/W/175) on "material retardation," a term that refers to the stultifying effect that the dumping of foreign goods can have on the development of a domestic industry. The General Agreement on Tariffs and Trade article on anti-dumping (GATT Article VI), and Article 3 of the WTO AD Agreement (which pertains to the implementation of GATT Article VI), provide for trade sanctions against dumping if it "causes or threatens material injury to an established industry" in the importing country or "materially retards the establishment of a domestic industry." However, the AD Agreement leaves the concept of "material retardation" undefined. The Egyptian proposal identifies elements -- a definition, and tests -- of what needs to be done to clarify the AD Agreement's provisions on material retardation, so that countries with without highly developed industries "can seek remedies against injurious dumping."

Egypt's submission highlighted the problems faced by developing countries that have underdeveloped domestic industries. The AD Agreement does not allow companies that have not begun to make a particular product to request an anti-dumping investigation against dumped competing goods -- even if they claim

that dumping is "materially retarding" their potential development. Furthermore, the AD agreement does not adequately provide for dealing with anti-dumping investigations in the case of market disruption arising from the privatisation of large state-owned companies in conjunction with an influx of dumped goods in the wake of import liberalisation. The proposal notes that the AD Agreement does not adequately ensure that newly-privatised companies can "initiate investigations to remedy the negative effects of dumped imports," since the shift from a non-market situation to a market one makes it hard to assess whether dumping is causing material injury.

The Egyptian proposal contended that the concept of material retardation should not be limited to new domestic suppliers, but should extend to all domestic industries characterised by a limited level of development.

During the discussions, Members acknowledged that there was a need for clarifying the AD Agreement with regards to material retardation, and praised Egypt for bringing up the issue. They did, however, raise questions regarding the relevance of privatisation in this context and expressed concern regarding how an established industry could suffer material retardation without suffering material injury. Egypt said it would come back with more precise definitions at a later stage.

Issues relating to anti-dumping were also discussed in the 7 April meeting of the WTO Committee on Anti-Dumping Practices. Members debated China's anti-dumping legislation, and the US asked Indonesia, Mexico, Malaysia and India for an update on various ongoing anti-dumping investigations. The Committee elected Ms Frida Collste of Sweden as its new chairperson. The next meeting of the Anti-dumping Committee is scheduled for 2 November 2005.

Concrete suggestions in fisheries subsidies discussions

Among other proposals to be considered during the session is a paper on fisheries subsidies disciplines submitted by Brazil (TN/RL/W/176). The Brazilian proposal is one of very few in fisheries subsidies discussions to make concrete suggestions about incorporating S&D within disciplines on fisheries subsidies. Delegates report that the proposal was well received during the informal talks, even though some of the concepts will need further elaboration.

According to Brazil's submission, "developed countries should assume a higher level of responsibility and bear the greatest part of the burden resulting from a broader prohibition on fisheries subsidies aimed at restoring

stocks or keeping them at a sustainable level of exploitation." It specifies that new disciplines should take into account the economic difficulties facing poor economies, and assist developing countries in establishing a sustainable fisheries sector. It would also permit capacity-enhancing subsidies in developing countries so long as they do not extend beyond the level compatible with a sustainable level of exploitation, nor provide incentives to illegal, unregulated and unreported fishing. The paper also suggests that fees paid by other governments to access a Member's waters, as well as assistance to disadvantaged regions dependent on fisheries, should be considered permissible subsidies in developing countries; this would be a form of S&D.

The proposal puts forward an exhaustive list of permissible subsidies to be available to all Members (and not just developing countries), including financial contributions to management services, the adoption of environmentally-friendly fishing equipment and support to compliance with safety standards. This category of non-actionable subsidies, the 'green box,' would also include, under specific conditions, subsidies to small-scale fishing and to capacity reduction. All subsidies not falling under the green box would be prohibited. The paper also calls for certain subsidies to remain available to least developed countries for a period of ten years.

Delegates report that the Brazilian submission was relatively well received by China, US and New Zealand. Japan, Korea and Chinese Taipei, however, expressed scepticism. Members asked Brazil to provide several clarifications about the concepts in the paper. Sources state that the paper's main contribution to the discussions was the overall idea on how to integrate S&D considerations within disciplines on fisheries subsidies.

