



Bridges Trade BioRes

News, events and resources at the intersection of trade and biodiversity

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Doha Round

WTO: DOHA ROUND GOING INTO HIBERNATION?

Key diplomats at the WTO have proposed new compromise texts as a last-ditch effort to salvage the flagging Doha Round. These texts, written in the personal capacity of the chairs of the negotiating groups on agriculture and industrial tariffs, were put forth after Members failed to bridge the gaps in these key areas themselves.

The Doha Round, which was launched in Qatar in 2001, has missed numerous deadlines, and member governments are now expected to mull over the new texts during August, a month when activities in Geneva traditionally shut down for a summer break.

Progress on environment-related areas of the round -- negotiations on liberalisation of environmental goods and services, on the WTO's relationship with multilateral environmental agreements (MEAs) and on information exchange between MEA secretariats and WTO committees, as well as on curtailing destructive fishery subsidies -- are all held hostage to the core issues of the round, namely agriculture and industrial market access.

Agriculture targeted in rich countries, industrial tariffs to go in poorer economies

The chairs of the agriculture and industrial goods negotiations -- Ambassador Crawford Falconer (New Zealand) and Ambassador Don Stephenson (Canada) -- issued texts on 17 July that identified specific figures for the cuts that could form the basis for an acceptable agreement, enabling a comparison between, say, potential constraints on US farm spending and India's future industrial tariff rates.

Overall, the pressure is on the US to cut agricultural subsidies, the EU to cut agricultural tariffs, and de-



International Centre for Trade
and Sustainable Development



veloping countries to offer new market openings with regard to industrial goods. Divisions on industrial market access came to the fore last month, when the US and the EU blamed India and Brazil's refusal to cut industrial tariffs for the breakdown of a high-level trade summit in Potsdam (see Bridges Weekly, 27 June 2007, <http://www.ictsd.org/weekly/07-06-27/story1.htm>). India and Brazil countered that the farm subsidy reform they were being offered was too paltry to merit deeper tariff reduction.

The numbers now tabled, the chairs suggested, indicate that divisions have narrowed and a commercially substantial compromise is within reach -- but not without political courage. The texts push the limits of all parties, seeking to find compromise between the various proposals on the table.

Several trade analysts have said that a clear presentation of potential Doha Round compromises would help governments and interest groups assess what was at stake. Falconer said he hoped to galvanise shifts in countries' bargaining positions by describing a "compromise that no Member can quite bring themselves to articulate."

"You will have to change your positions to reach an agreement," Stephenson wrote, reminding Members that he had only been asked to propose a deal because they had failed to strike one on their own. In a similar vein, Falconer wrote that "pain will be required to get agreement," stressing that he had done his best to spread it "in a reasonably balanced way."

Pascal Lamy, WTO Director-General, for his part said that "Members will not be fully satisfied with the texts. But what separates members today is smaller than what unites them. There is already an impressive package on the table. In the weeks to come it is essential that members focus efforts into overcoming those differences and reach agreement in the two sectors that hold the key to success in the Doha round."

For details on specific figures for the cuts, see Bridges Weekly, 18 July 2007, <http://www.ictsd.org/weekly/07-07-18/story1.htm>

The way forward

The US and the EU gave the papers a cautious welcome. Gretchen Hamel, a spokesperson for the US trade representative's office, said that both texts

would "demand close analysis as we develop a comprehensive US reaction." She stressed that Washington would "participate actively and constructively in the upcoming consultations and negotiations" to revise the two documents.

EU trade and agriculture spokespersons said that the draft negotiating texts "represent a useful step forward." "Our first reaction is that the texts provide a basis for further work in the Doha round," they said in a statement, "though there are points on which we have important concerns and other significant issues in the negotiations that are not included in these texts." The most critical initial reaction from a major player in the negotiations came from Brazilian Foreign Minister Celso Amorim, who told journalists in Brussels on 18 July that the "papers have problems," according to Associated Press.

Oxfam International, a development group, said that "the overall cost to developing countries of opening their agricultural and industrial markets remains far too high in return for the modest reforms in agriculture in rich countries."

Members are set to provide preliminary reactions to the papers during committee meetings during the last week of July, with in-depth negotiations to start at the beginning of September, after the WTO's annual holiday. Based on Members' reactions, Falconer and Stephenson will then revise their texts. If there are signs that countries may be able to salvage a deal, delegates say that ministers would be brought to Geneva to finalise an agreement. Without an accord by early 2008, the Doha Round is expected to go into hibernation for years, if not indefinitely, as election campaigns get underway in the US and then in India.

Litigation to follow?

The WTO is known for its strong dispute settlement system, and if chances of a Doha Round deal seem to be diminishing, countries might resort to using this system instead in order to achieve some of their trade liberalisation objectives.

Brazil has already won two major cases targeting US cotton subsidies and EU sugar subsidies. Both targeted trade powers have already been forced to start making changes to their pay-out schemes, and the US is trying to "dispute-proof" spending in its new farm bill. The farm bill is currently under negotiation, scheduled for completion later this year.

Meanwhile, Canada has launched a new challenge against US farm spending, timed to coincide with farm bill renewal. Brazil recently also signalled its intention to initiate a dispute against US farm subsidies, covering commodities such as wheat, corn, sorghum, cotton, rice, and livestock. It is also targeting some tax breaks and export credit guarantees, arguing that they are tantamount to prohibited subsidies (see Bridges Weekly, 18 July 2007, <http://www.ictsd.org/weekly/07-07-18/story2.htm>).

Development campaign group Oxfam has identified several US and EU farm subsidy programmes that would be vulnerable to WTO challenge, either for adversely affecting farmers in developing countries or illegally encouraging the use of domestic inputs in processed goods. US subsidies to corn, rice, and sorghum were pushing down global prices for the commodities, Oxfam said in a November 2005 paper, affecting farmers in developing countries as diverse as Argentina, Ghana, Guyana, Haiti, Kenya, South Africa, and Zambia. However, current high commodity prices for corn in particular -- and the resulting drop in subsidy disbursements -- may make the case more difficult to prove.

The same report contended that Brussels' largesse to tomatoes, peaches, and citrus fruits was denying commercial opportunities in the EU or elsewhere to producers in countries including Brazil, Chile, and China.

