

# BRIDGES WEEKLY

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## WASHINGTON

# US Presidential Candidates Zero in on China Trade Practices

With November's US presidential election drawing ever nearer, candidates have spent the last several weeks out on the campaign trail exchanging barbs over their respective approaches to the economy, with a particular focus on the country's trade relationship with China. Back in Washington, some trade observers are questioning whether efforts to enact a new Farm Bill and remove decades-old trade restrictions on Russia will actually lead to a result before Congress adjourns for its annual August recess.

The past few weeks have seen tensions ratchet up between President Barack Obama and his Republican competitor Mitt Romney, amid competing claims over which candidate will do the best job in improving the US economy, particularly in terms of reducing unemployment.

From the beginning of the election campaign season, presidential contenders have been working hard to convince voters that they are the country's best bet for tackling the perceived negative impacts brought on by "unfair" Chinese trade practices. Recent allegations have focused on who will prevent China from, as both candidates have put it, "taking US jobs," with candidates accusing each other in recent political ads of being the biggest "outsourcer-in-chief" or "outsourcing pioneer."

A bipartisan poll released on Monday by the Mellman Group and North Star Opinion Research – the former a Democratic polling group, the latter a Republican – found that 62 percent of voters want the US to become tougher with China "and use every possible means to stop their unfair trade practices," a result that observers suggest will only increase candidates' anti-China trade rhetoric further. Only 29 percent of respondents in the survey felt that this strategy could spark a trade war with China that could backfire on the US.

Obama, for his part, has stressed throughout his re-election campaign his ramping-up of pressure on Beijing to appreciate its currency – the renminbi – more quickly and has reiterated his 2010 pledge to double US exports by 2015 as part of his strategy to use trade in creating US jobs. The Obama administration is also pointing to the high number of WTO cases that have been filed against Beijing compared to the former Republican administration under George W. Bush.

"Unfair Chinese trade practices has been a priority of this president throughout [Obama's] term in office," White House Press Secretary Jay Carney [told](#) reporters on



International Centre for Trade  
and Sustainable Development

Monday. "That is precisely why 3.5 years into the president's first term we have doubled the rate of WTO cases against China versus the prior administration."

### **Currency issue not black and white**

However the Romney campaign argues that Obama has not gone far enough. In a [memo](#) issued last week, policy director Lanhee Chen lambasted the US President's policies toward China during his first term in office. The memo specifically criticised the Obama administration for not formally declaring China a "currency manipulator," highlighting the long-standing issue of Beijing's strict valuation of its currency and its possible effects on US export competitiveness.

But while Romney has pledged to name China a "currency manipulator" on his first day in office, should he win this November's election, it is unclear whether he will find enough support among lawmakers, including those among his own party.

While a law that effectively targets China for its strict valuation of its currency successfully made it through the US Senate late last year – largely through the support of several Democrats – the effort has stalled in the Republican-led House, despite [calls](#) from Democrats for the House leadership to bring the bill to the floor.

Notably, Speaker of the House John Boehner, who like Romney is a Republican, has openly disagreed with the former Massachusetts governor's proposed approach toward the China currency issue, telling reporters last week that his long-standing opposition to legislation that would label Beijing a "currency manipulator" still stands.

However, trade observers note that much of the rhetoric on China might not actually translate to legislation by either candidate upon winning office, given that Beijing and Washington also have many areas in which they cooperate.

"There is a precedent for politicians to say one thing on trade as candidates" only to find a different reality upon taking office, Dan Ikenson of the Cato Institute, a Washington-based libertarian think tank, commented to Bridges.

"I don't see trade policy being completely disrupted with a change of administration," Ikenson added. "Romney is going to listen to what the business community wants. And frankly I don't see Romney being as tough on China as his rhetoric suggests."

"My guess is, whoever is elected, the temperature on China will go down," Gary Clyde Hufbauer, a Senior Fellow at the Washington-based Peterson Institute for International Economics, noted.

### **Jackson-Vanik, Farm Bill processes take centre stage in Congress**

Meanwhile, with Russia expected to become the WTO's 156<sup>th</sup> member by late August, an effort in Congress to remove Cold War-era trade restrictions on Russia has sparked intense debate among US lawmakers. Many analysts suggest the issue will continue to escalate as the election process kicks into high gear.

While repealing the Jackson-Vanik amendment – which denies permanent normal trade relations (PNTR) to countries with limited freedom of emigration – has been a high priority item on the Obama trade agenda, it is uncertain whether the US Congress can indeed repeal the Cold War-era legislation before breaking for the August recess.

The PNTR legislation successfully moved through the Senate Finance Committee today, with several additions. Notably, the committee's chairman, Senator Max Baucus – a Democrat from the US state of Montana – followed through with his promise to add into the draft trade bill the text of the Sergei Magnitsky Rule of Law Accountability Act, which

would penalise Russian officials accused of human rights violations, a move that promises to be controversial given the Obama administration's repeated call to keep the two bills separate.

Despite the progress in the Senate, resolution of the PNTR issue is lagging behind in the House of Representatives – Congress' other chamber – leading trade observers to doubt whether lawmakers can finalise the process in the coming weeks.

"Members of Congress do not like to take any positions going into the summer recess before the election," Cato's Ikenson noted. "Both [the trade and Magnitsky] bills are likely to pass, but I'm sceptical that it will get done before the August recess."

Meanwhile, the US Farm Bill – the omnibus legislation that will determine the US' federal agriculture spending for the next five years – has also been in the spotlight over the past several months, with the Senate passing its version of the bill last month. (See Bridges Weekly, [27 June 2012](#))

However, like the PNTR legislation, the bill is further behind in the House, with a draft version only just making it out of the House Agriculture Committee late last week. Some trade analysts say concluding the process before the current legislation expires in September will likely be difficult; however, lawmakers have a history of finding consensus on farm spending, even at the last minute, leaving the possibility of finishing a new Farm Bill still open.

ICTSD reporting; "House Ag Committee approves farm bill," AGWEEK, 12 June 2012; "US votes want tougher China trade stance," FINANCIAL TIMES, 16 July 2012, "Obama repeats attack on Romney as 'pioneer of outsourcing'," THE GUARDIAN, 14 July 2012, "Romney and Republican House leader far apart on China currency," REUTERS, 12 July 2012.