Members also discussed a New Zealand submission on subsidies to management services (TN/RL/GEN/36) as well as a paper from the EU (TN/RL/W/178) on the enforcement of fisheries subsidies disciplines.

The next meeting of the Negotiating Group on Rules is scheduled for 17-18 June and will deal with regional trade agreements.

ICTSD reporting.

SEVEN ASIAN COUNTRIES AGREE TO PUSH FORWARD ON NAMA

Ministers and senior trade officials from seven Asian WTO Members have decided to try to reach a preliminary agreement on trade liberalisation in

industrial goods by July, following an informal meeting on 10 April in Chiba, Japan. Notably, they appeared to agree with Japanese suggestions for tariff reduction that have proven controversial in ongoing talks at the WTO. Participants also pledged co-operation in the run-up to the WTO's December Ministerial Conference in Hong Kong.

Representatives from China, Hong Kong, Indonesia, Japan, the Philippines, Singapore, and Thailand agreed to aim for consensus on the contours of a formula for cutting tariffs, along with some specific numerical targets for coefficients associated with tariff reduction. The July target corresponds to WTO Members' timeline for agreeing on 'first approximations' of an eventual package to be adopted at Hong Kong (see [BRIDGES Weekly](#), 16 February 2005).

Japanese Trade Minister Shoichi Nakagawa told local news wires that the attendees had supported a personal paper he had put forward, in which he called for "higher rates of reduction" to higher tariffs. He also said that they had agreed that setting maximum limits for duties on some goods for which tariffs have remained 'unbound' thus far was "essential," and that the tariff-reduction formula would apply to such tariffs as well. Nakagawa's paper further specified that the July approximations should include a "clear indication of the flexibility elements that would be available to development needs."

WTO talks on market access for industrial goods are currently deadlocked over the shape of the tariff reduction formula. During the last meeting of the WTO Negotiating Group on Non-Agricultural Market Access (NAMA), developing countries including Brazil and India had criticised US and EU proposals for sharp cuts to higher tariffs, arguing that they would place a disproportionate burden on developing countries (see [BRIDGES Weekly](#), 23 March 2005).

Nakagawa has promised to meet informally with other WTO Member governments to try to find a way out of the stalemate. WTO NAMA Chair Ambassador Stefan Johannesson of Iceland also attended the meeting, and agreed with Nakagawa that ministerial-level meetings among WTO Members would help push the overall negotiations forward.

Chinese officials took part in the Chiba gathering in spite of a diplomatic spat among Japan, China, and Korea over recent changes to a Japanese history textbook. Calling for a boycott of Japanese goods on 9 April, anti-Japanese demonstrators in several places in China attacked Japanese consular buildings and companies, accusing Tokyo of glossing over its actions during its invasion of their countries during and before the Second World War. In contrast, Bloomberg reports

that South Korean Trade Minister Kim Hyun-Chong, cancelled his plans to attend the meeting only days before it was due to take place.

According to the Japanese trade ministry, non-agricultural products account for over 90 percent of global trade. The next meeting of the WTO Negotiating Group on NAMA is scheduled for the last week of April.

ICTSD reporting; "Report: Progress Made on WTO Trade Deal," ASSOCIATED PRESS, 11 April 2005; "Asian economies to aim for preliminary nonfarm WTO accord by July," KYODO NEWS, 10 April 2005; "Tokyo bid to break tariff deadlock," FINANCIAL TIMES, 11 April 2005; "Japan calls for apology from Beijing over riots," FINANCIAL TIMES, 11 April 2005; "S. Korean Trade Minister Cancels Trip to Japan Talks," BLOOMBERG NEWS, 7 April 2005.

IN BRIEF

CHINA DECLARES OPPOSITION TO US, EU TEXTILE RUMBLINGS

The Chinese government has declared its opposition to preliminary moves by the US and the EU that could eventually lead to the imposition of import restrictions on Chinese textiles.

The US Commerce Department announced 4 April that it was starting investigations to ascertain whether certain textile and clothing imports from China disrupted the US market and, if so, whether the US could then impose restrictions on them using the 'China textile safeguard' established as part of the country's terms of accession to the WTO (see [BRIDGES Weekly](#), 6 April 2005). Chinese Ministry of Commerce spokesperson Chong Quan said on 7 April that the decision "harm[s] the confidence of Chinese industry and of the Chinese public in the international trading environment." He also warned that China would take retaliatory measures through the WTO if necessary.