However, some trade analysts warn that a spate of controversial new dispute rulings would put a serious strain on the WTO system, and could boost support in the US Congress for pulling out of the multilateral institution altogether.

ICTSD reporting; "Brazil Files Broadest Attack on U.S. Farm Aid at WTO," BLOOMBERG, 12 June 2007; "India says too early to comment on WTO texts," REUTERS, 17 July 2007; "Rich nations get off easy in WTO draft - aid groups," REUTERS, 18 July 2007; "Brazil says WTO proposals have 'problems'," ASSOCIATED PRESS, 18 July, 2007.

Standards

CODEX ADOPTS NEW FOOD SAFETY STANDARDS

The annual meeting of the Codex Alimentarius Commission -- the UN body charged with setting international standards related to food safety -- took

place for the thirtieth time from 2-7 July in Rome, Italy. Delegates adopted 44 new and amended food standards, agreeing, among other things, to undertake new work to develop guidance on safety assessment in situations of accidental presence of genetically modified organisms (GMOs). They also approved draft risk analysis principles on pesticide residues and draft principles to guide government policy on risk analysis for food safety.

The Commission further adopted a strategic plan for 2008-2013, which states the goals of the Commission's work, incorporating a list of programme areas and planned activities with a timetable.

Countries to develop guidance on safety assessment for trace-level GM material

The Codex Alimentarius Commission agreed to undertake new work on developing guidance on safety assessment in situations of accidental presence of genetically modified organisms (GMOs). This work was initially proposed by the US, and agreed at a meeting of the Codex Ad Hoc Intergovernmental Task Force on Foods Derived from Biotechnology in late 2006 (see Bridges Trade BioRes, 15 December 2006, <http://www.ictsd.org/biores/06-12-15/story2.htm>). Members will now develop an annex to the "Guideline for the Conduct of Food Safety Assessment of Foods Derived From Recombinant-DNA Plants" focusing on low-level presence of recombinant-DNA plant material.

The goal of the project is to develop recommendations on safety assessments of foods derived from GM plants in cases where those plants have already been authorised in one or more countries for commercialisation for food use, but are unintentionally present in low levels in food in countries in which the GM plants are not authorised. The annex is intended to help countries determine the safety of a GMO in such a situation, or be prepared should such a situation arise.

The annex will address the elements of a safety assessment for low-level presence of GMOs in food by identifying the relevant sections of the existing guideline on GM plant foods. It will also identify information-sharing mechanisms to facilitate utilisation of the annex and the data necessary to conduct an assessment of food safety by an importing country. The annex will not replace a full food safety assessment under the guideline for any

GM plant foods that would be marketed in a country.

The EC stressed that the proposed annex should be developed in parallel with a mechanism for data-sharing and information-exchange to support the actions of food control authorities in situations of low-level presence of unauthorised GMOs. A representative of the FAO provided information on work that the Codex Alimentarius Commission is doing to establish a database within FAO as part of the International Portal on Food Safety, Animal and Plant Health to fulfil this need.

Pesticide residue standards stir controversy

Members came to the Codex Alimentarius Commission meeting with different opinions on risk assessment procedures with regard to pesticide residues.

They did, in the end, adopt Draft Risk Analysis Principles Applied by the Committee on Pesticide Residues, with the understanding that the matter could be further considered when the Committee on General Principles reviewed all relevant texts on risk analysis policies applied by Codex Committees as a whole, in order to ensure consistency throughout Codex.

Argentina expressed disagreement regarding the procedures for the periodic review and criteria for deletion of the maximum residue limits (MRLs) of pesticide residues in food and feed. The draft text says that those Codex MRLs under the periodic review “shall be distributed to members and interested organisations for comments” and old compounds, which are no longer supported/produced by industry because of the introduction of new pesticides every year, can be deleted. Argentina was of the view that these procedures were not fully based on science and did not take sufficiently into consideration the concerns and situations of developing countries. Supported by several delegations, such as Brazil, Colombia, and India, Argentina proposed returning the document for further consideration to the Committee on Pesticide Residues. Some delegations also pointed out that the revocation of MRLs should be based on relevant scientific risk assessment and not on commercial considerations, especially as Codex standards are recognised by the WTO Agreement on Sanitary and Phytosanitary Measures (SPS).

At a meeting of the SPS Committee on from 27-28 June, Argentina introduced a paper criticising the standards for pesticide residues set by importing countries (see Bridges Trade BioRes, 6 July 2007, <http://www.ictsd.org/biores/07-07-06/story4.htm>). Backed by a number of developing countries, Argentina said that Members are setting standards stricter than those agreed at Codex, or setting standards not yet covered by Codex. Argentina called for the development of more Codex standards in this area, noting as an example that only 30 percent of pesticides used in Argentina were covered by international standards. The paper further called for scientific justification for the strict standards being imposed, stressing that developing countries lack the resources to prove the contrary.

Government policy on risk analysis for food safety to be based on new principles

The fruit of long-standing work in the Codex Alimentarius Committee on General Principles (CCGP) (see Bridges Trade BioRes, 28 April 2006, <http://www.ictsd.org/biores/06-04-28/story2.htm>), the “Working Principles for Risk Analysis for Food Safety for Application by Governments” were adopted as draft principles by the Commission. These principles will provide guidance to national governments on risk assessment, risk management and risk communication with regard to food-related risks to human health.

“Because governments often adopt Codex Standards into their national legislation and sometimes even see the need for additional measures in areas not covered by Codex guidance, it is important that the extra safety measures are taken using the same rigorous and internationally recognised principles, not only to protect consumers, but to ensure they are consistent with multilateral trade rules” commented Kazuaki Miyagishima, Secretary of the Codex Alimentarius Commission.

Some delegations stressed that as the text contained important guidance for governments, it should be made available to Codex members without delay. Others noted that Codex was the only organisation among the three international standard-setting bodies recognised in the SPS Agreement (i.e. the International Plant Protection Convention for plant health and the Office International for Epizootics for animal health) that had not yet adopted such principles.

Planning for the future

Also at the meeting, Members adopted the draft strategic plan for 2008-2013.