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## DISPUTES

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# WTO Panel Hands Victory to US in China Payment Card Dispute

China's strict policies regarding foreign electronic payment providers are inconsistent with international trade rules, a WTO panel ruled on Monday. The decision ([DS413](#)), which was welcomed by Washington, found that Beijing was effectively putting foreign competitors at a disadvantage by favouring ChinaUnion Pay (CUP) – the world's third-largest payment network.

Specifically, Beijing requires all renminbi-denominated payment cards issued in China to use CUP's network, as well as all merchants and ATMs to accept CUP-based cards. Foreign suppliers – like US-based Visa Inc. – are thus limited to payments and transactions in foreign currency, a requirement that Washington had argued was putting US credit and debit card companies at a disadvantage.

There are now close to 300 million credit cards in circulation in China, with the market amounting to US\$1 trillion annually – close to overtaking the US as the largest credit card market.

In the dispute, only minor claims were rejected by the panel, prompting the US to proclaim a major victory.

"This decision will help US companies and increase American jobs as a more efficient credit and debt payment system in China enables consumers to buy more goods, including quality, made-in-America products," [said](#) US Trade Representative (USTR) Ron Kirk. "The WTO panel agrees that China's pervasive and discriminatory measures deny a level playing field to American service providers, which are world leaders in this sector."

US credit card companies similarly expressed appreciation for the result. "We are hopeful that this ruling will pave the way for international payment companies to participate in the domestic payments marketplace in China," Visa spokesman Will Valentine said.

Beijing, for its part, expressed "reservations" regarding certain panel findings, Shen Danyang, a spokesman for China's Ministry of Commerce (MOFCOM), said in a statement. Specifically Beijing takes issue with the finding that electronic payment services indeed fall under the category of "all payment and money transmission services" that China agreed to liberalise open joining the global trade body.

### **Some requirements deemed illegal, but no across-the-board monopoly in place**

The US originally filed the complaint in September 2010, accusing China of violating its national treatment and market access commitments under the Generalised Agreement on Trade in Services (GATS). (See Bridges Weekly, [22 September 2010](#))

GATS, unlike other WTO agreements, only obligates members if they have made commitments in a particular service area, though some aspects of the agreement – such as transparency – do apply to all parties equally. In this case, China argued that they had not made any electronic payment services commitments under GATS, and, thus, that they had no obligations to satisfy. The panel disagreed, asserting that the services at issue fell under the "all payment and money transmission services, including credit, charge, and debit cards, travellers cheques and bankers drafts (including import and export settlement)" category in which China had made certain commitments.

The US argued that China was unable to uphold these commitments because they imposed various requirements that "ensure CUP's privileged position" both "explicitly" and "effectively."

For instance, China required that all payment cards issued in China had to bear the CUP logo, all terminal equipment had to accept payment cards with the CUP logo, and all acquiring institutions had to post the CUP logo. The panel determined that each of these requirements "modify the conditions of competition in favour of CUP" and thus violated China's national treatment obligations under the GATS.

Furthermore, the panel ruled that China violated its market access commitments under the WTO's services agreement. Beijing requires that CUP manage all card transactions in Hong Kong or Macao using cards issued in China and that CUP manage all card transactions in China using cards issued in Hong Kong or Macao.

"The Hong Kong/Macao requirements limit the number of suppliers of electric payment services to one, namely CUP," the panellists said. The panel found that these requirements "impose a limitation on the number of service suppliers in the form of a monopoly," and thus violate China's market access commitments.

However, while the panel overall ruled in Washington's favour, it rejected a separate argument made by the US, finding that there was insufficient evidence to determine that CUP held a complete monopoly on all renminbi-based transactions. Instead the panel identified CUP as holding a monopoly on renminbi payment cards issued in China.

Also, with regards to the requirements involving the use of the CUP logo, the panel found that the US had failed to prove that these were in violation of Beijing's market access commitments.

Both parties have sixty days to appeal the panel's decision.

ICTSD reporting; "Visa Among U.S. Firms Seen Helped by WTO Ruling on China," BLOOMBERG BUSINESSWEEK, 16 July 2012; "Visa, MC still face hurdles in China after WTO ruling," REUTERS, 18 July 2012.

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## INTELLECTUAL PROPERTY

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# Mexico Inks Anti-Counterfeiting Pact

Mexico has officially signed the Anti-Counterfeiting Trade Agreement, government officials announced last week. The 11 July decision comes amid growing doubt over the deal's overall future, given its recent rejection by the European Parliament and the various questions being raised over whether the other signatories will complete their own ratification processes.

ACTA is a plurilateral trade pact seeking to strengthen international standards for the enforcement of intellectual property rights in order to combat counterfeiting and piracy. Of the eleven negotiating parties, Switzerland has yet to sign the deal, and has until May of next year to do so. However, the deal must still be ratified by six countries before it can enter into force; none have yet ratified it.

The pact has been controversial since the beginning, with the deal's opponents arguing that some of the provisions contained in the final text – which go beyond the standards set by the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) – could have a detrimental effect on access to medicines and fundamental freedoms in the digital environment.

The anti-counterfeiting agreement has been especially contentious in Mexico, where its fate was already cast into serious doubt last year after the Mexican Congress passed a resolution urging President Felipe Calderón – whose term will end this December – not to sign the deal. (See Bridges Weekly, [29 June 2011](#))

The June 2011 resolution came after the Grupo de Trabajo Plural, or Plural Working Group, which was established to evaluate the pact, conducted a series of consultations with officials, academics, and members of civil society over several months regarding the deal's potential costs and benefits. In their findings, they cited, among other issues, a lack of transparency within the ACTA negotiations and a need for more detail about the agreement and its implications.

All negotiating parties interested in signing ACTA must submit their signatures to the government of Japan, which is the depositary of the agreement. Last week's signing of ACTA by Mexican Ambassador to Japan Claude Heller was slammed by legislators from various domestic political parties, who argued that the concerns they had raised during the working group process had gone unanswered.

The conclusions from last year's Plural Working Group "have fallen on deaf ears," Manlio Fabio Beltrones, a leading member of the Partido Revolucionario Institucional (PRI, or Institutional Revolutionary Party) within the Mexican Senate, said on [Twitter](#) in response to the announcement.