In reaction to the EU decision on 6 April to issue guidelines establishing levels of Chinese imports that would trigger EU investigation, Chong said that China "strongly objects" and that "this decision deviates from the spirit of free trade that the European Union has been calling for". Meanwhile, EU officials said that they would decide whether or not to open an investigation on Chinese textile imports the week of 18 April, when new data are expected to become available.

EU and US textile groups have been petitioning their respective governments to impose restrictions on an increasing number of Chinese textile and clothing imports.

"Textile barriers break world trade principles," CHINA DAILY, 11 April 2005; "China 'Opposes' Moves on Textiles By U.S., EU, Issues Threat of Retaliation," WTO REPORTER, 8 April 2005; "U.S. Textile Coalition Files Seven China Safeguard Petitions," WTO REPORTER, 7 April 2005; "Euratex Says EU Should Act Immediately Against Chinese Textiles," BLOOMBERG, 8 April 2005.

NEW OXFAM REPORT CALLS FOR PROTECTION FOR VITAL FOOD CROPS

Rich WTO Member countries are threatening the livelihoods of poor farmers in developing countries by reneging on a promise to exempt vital food crops from tariff cuts, according to a new report by international charity Oxfam. The report, entitled "Kicking down the door," calls for "special products", vital for food security and livelihoods in developing countries, to be fully exempt from tariff reduction in ongoing WTO negotiations.

Since the 1980s, Oxfam says, the World Bank and the International Monetary Fund (IMF) "formal loan conditionality and informal arm-twisting to force developing countries to deregulate and liberalise their agricultural markets." In recent years, the World Trade Organisation has become "the new battleground where developing economies are forced to reduce their tariffs on imports." Oxfam warns that if the tariff-reduction formula known as the 'Harbinson formula' (see BRIDGES Weekly, 12 February 2003) is used in WTO agriculture negotiations, thirteen rice-growing developing countries -- including India, China, Nicaragua, and Egypt -- would have to slash rice tariffs, and be unable to raise them in the event of an import surge to protect farmers' livelihoods. At the same time, the US is dumping tonnes of highly subsidised rice on the world market, making it impossible for farmers in poor countries to compete. Similar situations are likely for other important foods such as wheat, maize, soyabeans, and poultry.

In order to protect vulnerable farmers in developing countries, Oxfam says that an agreement in ongoing WTO talks should include a tariff-reduction formula that fully exempts food security crops and allows poor countries to pursue their development strategies; and establish a 'special safeguard mechanism' for developing countries to invoke in the case of harmful import surges.

The full report is available at http://www.oxfam.org/eng/pdfs/bp72_rice.pdf

"Two-pronged trade attack will destroy poor farmers," OXFAM PRESS RELEASE, 11 April 2005; "Oxfam asks India to protect farmers from WTO proposals," THE HINDU, 11 April 2005; "Protection urged for poor nations' farmers," THE FINANCIAL TIMES, 10 April 2005.

'GLOBAL WEEK OF ACTION' CALLS FOR TRADE

Civil society organisations and religious groups across the globe launched a 'Global Week of Action' beginning 10 April with several million people from over 70 countries calling for trade justice. Events worldwide include special church services, a global fast for trade justice, public debates, concerts, mass rallies, nationwide petitions, and farmers' hearings. The organisers of the week of action said that they aim to challenge the "myth" that the only way to reduce poverty across the world is through more free trade, liberalisation and privatisation. Participants hope to tell the stories of those who are suffering as a result of international trade, put forward alternatives to the current trade system, and demonstrate the scale of the global movement for trade justice.

Stressing that developing countries must have the right to decide which sectors to open to trade and when, the groups co-ordinating the event, including branches of Oxfam, Christian Aid, Attac, and Focus on the Global South, said that developing countries should not be forced to liberalise their industrial, services, or agriculture sectors at the WTO, and that negotiations on special and differential treatment should receive more attention. In addition, they argued that the IMF and World Bank should stop attaching trade liberalisation conditionalities to their loans, and that liberalisation through bilateral and regional agreements between regions or countries at different levels of development should not put the interest of business before the needs and rights of local people and communities. Lastly, they call on developed countries to end export subsidies on agricultural products.

For further information visit <http://www.april2005.org>

"Media Briefing for the Global Week of Action on Trade," GLOBAL WEEK OF ACTION, April 2005.