The five strategic goals contained in the text are “promoting sound regulatory frameworks,” “promoting widest and consistent application of scientific principles and risk analysis,” “strengthening Codex work-management capabilities,” “promoting cooperation between Codex and relevant international organisations” and “promoting maximum and effective participation of members.”

The text acknowledges the importance of ensuring more effective participation and involvement of all members in setting globally relevant standards and strengthening partnerships with all stakeholders, in particular consumers and their representative organisations, at the global and national levels, and developing countries.

The draft strategic plan also notes that Codex needs to support the widest possible use of its standards by all members as a basis for domestic regulation and international trade. This would help countries to be more aware of the importance of the international harmonisation of food safety and quality standards, as well as the enhancement of food control systems for ensuring food safety and quality.

Background

While Codex standards are only voluntary, the Codex Alimentarius Commission is recognised by the SPS Agreement as the international organisation responsible for standard-setting related to food safety. WTO Members “shall base” their measures related to human and plant health on Codex's standards, guidelines or recommendations. Such measures “shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions” of the SPS Agreement.

Additional resources

List of proposals for the elaboration of new standards and related texts and for the discontinuation of work, Thirtieth Session of the Codex Alimentarius Commission, 2-7 July 2007 ftp://ftp.fao.org/codex/CAC/CAC30/al30_08e.pdf

Strategic Planning of the Codex Alimentarius Commission:

<ftp://ftp.fao.org/Codex/CAC/CAC30/al3009Be.pdf>

ICTSD reporting.

Intellectual Property

WIPO COMMITTEE ON GENETIC RESOURCES, TRADITIONAL KNOWLEDGE KEEPS TALKING

After over six years of discussions, members of the World Intellectual Property Organisation (WIPO) remain divided on whether to create a new binding international treaty to protect genetic resources, traditional knowledge, and folklore against misappropriation, agreeing only to keep talking.

The eleventh session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) met from 3-12 July in Geneva. This was in theory supposed to be the committee's last session and was mandated to produce recommendations to WIPO's annual General Assembly in September on how to address the issue. However, the negotiations were largely spent wrangling over the wording of a decision on future work to renew the committee's mandate again.

Much of the IGC took place in informal negotiations and what delegates called “informal informal” meetings between the Africa Group, Australia, Brazil, Canada, Japan and the US. Agreement on how to proceed was only reached late during the final plenary session. The IGC will ask the General Assembly to renew its mandate, with the committee reminded “to accelerate its work and to present a progress report to the [2008] General Assembly.” The renewed mandate also maintains that “no outcome of its work is excluded, including the possible development of an international instrument or instruments.”

IGC Chair Ambassador Gusti Agung Wesaka Puja (Indonesia) described the decision as a “new direction” to “further explore” issues. However, Peruvian delegate Alejandro Neyra said the renewed mandate was “basically the same” as the previous one.

The debate within the formal sessions and, according to delegates, behind the scenes, was broadly broken down along classic North-South lines, as it has been since the IGC's inception in 2001. Several biodiversity-rich developing countries want an international legally-binding instrument to address misappropriation, whereas industrialised countries such as the US, Japan, and Canada favour a non-binding recommendation (see BRIDGES Trade BioRes, 4 April 2007, <http://www.ictsd.org/biores/04-04-02/story1.htm>).

Negotiations on the future work of the IGC saw a similar divide. Where developing countries had sought a commitment to "work towards a common position", for instance, developed countries, particularly the US and Canada, were careful to avoid language that might expand the mandate, Neyra said. They ensured the final text calls rather tamely for "work towards further convergence of views."

Sources report that the renewal of the committee's mandate was never really in question. In fact, one suggested that developed countries were keener to renew the mandate than some developing nations, as an easy and inconsequential gesture of commitment to deal with the misappropriation of genetic resources and traditional knowledge.

Discussions seek common denominator

Despite the divisions, there was a growing consensus that the main goal of any protection regime should be the prevention of misappropriation, such as the granting of patents incorporating genetic resources or traditional knowledge without benefit-sharing and the prior consent of the communities to which they belong.

Delegates discussed definitional issues, such as the objectives and beneficiaries of the protection of genetic resources and traditional knowledge and cultural expressions, and the form, extent, and duration of such protection. The Chair, Ambassador Puja, explained that the purpose of the discussion was to find a "common denominator" for further deliberations.

Developing countries are becoming impatient with the process; they say that it is high time to start more targeted negotiations on a protection regime for genetic resources, traditional knowledge, and traditional cultural expressions. A handful of developed country governments, notably Canada, Japan, Australia, and the US say that more time is

needed to grasp the issues and determine how best to proceed. Mexico described this as a pretext for obstruction; Brazil added that the industrialised countries were simply twisting around the clearly articulated views of developing nations, saying "they do not want to understand us."

What should a regime look like?

The developing countries argue that although national laws and regional measures help protect genetic resources, traditional knowledge, and folklore, they must be supported by effective binding international rules. India reiterated its call for an international, legally binding instrument, citing recent patents granted to yoga accessories in many countries as an example of growing misappropriation. Pakistan also advocated the negotiation of a legally binding international instrument, including a 'sui generis' regime - beyond simple patents, trademarks, and copyrights - for traditional knowledge and traditional cultural expressions. It argues that patents, with their standards tests of 'novelty' and 'inventiveness', cannot reflect longstanding communal practices. The African Group, too, supports a new legally binding treaty on genetic resources and traditional knowledge.

Currently some 25 nations have adopted sui generis systems to protect traditional knowledge, traditional cultural expressions, and genetic resources, although many struggle with the implementation of these laws, in part due to financial constraints. Pointing to such difficulties, Peruvian official Begona Venero Aguirre explained that her country, despite being one of the first to establish a sui generis system over two decades ago, would benefit greatly from an international solution.

On behalf of the EU, Portugal said that the IGC needed to discuss the definition of traditional knowledge and cultural expressions and the objectives to be achieved by their protection. Nigeria argued that, just like classical intellectual property, there is no need for a consensus definition of traditional knowledge; indeed, a single definition may be inadequate, and that a convergence on what constitutes traditional knowledge would be enough.

The EU said that it would be willing to consider sui generis protection models but that they would have to be non-binding. In contrast, the US argued that traditional intellectual property tools may be used or adapted to address the economic as well as moral

concerns related to traditional knowledge, a view shared by Japan.