However, Mexican government officials have argued that the deal is essential for combatting problems such as trademark counterfeiting and piracy, and reinforcing the country's ability in resolving these difficulties.

"ACTA aims to provide the Mexican people with sound international protection of their intellectual property rights, to attract new investments, to ensure the existing work flows, to increase the creation of formal jobs, and to foster the creativity, innovation, and competitiveness of our enterprises," the Instituto Mexicano de la Propiedad Industrial (Mexican Institute for Intellectual Property, in English) [said](#) in announcing the move.

IMPI also stressed that ACTA "does not contravene the human rights acknowledged in [Mexico's] Constitution and in international treaties to which Mexico is a party," an allusion to some of the questions that have been raised by legislators and civil society in the past.

In addition, Rodrigo Roque Díaz, director of IMPI, has said that the Mexican government intends to ask Congress to develop legislation that would "jointly" protect those Internet users concerned that their privacy could be at risk under ACTA.

Even with IMPI's assurances, the ratification process in Mexico is likely to face significant hurdles, with legislators opposing the deal pledging to do their utmost to prevent the pact from being approved during the next legislative session under the new Congress, which is set to convene for the first time in September.

"It will be our responsibility to prevent a deal like ACTA from being approved, as it is not the right way to achieve innovation and freedom," Alejandro Encinas Rodríguez of the Partido de la Revolución Democrática (Party of the Democratic Revolution, or PRD) told Mexican newspaper Milenio.

Activists have similarly promised to continue their efforts to stop the agreement from moving forward in Mexico. "We will not allow all of the work that was done [by the Plural Working Group last year] to reach such a broad consensus to just be thrown away," Antonio Martínez Velázquez, a Mexican lawyer whose work focuses on the defense of internet freedom, told the *El Economista* newspaper.

### **Questions raised over future of ACTA in other parties**

With the European Parliament voting by an overwhelming majority to reject ACTA earlier this month, the future of the anti-counterfeiting trade deal in the 27-member EU bloc has been left in jeopardy, despite the European Commission's promises not to give up on the deal. (See Bridges Weekly, [4 July 2012](#))

However, the intense debate within the EU over ACTA has now begun to spill over into other ACTA signatories, raising questions over what effect these developments might have on the pact's overall future. In Australia, a 27 June [report](#) from the Parliament's Joint Standing Committee on Treaties recommended that the deal not be ratified until a series of conditions are met, including an "independent and transparent economic analysis of its costs and benefits."

Along with citing various concerns over the substance of the deal, the committee report stressed that Australian legislators should closely follow the pact's ratification process within the EU and US, given their importance in the global economy, foreshadowing the potential ramifications that the European Parliament's rejection – and the decision by

some EU member states not to ratify the treaty on an individual level – could have on Australia's ratification process.

"The international reaction to ACTA, which, without exception, comes from countries which the Committee considers would have the same interests as Australia, must also be taken into consideration," Committee chair Kelvin Thomson MP [said](#).

ICTSD reporting; "ACTA en México, un 'muerto que podría revivir,'" EL ECONOMISTA, 5 July 2012; "México firma ACTA; activistas rechazan su aplicación," EL ECONOMISTA, 11 July 2012; "Mexico signs anti-piracy treaty, setting up battle with activists," LOS ANGELES TIMES, 13 July 2012; "Reprueban senadores firma del ACTA; advierten electos que no pasará," MILENIO, 12 July 2012; "Trade treaty struck down," SYDNEY MORNING HERALD, 28 June 2012.

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## Procedural Sparring Slows WIPO Traditional Cultural Expressions Talks

Negotiations at the World Intellectual Property Organization (WIPO) on a legal instrument intended to protect traditional cultural expressions (TCEs) saw little progress last week, with the first days of the meeting being plagued with disagreements among members over the agenda. Ultimately, the WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge, and Folklore (IGC) will forward a draft text with some areas of convergence to WIPO's General Assembly, though substantial differences remain on several issues.

The IGC's mandate was renewed at last year's WIPO General Assembly, with countries setting the goal of engaging in text-based negotiations to reach agreement on an international legal instrument(s) for the effective protection of genetic resources, traditional knowledge, and traditional cultural expressions. (See Bridges Weekly, [28 July 2011](#))

With this goal in mind, the two previous meetings of the IGC of this year saw members focus first on genetic resources and then on traditional knowledge, with mixed results. (See Bridges Weekly, [22 February 2012](#) and [25 April 2012](#), respectively)

### False start for Committee

In his opening remarks, WIPO Director General Francis Gurry stressed the importance of infusing the IGC with the same "extremely constructive and positive atmosphere between delegates" that led to the conclusion of a treaty on the protection of audiovisual performers last month. (See Bridges Weekly [27 June 2012](#)) However, discussions on substance were ultimately delayed due to debates over the adoption of the meeting's agenda.

An initial disagreement over whether to include an agenda item regarding IGC "future work" nearly prompted the committee to hold a vote on the matter – which is unusual at WIPO. While developed countries argued in favour of the agenda item, the African Group stressed that discussions on future work were instead the purview of the General Assembly.



Ultimately a vote was avoided, and an agreement was reached that the wording of the agenda item would instead read "expressions of views on future matters concerning the IGC."

"We are embarking in the third IGC on the wrong footing," IGC Chair Ambassador Wayne McCook of Jamaica told delegates, expressing his regret for "such protracted discussions on procedural matters."

"We are not here in our interest, but in the interest of our peoples, some of which are living in dire poverty. We are paid to come here in order to advance the common good," he added.

### **Countries at odds over scope of protection**

The scope of protection of the potential instrument – which McCook called "the central element of the draft text" – proved to be a particularly divisive issue during the discussions. Many developed countries supported a formulation that would allow members to determine in their national law what measures to take against misuse and misappropriation of TCEs.

"We support simplification and simplicity," the EU delegate said. "This instrument should make recommendations and not impose legal obligations."

Developing countries, however, found themselves at odds with the developed country proposal, with El Salvador calling it "weak and inadequate." India, for its part, stressed the importance of setting "minimum standards for contracting parties." A representative of the indigenous people group Saami Council noted that it "strongly oppose[d] options that would leave national authorities free to determine the scope of protection," noting that this would make the instrument "meaningless."