WIPO: INDIA REJECTS OUTCOME OF CASABLANCA PATENT HARMONISATION MEETING

On 5 April Indian government circulated an informal note to Geneva-based Permanent Missions to the World Intellectual Property Organization (WIPO) rejecting the outcomes of a controversial WIPO meeting on patent harmonisation held in Casablanca in February (see [BRIDGES Weekly](#), 23 February 2005).

The meeting had come under heavy criticism for its lack of representation of developing countries in general, and the 14 proponents of the WIPO 'development agenda' in particular, with the notable exception of Brazil (see related story, this issue). Many developing countries had charged that WIPO had, in organising the meeting, sought to sideline countries that do not support developed country ideas on patent harmonisation. Brazil, as the only proponent of the development agenda invited to the Casablanca gathering, specifically rejected the final meeting statement.

In its 'note verbale,' India distanced itself from the outcomes of the Casablanca meeting, specifying that Dr. R. A. Mashelkar, Director-General of the Council for Scientific and Industrial Research of India, the country's largest independent research and development institution, had not attended the meeting on behalf of the Indian government. In the note, India expressed its general support for the September 2004 proposal calling for a development agenda in WIPO.

ICTSD reporting; "WIPO Rekindles Patent Talks As Some Cry Foul," *INTELLECTUAL PROPERTY WATCH*, March 2005.

EVENTS & RESOURCES

EVENTS

For a more comprehensive list of events in trade and sustainable development, please refer to [ICTSD's](#) web calendar. If you would like to submit an event, please email events@ictsd.ch.

ICTSD Event

19 April, Helsinki, Finland: TRADE, AGRICULTURE AND IP: ISSUES IN THE LEAD-UP TO HONG KONG. This Dialogue, co-organised by the Finnish Parliament,

ICTSD and the Finnish Service Centre for Development Cooperation (KEPA), will address the current phase of the Doha Round. The focus will be on trade issues of relevance to Finland that also have implications for the South and the trading system as whole. The conference will consider sugar reform as a case study of the conflicting interests at play in WTO agriculture negotiations. It will also showcase critical issues at the interface of intellectual property rights (IPRs), innovation and public interest research and development (R&D). To register, send an email to mia.nordlund@eduskunta.fi. For further information, visit <http://www.ictsd.org/dlogue/2005-04-19/Helsinki%20Seminar.pdf>.

Coming Up: 14 - 20 April

14-15 April, Aalborg, Denmark: 4TH INTERNATIONAL CONFERENCE ON BUSINESS AND SUSTAINABLE PERFORMANCE. The EURO Sustainability 2005 conference, organised by a broad range of representatives from international business, government, and non-governmental organisations, is focused on partnerships among business and all its stakeholders as a valid strategy for responsible behaviour, as well as achieving sustainable solutions and concrete results. The two-day conference features workshops on building solutions and opportunities, creating business commitment, financing business partnerships, and partnership models that work. For further information, contact the EURO Sustainability secretariat, tel: +45 9935 5555; fax: +45 9935 5533; email: ehe@akkc.dk ; Internet: <http://www.euro-environment.dk>.

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.

14-15 April: WTO COMMITTEE ON SUBSIDIES AND COUNTERVAILING MEASURES.

15 April: WTO WORKING PARTY ON THE ACCESSION OF THE RUSSIAN FEDERATION.

18 April: WTO WORKING GROUP ON TRADE, DEBT AND FINANCE.

19 April: WTO COMMITTEE ON AGRICULTURE - SPECIAL SESSION.

20 April: WTO DISPUTE SETTLEMENT BODY.

20-22 April: WTO PUBLIC SYMPOSIUM.

Other Upcoming Events

21 April, Geneva, Switzerland: IMPLEMENTING INTELLECTUAL PROPERTY RIGHTS FROM THE DEVELOPMENT PERSPECTIVE: PRESENTATION OF THE UNCTAD-ICTSD RESOURCE BOOK ON TRIPS AND DEVELOPMENT. This reception celebrates the publication of the UNCTAD-ICTSD Resource Book on TRIPS and Development. The Resource Book is conceived as a thorough guide to the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). It provides a detailed analysis of each provision of the Agreement, aiming at a sound understanding of WTO Members' rights and obligations. It highlights the areas in which the treaty leaves leeway to Members for the pursuit of their own policy objectives according to their respective levels of development, and will be an indispensable tool to all those involved in the field of intellectual property and development. The reception will be held on 21 April 2005 from 18:00-21:00 in the restaurant on the top floor of the World Meteorological Organization (WMO), Avenue de la Paix 7bis, Geneva. For further information contact Andrew Stevenson, tel: + (41 22) 917-8492; email: astevenson@ictsd.ch ; Internet: <http://www.iprsonline.org>.