Several indigenous people's organisations addressed the meeting, generally to express frustration with the lack of progress towards an agreement on traditional knowledge and cultural expressions. Indigenous communities are home to substantial amounts of both genetic resources and traditional knowledge, and are particularly vulnerable to misappropriation. For instance, South African scientists patented an appetite-suppressing drug based on Hoodia, a cactus used by the San people of the Kalahari desert to stave off hunger and thirst, without acknowledging its origin or giving any benefits to the community. They only reached a royalties-sharing agreement with the San after receiving heavy pressure from civil society groups and academics.

The International Indian Treaty Council, a coalition of indigenous people from the western hemisphere and the Pacific, emphasised that the self-determination provisions of the UN Declaration on the Rights of Indigenous Peoples empowered them to determine how traditional knowledge would be defined and protected, a point that had earlier been made by the group of Latin American countries.

A Maori group, the Hokotehi Moriori Trust said that the IGC was suffering from a lack of political will and a lack of commitment by national governments to protect the rights of indigenous communities. It stressed that the distinction between traditional knowledge and traditional cultural expressions had not been created by indigenous peoples, but was rather a device to accommodate them within the intellectual property system. It said that traditional cultural expressions, such as music or names, are inextricably linked to traditional knowledge, and are integral to the maintenance of indigenous cultures. "Indigenous people search for an appropriate mechanism to recognise and respect their knowledge," the trust said. A requirement for "prior informed consent would warrant against suppression of traditional knowledge and stop the culturally offensive use of certain material."

Who qualifies and for how long?

Who would qualify for protection, and for how long, are other bones of contention. Italy said it has many local communities that have their own cultural expressions, even though they are not indigenous. It argued that these deserved protection

too. Japan said that the very definition of what constitutes a 'community' remained unclear, as did the issue of how to treat immigrants and communities not based on kinship.

The EU wants the protection period to be limited, as opposed to the absence of constraints sought by China and Nigeria. Japan has noted that putting a fixed duration on protection would mean that only certain generations could benefit. The US, Canada, Russia, and Australia argued that discussing time limits was premature, since the scope of rights had not yet been clarified.

Most international trade and intellectual property agreements include exceptions from standard obligations under certain circumstances. With regard to the proposed legal instrument for protecting genetic resources, traditional knowledge, and folklore, most countries seem to broadly agree that there should be exceptions and limitations for education, public health and utilisation in science, although Japan, Canada, and the US claim that it is too early to address the issue.

An additional layer of complexity to the debate on traditional knowledge stems from the fact that it is being dealt with by no less than 11 UN bodies, which are currently looking at issues from rule-making to capacity building. The UN Permanent Forum on Indigenous Issues said that the predictable confusion could be substantially reduced with improved cooperation and information sharing, particularly with the UN Educational, Scientific, and Cultural Organisation (UNESCO), the Convention on Biodiversity (CBD), and the Food and Agriculture Organisation (FAO).

The issue is also being discussed at the WTO, where a group of developing countries including Brazil, Ecuador, and India have proposed amending the TRIPS Agreement to make patent applications require disclosure of the origin of genetic resources and associated traditional knowledge used in an invention, as well as evidence of prior informed consent and benefit sharing (see Bridges Weekly, 13 June 2007, <http://www.ictsd.org/weekly/07-06-13/story4.htm>). As at WIPO, the discussions have pitted them against many industrialised countries, with the notable exception of Norway.

Additional resources

The decisions of the IGC are available at <http://www.iprsonline.org/resources/docs/igc11/decisions.pdf>.

ICTSD Reporting; "WIPO Committee Extends, Adjusts Mandate on Traditional Knowledge, Folklore", INTELLECTUAL PROPERTY WATCH, 13 July 2007.

Marine Resources

NO AGREEMENT ON FISHERIES SUBSIDIES BEFORE SUMMER BREAK

Convergence on fisheries subsidy disciplines continued to elude delegates to the WTO Negotiating Group on Rules at the committee's last gathering before the global trade body's annual August break.

Discussions at the 10 July meeting focused on two new proposals on special and differential treatment (S&DT) for developing countries, and artisanal and small-scale fisheries. The papers, from Indonesia (TN/RL/GEN/150, available at <http://docsonline.wto.org>) and Brazil (TN/RL/W/212), followed appeals by the chair for a clearer definition of these issues, which Members have struggled to outline over recent months.

Marine conservationists and coastal states also petitioned the WTO on these issues ahead of last week's meeting.

Members remain divided into two broad camps on how to structure rules aimed at curbing fisheries spending and consequent over-fishing. Japan, Korea, Taiwan, and the EU want a 'bottom-up approach' that would ban specific types of subsidy payments, such as those that directly contribute to increased fishing capacity. They contend that this would make for clear, workable, and effective fisheries regulations.

In contrast, several countries, including New Zealand and the US, have argued for a 'top-down' method that would ban all fishing subsidies save for some negotiated exceptions. Supporters of this approach argue that a comprehensive prohibition represents the best option for halting over-fishing.

Indonesia's proposal echoes the latter sentiment, calling for a blanket ban with carve-outs for S&DT and artisanal and small-scale fisheries.

Diving into murky waters

In its proposal, Indonesia defines 'artisanal fishing' as subsistence-based fishing close to the shore with a proportionate engine-to-tonnage ratio, primarily

carried out by individuals or families. 'Small-scale fishing' is similarly delineated based on the volume of operations and their proximity to coastal lines. The continued allowance of subsidies for both artisanal and small-scale fishing would be conditional upon governments' proving that support is not contributing to over-fishing, and that it is following a fisheries management programme.

Where countries lack the capacity to demonstrate or monitor resources, Indonesia included a provision that would require developed countries to offer their poorer counterparts technical assistance to strengthen fisheries management capacity and to help them fully engage in national and regional fisheries management organisations (RFMO). This, Indonesia said, would allow developing countries to access relevant scientific information and engage in marine research and conservation activities, both vital components to maintaining healthy global fish stocks.

Indonesia also appealed to Members to create a subgroup to the Subsidies and Countervailing Measures Committee, comprised of fisheries experts from Member governments and international institutions. This subcommittee would be called upon to provide scientific information and guidance when Member states contest the potential elimination of subsidy programmes.