### **Exceptions and limitations still up in the air**

Discussions on exceptions and limitations were also controversial. While developed countries supported more exceptions and limitations, particularly for works falling under existing copyright and trademark law, developing countries instead called for alternatives that would ensure greater protection for TCEs.

Countries also butted heads over a proposed exception for derived works that are inspired or borrowed from TCEs. In a [report](#) on key issues pending from his term, former IGC Chair Ambassador Philip Richard Owade of Kenya stated that the exception "raises a number of significant questions because it can potentially allow TCEs to be used by contemporary creators to create original works and claim copyright over those works."

Likewise, India said that this provision "seems an attempt to completely undermine the protection granted to TCEs." The US, meanwhile, supported all options granting "the fundamental principle of freedom of speech and expression."

### **Subject matter, beneficiaries inch forward**

The meeting saw progress on the definition of TCEs and the subject matter of protection, with the document now encompassing phonetic or verbal expressions, musical or sound expressions, expressions by action such as dances, plays, or ceremonies, and tangible expressions.

Members also managed to narrow down the text regarding beneficiaries of protection to one option which now includes, in brackets, indigenous "peoples," "local communities," and beneficiaries "as determined by national law or by treaty." This formulation eliminated



references to “families,” “individuals,” and “nations,” which had previously provoked controversy among WIPO members.

However, significant divides persisted on how to further describe the subject matter of protection, with developed countries siding for “a simple, straightforward formulation giving members the necessary flexibility” to define it in their respective national laws.

Developed countries also argued that TCEs should be “distinctive” or “unique” products of the cultural and social identity of the beneficiaries of protection, while developing countries said that protection should be granted to TCEs “associated with” the beneficiaries of protection.

### **Indigenous Peoples participation**

The IGC also discussed a proposal by the Indigenous Peoples Caucus – a coalition of select indigenous peoples groups – to enhance indigenous peoples’ participation in the committee. The proposal asks the IGC to create a new category of participation for indigenous peoples, giving them the right to submit proposals, amendments, and motions, as well as the right to vote.

However, no decision was taken on the issue as the proposal did not receive much support. “We are greatly disappointed that the IGC has not taken substantive and concrete steps to ensure the full... participation of Indigenous Peoples in WIPO processes that affect us,” a representative of the Caucus said as the session came to a close.

The WIPO General Assembly will meet in October, at which point it is expected to examine the IGC’s mandate and future work, including whether to convene a diplomatic conference.

ICTSD reporting.

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## AGRICULTURE

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# **India Wheat Export Decision Sparks Food Security, Trade Concerns**

India appears set to export two million tonnes of wheat at subsidised prices as part of a plan to offload surplus grain, sparking concern among anti-poverty activists and raising questions for some of the country’s trading partners.

The move, following a [decision](#) two weeks ago by the government’s Cabinet Committee of Economic Affairs (CCEA), comes after five years of bumper harvests that have swelled wheat stockpiles to record levels in the world’s second largest grain producer after China.

However, civil society groups are questioning why overflowing warehouses and a lack of storage space co-exist alongside widespread malnutrition amongst the country’s poorest citizens.

Recorded [grain stocks](#) reached over 82 million tonnes in June, although the government only has storage capacity for 62 million tonnes.

Japan, the Netherlands, and Iraq are among over a dozen nations expressing [interest](#) in importing wheat from Indian government stocks. However, in order to stay competitive on the global market, the Indian government would have to absorb subsidy losses of 1 billion rupees (US\$18 million), press sources say.

### **Exports as a solution?**

According to Reuters, out of the 20 million tonnes of surplus stock, an estimated 6 million could rot in the summer heat and upcoming monsoon season due to lack of storage space – a loss reportedly worth at least US\$1.5 billion.

The government has seen new export deals as a way to ease pressure on storage. According to the [US Department of Agriculture](#), India's wheat exports have increased by over 200 percent so far this year relative to the previous year, totalling 2.5 million tonnes. The government's recent decision is expected to push this number up by another 2 million tonnes.

Some trade sources that spoke to Bridges questioned how the decision to export the grain stockpiles would square with India's WTO commitments. While some countries have accepted limited export subsidy commitments that cap the amount of such support that can be provided, India has not done so – meaning “their commitment is zero,” one source said.

However, one government official argued that national policies in this area were not meaningfully constrained by WTO rules. “We can export any product anywhere in the world, as long as there's a buyer,” said the source.

India's spending on buffer stock operations and management – reported to the WTO as part of its official farm subsidy notification – prompted questions from trading partners at last month's meeting of the global trade body's Committee on Agriculture. Spending on public stockholding for food security is legal under WTO rules, so long as it complies with rules set out for 'green box' support – programmes that are not meant to cause more than minimal distortion to trade or production.

“The solution is not to target India and tell them they cannot export,” argued a Geneva-based trade official from another developing country in the region. Instead, the source said, India needs “a long-term reform process for their agriculture sector,” including greater involvement of the private sector in storage and exports.

Otherwise, “this situation will arise again and again,” the official warned.

### **Food security reform**

The decision to export grain stocks, despite the prevalence of malnutrition domestically, prompted several prominent food activists to [write](#) to the Prime Minister earlier this month condemning the recent export decision.

“We are appalled that the Government of India is choosing to subsidise exports of wheat in order to liquidate stocks rather than distribute it to the starving multitudes in India,” say the co-signatories, which include social activist Aruna Roy and economist Jean Dreze.

Other civil society groups argue that the system needs a complete overhaul. “There is a political will required to say that we have surplus food grains and a huge problem of malnutrition, therefore this grain needs to go to those people,” Anjali Bhardwaj, Director of the Society for Citizens Vigilance Initiative, told the New York Times.

Last year, the National Advisory Council – a body set up under government auspices that also includes non-government representatives – proposed a new National Food Security

[Bill](#) (NFSB) in order to address these imbalances. It recommends that the government should extend legal entitlements of subsidised food grain to two thirds of the population: 75 percent of urban dwellers and 50 percent of the rural population.