26 April, Washington D.C., US: THE DRAGON GOES SHOPPING: A LOOK AT CHINA'S IMPORTS. The meeting, organised by the Global Business Dialogue (GBD) will take place from 8:30-10:00 a.m. at the St. Regis Hotel, 923 16th Street, NW, Washington, D.C. Price: \$40 general admission. There is no charge for GBD members, US Government staff, or the press. To register, and for further information, contact Global Business Dialogue, tel: + (1 202) 463 5074; fax: (+1 202) 463 7075; email: registrations@gbdinc.org ; Internet: http://www.gbdinc.org/main_html/events.htm.

26-27 April, London, UK: FOOD CROPS IN A CHANGING CLIMATE. Food crop production is inherently sensitive to climate and weather. Changes in both the mean and the variability of climate pose a threat to crop production globally. This meeting looks at how to forecast the impacts of climate variability and change on food crops, including the climatic aspects of food security in Africa. For further information contact The Royal Society, tel: (+44 20) 7451 2500; fax: (+44 20) 7930 2170; email: info@royalsoc.ac.uk ; Internet: <http://www.royalsociety.ac.uk/event.asp?id=2844&month=4,2005>.

3 May, Geneva, Switzerland: TRADE AND DEVELOPMENT BOARD, THIRTY-SIXTH EXECUTIVE SESSION. This conference, organised by United Nations Conference on Trade and Development, will discuss the outcome of the high-level meeting of the United Nations Economic and Social Council with the Bretton Woods institutions, and the WTO, as well as discuss a possible contribution of the Board to the Millennium+5 Summit. For further information contact UNCTAD, tel: (+41 22) 917 5809; fax: (+41 22) 917 0051; email: meetings@unctad.org ; Internet: <http://www.unctad.org/Templates/Meeting.asp?intItemID=1942&lang=1&m=9942&year=2005&month=4>.

RESOURCES

INCREASING PEOPLE'S ACCESS TO ESSENTIAL MEDICINES IN DEVELOPING COUNTRIES. UK Department for International Development, March 2005. The paper encourages companies to engage in widespread differential pricing of essential medicines in developing countries to support the development of viable markets and increase investment in research and development for diseases affecting developing countries. For access to this paper visit <http://www.dfid.gov.uk/pubs/files/pharm-framework.pdf>.

No. 4: EXPORT COMPETITION: SELECTED ISSUES AND THE EMPIRICAL EVIDENCE. Food and Agriculture Organization, 2005. This trade policy technical note on export competition reviews and explains the categorisation of export competition as set out in the July Package. The paper investigates the existing evidence on the potential impacts of the various instruments that support agricultural export and deals with the risks associated with inappropriately disciplining some of the support mechanisms. To access the paper please visit <ftp://ftp.fao.org/docrep/fao/007/j5013e/j5013e00.pdf>

No. 5: DOMESTIC SUPPORT: TRADE RELATED ISSUES AND THE EMPIRICAL EVIDENCE. Food and Agriculture Organization, 2005. Through an assessment of the empirical and theoretical evidence available, this technical note seeks to identify the domestic support mechanisms with trade distorting effects and to establish whether further WTO disciplines in this area will be effective in reducing harmful support. To access the paper please visit <ftp://ftp.fao.org/docrep/fao/007/j5012e/j5012e00.pdf>

PLANTING THE RIGHT SEED: A HUMAN RIGHTS PERSPECTIVE ON AGRICULTURE TRADE AND THE WTO. Institute for Agriculture and Trade Policy and 3D: Trade-Human Rights-Equitable Economy, March 2005. This report argues that the WTO's agriculture agreement threatens human rights by promoting a trade

liberalisation agenda that overrides efforts to improve livelihoods. It is the first in a series of reports that aim to analyse the WTO's Agreement on Agriculture. To access the report please visit <http://www.tradeobservatory.org/library.cfm?refid=69823>.

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