Common divisions, common lines

Members from both sides of the fisheries debate lauded the Indonesian proposal for being one of the first to comprehensively outline technical assistance, special and differential treatment, and artisanal and small-scale fisheries.

Nevertheless, the traditional divisions prevailed. New Zealand, Chile, Thailand, Brazil and the Philippines welcomed Indonesia's call for sweeping prohibitions on fisheries subsidies. They praised its text for bringing together the rules group's previous work on the issue. The US also expressed support for the proposal, but asked whether the exemption for small-scale fisheries represented too large a carve-out from the proposed disciplines.

Japan, Korea, and Taiwan, on the other hand, expressed their objection to Indonesia's paper, report sources. Taiwan went a step further, noting that the proposal would risk transforming the WTO into a fisheries management organisation.

The EU also expressed opposition to the Indonesian proposal, because of the provision that would make it mandatory for developed countries to provide technical and financial assistance to developing nations. As the delegated stated, the EU already endows developing countries with significant funding, but this is not seen as an obligation, whereas Indonesia's text would.

Members brainstorm, Brazil outlines recommendations

Following the formal meeting on fisheries subsidies, the Negotiating Group on Rules held an informal brainstorming session focusing primarily on Brazil's recent proposal on artisanal and small-scale fisheries. Drawing from its previous submissions, Brazil's newest text once again calls for a broad prohibition of subsidies, but with an additional delineation of specific exemptions for S&DT.

Brazil defines artisanal and small-scale fisheries

In its text, Brazil argues that since artisanal and small-scale fisheries create only negligible effects on fish stocks, subsidies and resources should continue to be permitted. Following along similar lines as Indonesia's proposal, this exemption would be conditional upon Members' observing best practices and implementing fisheries management programmes.

Brazil defines artisanal and small-scale fisheries as those relying on non-mechanised means. Other issues taken into account include how the fishing activities are performed, such as whether the fisherman works mainly with himself and his family for a small profit trade.

Brazil also calls for additional S&DT provisions to allow poorer countries the policy space to develop their industry, such as through modernising fleets. Here again, this flexibility would be permitted only within certain, well-defined parameters, to guard against over-fishing.

Fighting for fish

In anticipation of last week's meeting, marine conservationists and some coastal states once again called for a broad elimination of fisheries subsidies.

Marine advocacy group Oceana on 9 July released a report on the state of the world's fisheries. It also outlined ways for the WTO to incorporate policies that would halt over-fishing and support marine

conservation. Oceana called on WTO Members to agree to disciplines on fisheries subsidies that support marine conservation and work towards replenishing global fish stocks before they are irrevocably depleted. The group also recommended that subsidies should be allocated for strengthening effective fisheries management systems, rather than operating costs such as modernising vessels.

Similarly, Kenya, along with a loose coalition of other coastal states including Mauritius and Madagascar, petitioned the WTO on 9 July to eliminate subsidies to the fishing sector. "Over-fishing is the single most largest threat to the survival of the industry and unless the WTO eliminates the massive subsidies it provides to the sector across the globe, we are going to see this practice go on unabated and we risk clearing entire fish population," said Simon Helpfill, a board member of the Kenyan government's Marine and Fisheries Research Institute (KEMFRI).

While this move is consistent with Kenya's stance on fisheries subsidies, it is not shared by all coastal developing countries. In early June, for example, a group of eleven small and vulnerable economies (SVEs), including Pacific island nations such as Fiji and the Solomon Islands, put forth a text (TN/RL/W/210) arguing that blanket bans would be "unduly punitive" for them, especially in light of their minimal effect on over-fishing (see Bridges Weekly, 13 June 2007, <http://www.ictsd.org/weekly/07-06-13/index.htm>).

Out for summer

Despite progress within the fisheries discussions in recent months, significant divisions persist. Moreover, several Members have expressed concern about moving forward until the state of other negotiating areas - especially the deadlocked talks on agriculture and industrial goods trade - is more clearly defined. Delegates say that the overall impasse in the Doha Round talks might be more of an obstacle to the fisheries subsidies negotiations than differences on the issue itself.

The next meeting of the Negotiating Group on Rules is scheduled for the end of September.

ICTSD reporting.

In Brief

CTE: NO MOVEMENT UNTIL PROGRESS ON AG, INDUSTRIAL MARKET ACCESS

The special (negotiating) session of the Committee on Trade and Environment (CTE) met for a two-hour session on 18 July. Participants described the meeting as low-key, with delegates more focused on any potential outcome related to new compromise draft texts on agriculture and industrial market access (see related story, this issue).

The meeting was the first formal meeting under the new Chair, Ambassador Mario Matus (Chile).

On the relationship between the WTO and multilateral environmental agreements (MEAs), Norway supported an EU submission providing potential language for a ministerial declaration tabled in 2006 (TN/TE/W/68, available at <http://docsonline.wto.org>), which recognised no hierarchy between WTO rules and specific trade obligations in MEAs. The EU proposed that Members revisit this submission and try to find a compromise between the text and a proposal by Australia and Argentina (TN/TE/W/72/Rev.1). New Zealand said it also would table a proposal on the topic (Para 31 (i) of the Doha Declaration) -- pending an outcome in the negotiations on agriculture and industrial market access.

According to a trade source, informal discussions on Para 31 (ii) -- information exchange and observer status of MEAs at the WTO -- centred on new informal draft text introduced by the Chair. Members broadly agreed on the need to include UNEP in the information exchange sessions, particularly in recognition of the role the programme played in capacity-building. Brazil suggested that UNCTAD be granted similar access. Issues related to the process and substance of information exchange, such as the number of information sessions per year and the review period, led to some disagreement. These issues would be 'possible to resolve,' according to one trade official, however.

The observership issue was more contentious, and the EU was reportedly 'unhappy' that its submissions had not been reflected in the Chair's draft text. The EU stated that the Chair's text did not reflect the mandate and questioned the value added by a list of indicative questions to determine how to grant observership status (see Bridges Weekly, 4 April 2007,

<http://www.ictsd.org/weekly/07-04-04/wtoinbrief.htm#3>). The EU also wanted to see

observership granted to a number of 'core' MEA as an outcome under Para 31 (ii) (TN/TE/W/66). Argentina, echoed by many other delegations, felt this was beyond the negotiating mandate and wanted to confine the outcome to the development of criteria for granting MEAs observership in WTO bodies.