Previously, only people earning less than 2000 rupees a month (US\$36), classed as 'Below Poverty Line' (BPL), would be entitled to receive assistance. However under the new proposals, the marginal 10 percent above the BPL would also be eligible, according to a [report](#) from the Expert Committee on NFSB. The poorest households would receive 35kg of grain as monthly entitlements at lower prices, whereas those in the bracket immediately above would receive monthly entitlements of 20kg.

The new legislation is currently under negotiation, with Parliament expected to finalise it by the end of the year. However, activists claim that more is needed. In an [interview](#) with NDTV, Kavita Srivastava, secretary of the People's Union for Civil Liberties, argued that "the Cabinet itself knows that more than 50 percent of people that ought to be considered as BPL are not – so we are saying remove this and universalize [the system] by giving everybody grain."

### **Budgetary constraints**

For the government, Srivastava's proposal would entail substantial budgetary constraints as the new scheme is already estimated to cost over 1 trillion rupees (US\$17.6 billion) in the first year of implementation. These costs are expected to rise given the government's mid-June [decision](#) to increase the purchasing price of rice by 16 percent for the upcoming 2012-2013 season.

"It's related to pure economic security for the farmers," [said](#) Purnima Menon, a research fellow at the International Food Policy Research Institute (IFPRI) in relation to the subsidy support scheme. "They make a safe choice of crops."

However, according to a recent [IFPRI paper](#), there is an apparent disconnect between agricultural production and national nutrition levels: 20 percent of the country's 2.1 billion people remain undernourished, despite a 50 percent increase in food production over the past 20 years.

Perceived failings in the operation of the public distribution system have been criticised by opposition groups and others as the root of the problem. "This is a case of criminal neglect by the government," D. Raja, national secretary of the Communist Party of India, [told](#) Reuters. "The ruling party has been the worst manager of the demand-supply of food grains."

### **New measures, old problems**

Last month, the country's food minister K.V. Thomas [announced](#) that several measures are being taken for improving storage and the movement of food grains, such as "increased utilization of existing storage capacity, creation of additional capacity, evacuation plan for vulnerable stocks, and monitoring movement on daily basis."

However, it remains unclear whether the government's latest initiatives will be adequate to satisfy its domestic critics that want to see faster progress in tackling food insecurity, or trading partners that are anxious to avoid adverse effects on their own producers - whether in wealthy or poorer countries.

Back in Geneva, one developing country trade official drew a parallel with the difficulties that WTO members have faced in trying to discipline export subsidies, and in pursuing the broader reform process that countries agreed would continue at the end of the Uruguay Round of trade talks almost two decades ago.

"That is the problem right now," the source observed glumly. "We have come to a point where we have stopped doing anything."

ICTSD reporting; "Govt clears Food Ministry's proposal to export wheat," THE INDIAN EXPRESS, 4 July 2012; "As Crops Rot Millions Go Hungry in India," REUTERS, 1 July 2012; "17 nations keen to import wheat from India," BUSINESS STANDARD, 28 June 2012; "As grain piles up, India's poor still goes hungry," NEW YORK TIMES, 7 June 2012; "Food activists slam wheat export decision," NDTV, 5 July 2012; "India Food Security Law Likely Delayed as Changes Sought," WALL STREET JOURNAL, 29 June 2012; "Rice Harvest in India Seen at Record as State Prices Increased," BLOOMBERG, 26 June 2012; "India planning to export two million tonnes of wheat," DECCAN HERALD, 25 June 2012; "CCEA may decide on 2mn-tonne wheat export tomorrow," BUSINESS STANDARD, 2 July 2012; "India's Food Subsidy Bill: A Sustainable Option?" EAST ASIA FORUM, 7 March 2012; "A problem of plenty: Wheat rotting in wagons near food minister's home," MAIL ONLINE INDIA, 29 June 2012.

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## Food Prices on the Rise Amid US Drought

With more than half the continental US [experiencing](#) a severe drought, global food prices have skyrocketed in recent days. Separately, long-term projections just [released](#) by the UN Food and Agriculture Organization (FAO) and the Organisation for Economic Co-operation and Development (OECD) expect prices to remain high over the coming decade - with possible benefits to developing countries that invest in agriculture.

"The tranquil situation we were expecting earlier this year is evaporating very quickly," Abdolreza Abbassian, a grains expert at the UN Food and Agricultural Organization (FAO), told Bridges.

A few months earlier analysts projected global food production to grow smoothly in the wake of high prices in the previous year. However, low stocks and one of the driest months on record in the US – one of the warmest globally – have led traders to push up prices for corn and soy in the past few days, critical exports from the country.

High food prices drove millions into hunger in 2008, according to the FAO. Rice was blamed as the culprit at the time, as prices doubled and then tripled all within a matter of weeks. Abyssinian observed that rice production was stable this year, but that the complex interplay for food, animal feed, and biofuels between corn, soy, and wheat would be critical for prices.

### Disaster on output declared in much of the US

The situation across the US is "one of the worst two or three droughts of the century," Chris Hurt, Professor of Agricultural Economics at Purdue University, said in a recent [interview](#) with OnPoint Radio.

In the US state of Illinois, both the country's second-biggest corn producer and one of the hardest hit by the drought, 26 percent of the corn crop is "nearly gone," Hurt explained.

Corn and soy remain the worst affected crops by far. Darrel Good of the University of Illinois explained in a recent post for farmdocDAILY, an expert blog, that for these crops yield may "be lower than now anticipated." Coupled with a shortfall in the 2012 South American crop and large purchases of US soybeans by China, prices may have reason to climb, he added.

### **Long-term outlook mixed for developing countries**

High food prices, often caused by changes in major producers, can both benefit and hurt farmers. Farmers that are net buyers, often small, have to fork over a greater share of their income to food purchases while others, often large farmers, are able to benefit from investments made in earlier years.

FAO Director-General José Graziano da Silva noted as much in a recent statement launching the OECD-FAO Outlook 2012-22. "High real prices for agricultural commodities provide higher incentives for farmers and rural development," he said, while cautioning that high food prices have also caused considerable hardship for consumers.

Abbassian of the FAO told Bridges that what was happening to those most at risk for hunger was "more a macroeconomic question," since extreme poverty had priced many out of markets. For example, he added that in the Sahel, a region in Sub-Saharan Africa already experiencing hunger, people "are dependent on what can be locally produced" and not so much on grains, such as wheat, from the world market, "even though aid is shrinking."

Still, developing countries are projected to account for the majority of exports of certain commodities by 2021 according to the OECD-FAO report, including rice, sugar, poultry meat, and fish - with consequences for both farmers' incomes and hunger.

Notably, emerging economies are set to hold an increasing share in global agricultural trade. Countries like Brazil, China, Indonesia, Thailand, Russia, and Ukraine have made investment efforts to push agricultural production capacity for exports and domestic markets.

Questions remain among analysts, however, as to what effects the US situation could have in the long-term, with Ernie Goss, a professor of economics at Creighton University, predicting that the drought could have "regional, national and even international impacts," according to comments reported by Bloomberg.

ICTSD reporting; "Worst-in-Generation Drought Dims U.S. Farm Economy Hopes," BLOOMBERG, 16 July 2012; "Expected Price Pattern for Corn and Soybeans," FARMDOC DAILY, 16 July 2012; "Severe Drought Hits The U.S.," ON POINT, 17 July 2012.

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## WORLD TRADE ORGANIZATION

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# Laos Approaches Final Stages of WTO Accession Process

Laos is on track to complete its WTO accession negotiations after this year's summer break, officials announced last week, with the Asian country's membership in the Geneva-based trade body widely expected to be formalised before 2012 comes to a close.

Laos formally announced at a 12 July Working Party meeting that it had finished its series of bilateral negotiations with WTO members, clearing one of the last major hurdles of the accession process.

"We've had very constructive bilateral discussions in these last few days, in which we basically agreed on all outstanding commitment language," Laos' Industry and Commerce Minister Nam Viyaketh [told](#) the meeting. "This has convinced us that we will be able to finalise all substantial issues within this meeting, in order to have our last Working Party Meeting right after the summer break to seek the approval and adoption of the accession package by members, before endorsing it to the General Council for adoption later this year."

Laos completed its bilateral negotiations after finalising a deal with Ukraine last month, the last WTO member to agree to terms. During the process, Ukraine's strong positions on lowering tariffs in certain sectors reportedly prompted Laos to take the unusual step of requesting intervention from senior diplomats. The WTO accession process dictates that all member countries must consent to the terms of the agreement before an applicant can become a member.

If it accedes, Laos – officially the Lao People's Democratic Republic – will become the sixth least developed country (LDC) to finish negotiations to join the trade body since 1995. The country's negotiators hope to have their accession package ready to present to the Working Party of delegations negotiating the membership bid once the WTO reconvenes in September.

The Working Party's approval of the accession protocol is the last step before the accord is brought to either the WTO General Council or Ministerial Conference for approval by all WTO members. The package will then require domestic ratification before WTO membership can become official.

### Yemen accession on the horizon?

Ukraine also reportedly remains the final holdout in negotiations surrounding Yemen's entry into the WTO. Yemen, another least developed country, is the next furthest along in the WTO accession process.

A source with knowledge of the negotiations noted that talks between Yemen and Ukraine, however, were "still a bit dicey," and Yemen did not appear ready to make concessions demanded by Ukraine.

The accession of the world's poorest members to the Geneva-based trade body has been a point of discussion of late, with a WTO sub-committee recently reaching a preliminary agreement on new accession guidelines for LDCs. (See Bridges Weekly, [4 July 2012](#)) The

new guidelines are an attempt to "further strengthen, streamline, and operationalise the 2002 LDC accession guidelines," in line with the instructions given to members by ministers at last December's WTO Ministerial Conference, and is expected to be approved at next week's General Council meeting.

Sources note that the accessions of Laos and Yemen, however, are likely to be little affected by the new LDC accession guidelines, given how far along both countries already are in the process. A delegate from a WTO-member LDC noted that, had the guidelines been in place earlier in the Laos and Yemen negotiations, they "would have served as a useful reference point" but might have been unable to fully prevent hard-line negotiating stances like the one that the Ukraine has apparently taken.

Only five LDCs have completed negotiations to join the global trade body since the initial 30 LDCs acceded to the WTO in 1995. These five include Cambodia, Nepal, Cape Verde (who has since graduated from the LDC designation), Samoa, and Vanuatu. Of these, Vanuatu is the only one whose membership has yet to be formalised, as the accession accord still needs to be ratified domestically.

ICTSD reporting; "Laos clears WTO entry hurdle, Yemen still trying," REUTERS, 7 June 2012; "Ukraine resists global pressure to let Yemen join WTO," REUTERS, 17 July 2012.

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## Rising Non-Tariff Measures Require Fresh Approach, WTO Says

Achieving balance between fostering open trade and achieving public policy objectives requires a better understanding of non-tariff measures (NTMs), particularly during the current period of slowing trade growth and rising concerns over crisis-era protectionism, according to a new [report](#) released by the WTO on Monday.

Notifications from WTO members show a general increase in two chief NTMs – specifically technical barriers to trade (TBT) and sanitary and phytosanitary (SPS) measures – since the mid-1990s, according to the 2012 World Trade Report, a development that has prompted concern by some members in the respective WTO committees that deal with these topics.

In this context, both these NTMs in goods, as well as domestic regulation in services – also reviewed in the report – pose particular challenges for WTO members with regard to ensuring that these measures are "not more burdensome than necessary to achieve legitimate policy objectives."

"A clear trend has emerged in which NTMs are less about shielding producers from import competition and more about the attainment of a broad range of public policy objectives," WTO Director-General Pascal Lamy [said](#) at the report's launch event in Geneva on Monday. The global trading system needs to move toward a point where "legitimate differences are respected and preserved at minimal [trade] impact," he added.

However, determining a government's intent is difficult, the report notes, and it is important to undertake more work to understand the trade effects of these policies.

"How to use the current framework of rules that seeks to strike the right balance between the pursuit of public policy objectives and the pursuit of gains from trade is a question that



members will probably have to contemplate, with increasing frequency," Lamy said, adding that the international community knows "far less than we should" about NTMs.