The Chair concluded that he did not intend the draft to serve as a 'negotiating text,' and that further discussions in informal mode would be required to move the issue forward.

Members did not at this point move ahead with discussions on the liberalisation of environmental goods and services (Para 31 (iii)).

The next formal special session of the CTE is scheduled to take place on 1 October.

ICTSD reporting.

CHINA CALLS ON COMPANIES TO PRACTISE SUSTAINABLE FORESTRY

The Chinese government on 10 July unveiled a draft of a forestry handbook that calls on its logging companies to practise sustainable forestry at home and overseas.

The new manual "positively guides and standardises Chinese companies' sustainable forestry activities overseas, promotes the sustainable development of forestry in those countries, [and] protects the international image of our government being responsible," according to a statement from the Chinese Ministry of Forestry, as reported by Reuters.

The handbook has already gone out to industry groups and provincial governments throughout the country; it will soon be distributed to city- and county-level officials as well, the statement said.

The move comes amid a spate of negative publicity regarding China's voracious demand for timber. Indeed, China has come under fire recently from environmental groups who claim that the country imports illegally harvested wood from fragile tropical forests in Africa, Latin America, and other parts of Asia in order both to satisfy its domestic demand for timber and to fuel its growing exports of finished wood products.

After concluding that deforestation was the primary cause of a series of massive floods along the Yangtze River that killed 2,500 people in 1998, Beijing implemented a set of strict logging bans inside its borders. But while those measures succeeded in reducing deforestation within China, they also had the effect of driving Chinese timber companies overseas for new sources of wood. As a result, analysts claim, countries like Indonesia, Malaysia, Myanmar, and Papua New Guinea have seen dramatic rises in both legal and illegal timber harvesting in recent years.

For its part, Beijing maintains that Western demand for its manufactured wood products is equally to blame for spurring illegal logging in tropical forests.

“China Urges Responsible Logging Overseas,” REUTERS, 11 July 2007; “China calls for sustainable logging by Chinese firms overseas,” 11 July 2007, MONGABAY.COM; “Crackdown drives illegal logging to neighboring nations,” 29 October 2006, INTERNATIONAL HERALD TRIBUNE.

BIODIVERSITY MEETING ANNOUNCES NEW PROGRAMME, PARTNERSHIP

Delegates to a major international biodiversity conference last week announced the launch of a programme to monitor the status of the world’s plant and animal species and agreed to cooperate more closely with an international association of agricultural producers.

The 12th meeting of the Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA-12), a working group of the Convention on Biological Diversity (CBD), was held in Paris from 2-13 July. Meeting participants also discussed emerging issues concerning biofuel production, and recognised the importance of considering the trade implications of any new CBD policies on biofuels. Delegates also underscored the need to fully understand whether potential CBD biofuels requirements would conflict with either world trade rules or provisions of other multilateral environmental agreements.

The newly announced wildlife monitoring programme, dubbed the 2010 Biodiversity Indicators Partnership, is a joint project between the UN Environment Programme, which will implement the programme, and the Global Environment Facility (GEF), which is providing USD 3.6 million in funding. The project is meant to

facilitate the implementation of a set of biodiversity indicators meant to measure progress towards member governments’ previously agreed goal to “significantly reduce the rate of biodiversity loss by 2010.”

“The biodiversity challenge is no less urgent a public issue than the climate change crisis,” Monique Barbut, CEO of the GEF, told reporters. “This effort helps move biodiversity to the front burner to help ignite policy makers to take informed action.”

Delegates to the meeting also signed a formal partnership agreement with the International Federation of Agricultural Producers (IFAP), which represents 115 farmers’ groups in more than 80 nations, the majority of which are developing countries. Under the terms of the new agreement, IFAP will represent the views of farmers at future CBD meetings, and will help enhance the convention’s programme of work on agricultural biodiversity. The association will also seek to educate its members on the role of sustainable agricultural development in preserving biodiversity.

The convention’s work on agricultural biodiversity will be reviewed at the next meeting of the SBSTTA, which will be held in Rome, Italy in February 2008.

“Summary of the 12th meeting of the SBSTTA and 2nd meeting of the ad hoc open-ended working group on review of implementation of the convention on biological diversity,” EARTH NEGOTIATIONS BULLETIN, 16 July 2007; “Secretariat of the Convention on Biological Diversity signs memorandum of cooperation with the International Federation of Agricultural Producers,” CBD PRESS RELEASE, 2 July 2007; “New Global Partnership Tracks Plant and Animal Survival,” ENVIRONMENT NEWS SERVICE, 12 July 2007.

WTO REVIEW: ILLEGAL LOGGING CONTINUES TO PLAGUE INDONESIA

A ban on log exports has done little to stem forest over-exploitation and illegal logging in Indonesia, according to the trade policy review conducted at the WTO in late June this year.

Trade policy reviews (TPR) take place on a regular basis for all WTO Members. The government in question, as well as the WTO secretariat, prepare

reports regarding the countries' trade and trade policies. The reports are then discussed at a meeting open to the full WTO membership.

The TPR of Indonesia focused, among other, on the forestry sector. This sector contributed to three to four percent of Indonesia's GDP and eight percent of export value during the period examined. The main export products were timber, wood products and paper carton, as well as small amounts of pulp and paper.

The Indonesian government reinstated a ban in 2001 on the export of logs to support the countries' forestry and wildlife conservation policy. A number of export licensing procedures and export restrictions were used to "promote higher-value-added downstream industries, upgrade the quality of export products, and provide an adequate supply of essential products."

Illegal logging remains a huge problem, however. It is estimated to account for over 50 percent of timber production. The WTO report said that foreign demand for cheap timber appeared to be overwhelming Indonesia's enforcement capacity. Internal prices may also have been depressed as a result of the timber export ban, said the report. With time, this could result in inefficient and wasteful production processes. The report further noted the need for strong political will and enforcement in order for the timber export ban to be effective. The Indonesian government noted that the island conditions and porous border regions make enforcement a challenge.