### **NTM trends and challenges**

Earlier this month, Lamy warned of a build-up in trade restrictions as governments continued to impose protectionist measures in the wake of the global economic crisis. Between mid-October 2011 and mid-May 2012, 182 new trade restrictive measures were recorded among WTO members and observers, the Director-General said, with trade remedy actions, import tariff increases, import licensing process, and non-tariff measures making up the bulk of the measures. (See Bridges Weekly, [4 July 2012](#))

While the report notes that non-tariff measures do not always have an adverse impact on trade, some evidence suggests that the level of trade restrictiveness they impose is greater than that imposed by tariffs because of cumbersome procedural obstacles. Non-tariff measures are also inherently harder to measure because of the nature of these policies, unlike tariff measures which are more easily quantified.

Additionally, the "dual-purpose" nature of NTMs means that they can be utilised not just to attain public welfare objectives, but also to protect domestic industries. Differentiating between dual-purpose measures and legitimate single-purpose measures is where "the rubber hits the road," said WTO Chief Economist Patrick Low during the launch of the report on Monday.

Another challenge raised by non-tariff measures is the possibility of regulatory divergence, which the report notes will inevitably increase procedural obstacles between WTO members. This divergence is difficult to reconcile because policy preferences and value systems on labour, social, and environmental issues vary across countries.

The report notes that regulatory convergence in both TBT/SPS measures and domestic regulation in services is necessary to address the possible adverse trade effects of these policies. Along with determining what the optimal level of this convergence should be – whether at the regional or multilateral level – capacity-building could also play a key role in improving international cooperation regarding public policies.

ICTSD reporting.

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## EVENTS & RESOURCES

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# Events

### **Coming soon**

16-20 July, Turin, Italy. GREEN JOBS: LINKING THE ENVIRONMENT, CLIMATE CHANGE AND THE WORLD OF WORK. Organised by the International Training Centre of the International Labour Organisation (ILO) in Turin, Italy, this training course aims to provide a conceptual and strategic framework for the promotion of green jobs at the national level by focusing on the social and employment dimensions of the green economy. The course is designed for a mixed audience of professionals interested in these issues, including representatives from ministries of labour/employment, environment, planning, and finance, among others; social partners from developing and emerging economies; national

and international development agencies; civil society organisations; academia; and more. To learn more, please click [here](#).

17-27 July, Trento, Italy. INTERNATIONAL SUMMER SCHOOL FOR COOPERATION AND LOCAL DEVELOPMENT. Hosted by the Organisation for Economic Co-operation and Development's LEED Trento Centre for local development, the Training Centre for International Cooperation (TCIC), and EAFIT University of Medellín, in co-operation with the Trentino Federation of Cooperatives, this summer school aims to foster participants' capacities to implement effective local development strategies and community-based development projects. The course will draw on local experiences from Trentino and Latin America, and aims to use these experiences as a basis for developing a concept of sustainable local development, among other objectives. For more information, please click [here](#).

23 July, Washington, US. UPDATE ON US TRADE ENFORCEMENT. At this event hosted by the Center for Strategic and International Studies, US Trade Representative (USTR) General Counsel Tim Reif will discuss US trade frictions with advanced developing countries – including China, India, Indonesia, Brazil, and Argentina – regarding market access barriers. For more information, please click [here](#).

24-26 July, Shanghai, China. MANAGING THE WTO ACCESSION PROCESS: STRATEGIES, CHALLENGES AND PRACTICES. This Asian Development Bank (ADB) event will facilitate experience sharing among members of the Central Asian Regional Economic Cooperation (CAREC) Programme on issues relating to WTO accession. The event aims to provide trade officials in non-WTO CAREC countries with insights on options for managing the accession process in the following areas: identification of goals; assessment of options; formulation of negotiating strategies; and management of the negotiating team and national committee. For more information, please click [here](#).

26-27 July, Heredia, Costa Rica. DIALOGO SOBRE "LAS OPORTUNIDADES DE LOS PAÍSES DE AMÉRICA LATINA EN UNA TRANSICIÓN HACIA LA ECONOMÍA VERDE." In partnership with the UN Environment Programme (UNEP) and the International Trade Centre (ITC) and with support from the Centro Internacional de Política Económica para el Desarrollo Sostenible (International Centre on Economic Policy for Sustainable Development, or CINPE), ICTSD will host a regional dialogue for Latin America on the prospects for trade and sustainable development in the wake of the Rio+20 Conference. The meeting will provide a forum for stakeholders from academia, the private sector, and IGOs to interact with environment and trade policymakers and negotiators from Latin America. The discussion will focus on the trade challenges and opportunities associated with the transition to a green economy, specifically within the following sectors: biodiversity-based products and services; agriculture and biofuels; green innovation; and fisheries. Discussions will be conducted in Spanish, with English interpretation. For more information, please click [here](#).

### WTO Events

An updated list of forthcoming WTO meetings is posted [here](#). 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.

23 July: Dispute Settlement Body

23 July: Working Party on the Accession of Yemen

24 + 26 July: Trade Policy Review Body – Singapore

24 July: Working Party on the Accession of Kazakhstan

25-26 July: General Council

### **Other Upcoming Events**

27 July, Washington, US. US-PRC TRADE WEBS: TPP VS. CHINA-JAPAN-KOREA FTA—IMPLICATIONS FOR TAIWAN. This event, hosted by the Stimson Center, will examine the dynamic involved in the parallel process of the Trans-Pacific Partnership (TPP) Agreement negotiations and the proposed China-Japan-Korea (CJK) FTA, and the implications of this dynamic for Taiwan's participation in free trade agreements, drawing not only on economic factors but also on Taiwan's domestic politics. For more information, please click [here](#).

10 September - 30 November, online. UNCTAD VIRTUAL INSTITUTE ONLINE COURSE ON TRADE AND POVERTY. The online course, organised by the UNCTAD Virtual Institute (Vi), is designed for researchers and university lecturers from developing and transition countries. The objective is to provide participants with the empirical tools needed to assess the impact of trade and trade-related policies on poverty and income distribution. This is a hands-on technical course with an emphasis on the manipulation of data and the use of econometric tools. Applicants are required to have knowledge of STATA and trade theory and policy, in addition to a Master's degree in Economics. For more information, please click [here](#).