The report also said that an ongoing decentralisation process has complicated taxation of natural resources concessions, increasing uncertainty and raising questions about legality of procedures at the local and regional levels.

For further information on the Indonesian TPR, see Bridges Weekly, <http://www.ictsd.org/weekly/07-07-04/wtoinbrief.htm#1>

ICTSD reporting; "Steady Economic Progress with Investor Confidence Key to Future Prospects," WTO PRESS RELEASE, 27 and 29 June 2007.

Events & Resources

EVENTS

For a more comprehensive list of events in trade and sustainable development, please refer to ICTSD's web calendar, <http://www.trade-environment.org/page/calendar.htm>.

Coming up in the next two weeks

26-29 July, Ravello, Italy: 11TH INTERNATIONAL CONFERENCE ON AGRICULTURAL BIOTECHNOLOGIES: NEW FRONTIERS AND PRODUCTS - ECONOMICS, POLICIES AND SCIENCE. The International Consortium on Agricultural Biotechnology Research (ICABR) will convene the conference, focusing on thirteen topics. These include the impact of agricultural biotechnology on international trade, biofuels, public acceptance, biotechnology and developing countries, and regulation of biotechnology. internet: http://www.economia.uniroma2.it/conferenze/icabr2007/call_for_paper.asp

31 July to 1 August, New York, New York: CLIMATE CHANGE AS A GLOBAL CHALLENGE. This thematic debate will be convened by UN General Assembly President Sheikh Haya Rashed Al Khalifa following a request from the European Union and the Association of East Asian Nations (ASEAN) New York Committee. The first day of the debate will consist of two interactive Panel discussions, bringing together experts on the impact of climate change, mitigation and adaptation strategies, new technologies and finance. During the second day, a general discussion open to all will take place. Secretary-General Ban Ki-moon's Climate Change Envoys will participate in the opening of the discussion. internet: <http://www.un.org/ga/president/61/follow-up/thematic-climate.shtml>

31 July - 3 August, Cape Town, South Africa: GEF BIENNIAL INTERNATIONAL WATERS CONFERENCE. The purpose of the conference is to share experiences and innovative practices among the Global Environment Facility's International Waters portfolio, promote learning and capacity building, develop strategies to enhance stakeholder collaboration, and encourage GEF International Waters projects to apply evolving GEF policies and procedures during implementation. For more information email iwc2007@getf.org. internet: <http://www.getf.org/iwc4/index.cfm>

Other upcoming events

27-31 August, Vienna, Austria: UNFCCC DIALOGUE AND KYOTO PROTOCOL AWG 4. This will be the fourth workshop of the 'Dialogue on long-term cooperative action to address climate change by

enhancing implementation of the Convention' and the fourth session of the Ad Hoc Working Group on Further Commitments for Annex I parties under the Kyoto Protocol (AWG). internet:

<http://unfccc.int/2860.php>

3-7 September, Interlaken, Switzerland: FIRST INTERNATIONAL TECHNICAL CONFERENCE ON ANIMAL GENETIC RESOURCES. This conference is meant to serve as an opportunity for the international community to make strategic choices on the future management of animal genetic resources, to reach agreement on how best to address priorities for the sustainable use, development, and conservation of animal genetic resources, and to raise awareness and appreciation of the various stakeholders and policy makers vis-à-vis the significance of such genetic resources. For more information, email

irene.hoffmann@fao.org. internet:

<http://www.fao.org/ag/againfo/programmes/en/genetics/angrvent2007.html>

3-14 September, Madrid, Spain: EIGHTH SESSION OF THE CONFERENCE OF THE PARTIES TO THE UN CONVENTION TO COMBAT DESERTIFICATION (COP-8). COP-8 of the CCD will consider the following agenda items: programme and budget for the biennium 2008-2009; review of the implementation of the Convention; review of the report of the Committee on Science and Technology; review of activities for promotion of relationships with other relevant organizations; follow-up to the World Summit on Sustainable Development; Regional Coordination Units; and review of the 2006 International Year of Deserts and Desertification activities. internet:

<http://www.unccd.int/>

17-21 September, Montreal, Canada: NINETEENTH MEETING OF THE PARTIES (MOP) TO THE MONTREAL PROTOCOL. MOP-19 is tentatively scheduled to take place in September 2007 in Montreal, Canada. It is likely to be preceded by the 39th meeting of the Implementation Committee. For more information contact: Ozone Secretariat; tel: +254-20-762-3850/1; fax: +254-20-762-4691; e-mail: ozoneinfo@unep.org; internet:

<http://ozone.unep.org/Events/meetings2006and2007.asp>

17-23 September, Oxford, England: CLIMATE CHANGE: SCIENCE, POLITICS AND THE MANAGEMENT OF UNCERTAINTY. Even with the latest Intergovernmental Panel on Climate Change report making ever clearer the scientific consensus about humanity's contribution to global warming, the severity of its impact remains highly uncertain. This conference, hosted by Deutsche Wissenschaft, the Deutsche Forschungsgemeinschaft, and the UK Foreign and Commonwealth Office, will consider the difficulties of making policies to address the problems of global warming within a context of such uncertainty. internet:

<http://www.21stcenturytrust.org/2007.html#1>

27-31 October, El-Minia, Egypt: THE 8TH AFRICAN CROP SCIENCE SOCIETY CONFERENCE. General topics at the conference, which is jointly organised by the African Crop Science Society (ACSS) and the Faculty of Agriculture at Egypt's Minia University, will include crop improvement and physiology, post harvest handling and food sciences, crop protection, rural socio-economics, agricultural extension and education, agricultural economics, crop genetics and biotechnology, integration of livestock in crop production, and soils and agricultural engineering sciences. internet:

<http://www.africancrops.net/News/july06/acss8.htm>

12-16 November, Valencia, Spain: 27TH SESSION OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE. IPCC-27 will focus on the adoption of the IPCC's Fourth Assessment Report (AR4). For more information contact: Rudie Bourgeois, IPCC Secretariat; tel: +41-22-730-8208; fax: +41-22-730-8025/13; email ipcc-sec@wmo.int. internet:

<http://www.ipcc.ch/>

22-23 November, Brussels, Belgium: 2007 CONFERENCE ON SUSTAINABLE AGRICULTURE. As global food demand is likely to rise significantly over the coming decades, sustainability has become a matter of necessity, whilst at the same time also offering a range of opportunities to act. This conference will bring to the forefront key aspects of sustainable agriculture and address issues that are challenging the food and drink industry now and in the future – from legislation, to consumer positions, industry outlook, farmers engagements and progress measurement. Conference participants will have the opportunity to network with industry players and listen and debate with representatives from EU institutions, NGOs and academia. Mariann Fischer Boel, Commissioner for Agriculture and Rural Development, will deliver the keynote opening speech on the first day of the conference. internet:

<http://www.sustainableagriculture2007.eu>

3-14 December, Bali, Indonesia: THIRTEENTH CONFERENCE OF THE PARTIES TO THE UNFCCC AND THIRD MEETING OF THE PARTIES TO THE KYOTO PROTOCOL. UNFCCC COP 13 and Kyoto Protocol COP/MOP 3 will coincide with the 27th meetings of the UNFCCC's subsidiary bodies and the Ad Hoc Working Group on Further Commitments from Annex I Parties under the Kyoto Protocol. COP 13 and COP/MOP 3 are also expected to be accompanied by a UNFCCC Dialogue on Long-Term Cooperative Action on Climate Change and various other events. For more information contact: tel: +49-228-815-1000; fax: +49-228-815-1999; email secretariat@unfccc.int. internet: <http://www.unfccc.int>

RESOURCES

If you have a relevant resource (books, papers, bulletins, etc.) you would like to see announced in this section,

please forward a copy or review by the Bridges staff to Malena Sell at msell@ictsd.ch.

MARKET MECHANISMS FOR SUSTAINABLE DEVELOPMENT: HOW DO THEY FIT IN THE VARIOUS POST-2012 SCENARIOS? By Aaron Cosbey, Deborah Murphy, and John Drexhage. International Institute for Sustainable Development (IISD), July 2007. This paper examines ways in which a Clean Development Mechanism-like scheme might fit into the various proposed post-2012 climate change regime possibilities. Given the near-universal desire to see such a mechanism continue past the first Kyoto commitment period, the paper also asks what the realities of a market mechanism for sustainable development might imply for the nature of the regime. The report is available at http://www.iisd.org/pdf/2007/market_mechanisms.pdf

ILLEGAL LOGGING. By Duncan Brack. Chatham House, July 2007. Illegal logging and the international trade in illegally logged timber is a major problem for many timber-producing countries. It causes environmental damage, costs governments billions of dollars in lost revenue, promotes corruption, undermines the rule of law and funds armed conflict. This paper discusses the impacts and scale of illegal logging and examines measures taken by consumer countries, which contribute to these problems by importing timber and wood products without ensuring that they are legally sourced, to combat the illegal timber trade. The report is available at <http://www.chathamhouse.org.uk/publications/papers/view/-/id/508/>.

CONTROLLING ILLEGAL LOGGING: LESSONS FROM THE US LACEY ACT. By Duncan Brack. Chatham House, July 2007. The US Lacey Act, which makes it illegal to import, sell or possess fish or wildlife produced illegally in foreign countries, is generally regarded by US enforcement agencies as an effective piece of legislation in helping to control illegal trade. Lessons from the Lacey Act's operation are of direct relevance to the current debate in the EU around controlling imports of illegal timber. Since existing legislation in the EU is, by and large, inadequate for the task, new legislation modelled on the Lacey Act is a potential option in tackling imports of illegal timber, and a valuable reinforcement to the Forest Law Enforcement, Governance and Trade (FLEGT) licensing scheme. The report is available at <http://www.chathamhouse.org.uk/publications/papers/view/-/id/509/>.

RE-THINKING POLICIES TO COPE WITH DESERTIFICATION. United Nations University, June 2007. This report indicates that desertification and degradation of land, caused in large part by climate change, will provoke an environmental crisis of global proportions, massive migration, and political instability in parts of Africa and Central Asia. However, the report also suggests that dry marginal lands can be partly

restored and used as carbon traps, helping to absorb emissions from the developed world and also creating a livelihood for the poor. The report is available at http://www.inweh.unu.edu/inweh/drylands/Publications/TYDD_Policy_Brief-June_2007.pdf.

RESTORING NATURE'S CAPITAL: AN ACTION AGENDA TO SUSTAIN ECOSYSTEM SERVICES. World Resources Institute, 2007. Arguing that ecosystems must be viewed as huge capital assets affected by nearly all development and investment decisions, the authors of this report propose an agenda for business, governments, and civil society to reverse ecosystem degradation. The authors contend that governance is at the heart of sustaining healthy ecosystems. With this as their fundamental tenet, the authors propose ways to reverse degradation of ecosystems and sustain their capacity to provide vital services for generations to come. The authors further discuss how decisions about development projects and investments can be made in ways that lead to healthy ecosystem services. The report is available at http://pdf.wri.org/restoring_natures_capital.pdf.

THE ECONOMICS OF WILDLIFE FARMING AND ENDANGERED SPECIES CONSERVATION. By Richard Damania and Erwin H. Bulte (Ecological Economics, 62:3-4). There is growing concern that the traditional 'protectionist' approach to conservation is expensive and does not deliver desired environmental outcomes. Meanwhile, 'supply side' policies, which drive down wildlife commodity prices by relying on products from captive-bred animals, have gained support. Such policies, however, often neglect the institutional framework within which the wildlife trade takes place, and ignore the potential strategic responses of economic agents. Adopting a model that captures imperfect competition between traders and farmers, the authors of this article conclude that under some circumstances supply side policies may contribute to further devastation of wild stocks. To access the article, visit <http://www.sciencedirect.com/science/journal/09218009>.

SMART INVESTMENTS IN THE FISHING SECTOR. WWF, June 2007. This guide illustrates how the newly adopted European Fisheries Fund (EFF), which will support the European fishing sector with about four billion Euros over the period 2007-2013, could be used to protect the marine environment and promote sustainable fisheries. Drawing on specific project examples, the guide aims to inspire stakeholders eligible for EFF funding as well as officials who design programmes for EFF support. The report closes with generic conclusions and a list of EU Member State authorities managing EFF support. The guide is available at http://assets.panda.org/downloads/smart_investments_june_2007.pdf.

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