17-21 September, The Hague, Netherlands. ADVANCED WTO TRAINING PROGRAMME ON 'RECENT TRENDS AND EMERGING ISSUES'. This training programme, hosted by the T.M.C. Asser Instituut, is designed for diplomats and trade lawyers. Through this event, organisers aim to provide participants with the knowledge, insights, and practical skills that will enable them to implement WTO rules and to engage in its dispute settlement procedures. For information on the programme and to register, please visit the event [website](#).

24-26 September, Geneva, Switzerland. WTO PUBLIC FORUM 2012. Convening under the theme "Is multilateralism in crisis?", the Public Forum is the WTO's largest annual outreach event. It aims to provide a platform for participants to discuss the latest developments in world trade and to propose ways of enhancing the multilateral trading system. The event regularly attracts over 1,500 representatives from civil society, academia, business, the media, governments, parliamentarians, and intergovernmental organisations. Event organisers are currently inviting submissions of short articles of no more than 1,000 words on the themes of the Forum, along with views on the articles submitted by others. Articles should be sent to [publicforum2012@wto.org](mailto:publicforum2012@wto.org), indicating discussion forum on the subject line. For more details about this event, visit the WTO's [website](#).

5-6 November, New Delhi, India. SEVENTH IZA/WORLD BANK CONFERENCE: EMPLOYMENT AND DEVELOPMENT. Since 2006, the annual conference on Employment and Development has aimed to provide a platform for researchers and policy experts to discuss new findings and identify areas where further work is needed. The Institute for the Study of Labor (IZA) and the World Bank will organise this year's conference in partnership with the Indian Council for Research and International Economic Relations (ICRIER) and the Delhi School of Economics. In addition to the regular sessions in all fields of labour economics, special sessions on Youth Employment and Entrepreneurship - the theme of the AfDB-OECD-UNDP-UNECA 2012 *African Economic Outlook* - will be featured. More information is available on the IZA [website](#).

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## Resources

INTELLECTUAL PROPERTY RIGHTS AND GREEN TECHNOLOGIES FROM RIO TO RIO: AN IMPOSSIBLE DIALOGUE? By Ahmed Abdel Latif for the International Centre for Trade and Sustainable Development (July 2012). Though technology transfer and innovation feature in the outcome of the Rio+20 Summit, intellectual property rights (IPRs) – which are closely related to these topics – are barely mentioned. In contrast, Agenda 21, the blueprint for sustainable development adopted at the 1992 Rio Earth Summit, included several provisions on IPRs. This policy brief seeks to answer the question of why countries were unable to find common ground on the role of IPRs in relation to green technologies at Rio+20 by examining the evolution of the global debate on IPRs and green technologies from the Earth Summit to Rio+20. It then makes some suggestions about how to foster a more constructive dialogue on this issue. To access the paper, click [here](#).

GRAIN RESERVES AND THE FOOD PRICE CRISIS: SELECTED WRITINGS FROM 2008–2012. Published by the Institute for Agriculture and Trade Policy (July 2012). This publication is a compendium of current writing on food reserves, with the goal of exploring of how reserves could better advance food security and stabilise price volatility. This collection provides an overview of recent writing on reserves, points to work in progress, and encourages a more open and rigorous debate about how reserves fit into local, regional, national, and international food security strategies. To learn more, or to access the publication, please click [here](#).

THE AUSTRALIAN GOVERNMENT'S ILLEGAL LOGGING PROHIBITION BILL: WTO IMPLICATIONS. By Duncan Brack, Alexander Chandra, and Herjuno Kinasih for the International Institute for Sustainable Development (July 2012). This paper explores whether current Australian legislative proposals to exclude illegally logged timber from imports and domestic processing are WTO-compatible. The paper finds that the measures should be compatible with WTO rules, noting that governments should not be inhibited from excluding illegal products from the market in efforts to improve sustainable development, protect interests of rule-abiding companies, and uphold the rule of law. The publication is available [here](#).

NEW DIRECT PAYMENTS SCHEME: TARGETING AND REDISTRIBUTION IN THE FUTURE CAP. By Alan Swinbank, prepared for the European Parliament's Committee on Agriculture and Rural Development (February 2012). This report addresses the European Commission's suggestion that a revised version of the existing system of direct agricultural payments be rolled forward, as part of its package of proposals for the post-2013 Common Agricultural Policy (CAP). The report includes a history of direct payments in the CAP, the likely consequences of making direct payments to producers, the Commission's justifications for these payments, and a discussion of the implications, including recommendations, for the EU'S CAP moving forward. To access the report, click [here](#).

ENVIRONMENTAL PUBLIC GOODS IN THE NEW CAP: IMPACT OF GREENING PROPOSALS AND POSSIBLE ALTERNATIVES. By Alan Matthews, prepared for the European Parliament's Committee on Agriculture and Rural Development (March 2012). This note discusses the greening component of direct payments in the European Commission's legislative proposals of October 2011 for the Common Agricultural Policy in the period after 2014. Based on an analysis of their likely consequences it puts forward a range of options for the consideration of members of the European Parliament for how these proposals might be amended to improve their environmental impact, to reduce their administrative complexity, and to improve their cost-effectiveness, including possible alternatives. The report is available [here](#).

FROM AID TO DEVELOPMENT: THE GLOBAL FIGHT AGAINST POVERTY. Published by the Organisation for Economic Co-Operation and Development (OECD) (July 2012). This book

explores the multi-faceted world of aid and development co-operation – a range of global, and sometimes contested, efforts aimed at reducing the impact of poverty. It traces the history of these efforts, explains where they come from and where they are going, and asks whether they are achieving as much as they could. It also examines some of the ways in which development efforts can be made more effective in achieving lasting benefits through good governance and the creation of a deeper partnership between developed and developing countries. For more information on the book, click [here](#).

A PRACTICAL GUIDE TO TRADE POLICY ANALYSIS. Published by the WTO (2012). This book is the outcome of joint work by the United Nations Conference on Trade and Development (UNCTAD) and the WTO Secretariat, this publication outlines the major concepts of trade policy analysis and contains practical guidance on how to apply them to concrete policy questions. The book aims to increase developing countries' capacity to analyse and implement trade policy. It is designed for government experts engaged in trade negotiations, as well as students and researchers involved in trade-related study or research. To access the publication, click [here](#).

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