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## WORLD TRADE ORGANIZATION

### WTO Farm Talks Chair Maps Progress Ahead of October Mini-Ministerial

The Kenyan ambassador who chairs the WTO's negotiations on agriculture has issued a new informal paper mapping the "state of play" in the talks ahead of a ministerial-level meeting in Marrakesh, Morocco, in early October.

Trade sources told Bridges that the Marrakesh meeting will be key in determining which topics are likely to remain on the agenda for the global trade body's eleventh ministerial conference, which is due to take place in Buenos Aires, Argentina, from 10-13 December.

Over 40 delegations are due to attend the Morocco gathering, sources said, counting the EU as one. This would make it the largest in a series of WTO-focused mini-ministerial events held throughout the year in Paris, Oslo, and the Swiss town of Davos.

Agriculture is widely seen as a central topic in any eventual outcome from the Buenos Aires meeting. However, the chair, Ambassador Stephen Ndung'u Karau, cautioned that more work is needed to overcome gaps between countries' negotiating positions.

"Some people dream of success, while others wake up and work hard at it," said Karau, quoting the British wartime prime minister Winston Churchill, in remarks at an informal negotiating meeting on 13 September that was open to all WTO members.

The chair cautioned that time was short if members wanted to achieve progress, given the 12 calendar weeks remaining until the Buenos Aires ministerial.

Washington in particular remains "deeply sceptical" of the prospects for progress in many areas, according to a Geneva trade official familiar with the 13 September meeting. US Trade Representative Robert Lighthizer [reaffirmed](#) on Monday that he considered it "unlikely" the ministerial conference would lead to negotiated outcomes. (See related story, this issue)

Karau also hosted separate dedicated sessions last Friday on two other agricultural trade topics that developing country members have raised at the WTO. These sessions reviewed progress on the questions of public food stockholding and a “special safeguard mechanism” that developing countries would be able to use to raise tariffs temporarily in the event of a sudden import surge or drop in prices. (See Bridges Weekly, [28 July 2017](#))

### **Six negotiating topics**

Karau's paper groups negotiating topics under six headings, in addition to public stockholding and the special safeguard mechanism.

These include domestic support; cotton; market access; export prohibitions and restrictions; export subsidies and other “export competition” issues; and sanitary and phytosanitary measures, meaning issues related to food safety and to plant and animal health.

The chair told the meeting that many members continue to see an outcome on agricultural domestic support as a priority for Buenos Aires, but disagree over how to achieve this.

Although there was broad agreement over the level of ambition in this area, Karau said that “significant gaps” remained over when and how to realise this. Some major trading powers have now submitted negotiating papers setting out their views on how to proceed, including a joint proposal from the EU, Brazil, and other co-sponsors, as well as another joint submission from China and India. (See Bridges Weekly, [20 July 2017](#))

The chair also said that he planned to convene further talks on cotton once the C-4 group of West African countries submit their negotiating proposal, which they are currently finalising. The group, composed of Benin, Burkina Faso, Chad, and Mali, has long called for reforming cotton subsidies and other measures affecting the sector.

Karau reported that a substantial outcome on market access “is not feasible” for the ministerial conference, although some countries still wanted to address this topic later on as part of a work programme, which would need to be negotiated and agreed on.

He was more optimistic about the prospects for progress on transparency in export restrictions, which he said was “doable.” Singapore had proposed addressing this area in a July negotiating submission. (See Bridges Weekly, [27 July 2017](#))

Although some countries favoured further talks on export competition, this was not a priority for Buenos Aires, the chair said.

Finally, while Brazil and Argentina had circulated a discussion paper on sanitary and phytosanitary measures, some countries said that this should be discussed in the WTO committee dealing with these matters instead of the agriculture negotiations.

### **Public food stockholding**

In his “state of play” paper, the chair reported that all members agree on the need for a “permanent solution” on public stockholding by the time of the ministerial conference. This permanent solution would be in response to the difficulties that some developing countries face under WTO rules when buying food at subsidised prices.

Although there are no limits on the food that governments can provide to poor consumers or keep in public stocks, subsidised purchases from producers must be counted towards countries' overall limits on domestic agricultural support at the WTO.

Countries in the G-33 developing country coalition, which includes China, India, and Indonesia, have argued that food price inflation has undermined their ability to buy food at minimum prices without falling afoul of WTO rules. The G-33 members all share concerns

about the potential effects of liberalisation on their large populations of smallholder farmers.

While G-33 countries have proposed exempting these purchases from counting towards WTO limits, agricultural exporting countries say that they would rather build on an agreement in this area that was reached at the organisation's Bali ministerial conference in 2013.

Karau was due to hold further small group meetings with concerned members on the subject, Geneva trade officials said.

### **G-33: new paper on safeguards**

The G-33 also tabled a new negotiating submission on safeguards, which proposes that WTO members at least agree in Buenos Aires to establish a price-based or volume-based safeguard mechanism.

The G-33 said that a mechanism allowing developing countries to address surges in import volumes or price depressions was "long overdue," and have included draft legal texts in their paper as a basis for further negotiation.

However, sources told Bridges that the session convened by Karau was relatively short, with agricultural exporting countries making no comment on the new submission. These countries have traditionally linked talks on the new special safeguard mechanism with the issue of agricultural market access.

Various G-33 countries are also reportedly still considering their negotiating position on this issue, with several indicating that they may present their own views on the topic later on.

### **Eyes on Marrakesh**

One trade official told Bridges that the Marrakesh talks would be decisive in determining which issues would make it on to the Buenos Aires meeting agenda.

Sources also said that some delegations were still trying to finalise negotiating submissions to be tabled soon, in addition to the C-4 group's cotton proposal. Others observed that it would be hard to make progress without more active engagement from the US.

In particular, issues such as agricultural domestic support would be difficult to solve unless there was agreement to do so in a multilateral setting, one source said.

Other sources acknowledged the potential value of agreeing on a package of topics for a future work programme, given that WTO members were unable to endorse negotiating mandates at the organisation's Nairobi ministerial conference in 2015. (See Bridges Daily Update, [19 December 2015](#))

In his remarks in Washington on Monday, Lighthizer indicated that he hoped the ministerial conference would decide on the trade body's upcoming agenda, without being specific as to what that might entail. However, many other WTO members would see a lack of more tangible outcomes in Buenos Aires itself as falling short of their ambition.

ICTSD reporting.

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## GLOBAL ECONOMY

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# US Trade Rep Outlines Expectations for NAFTA, WTO, EU Ties

US Trade Representative Robert Lighthizer told a Washington audience this week that trade watchers should "expect change, expect new approaches, and expect action" in the current Trump Administration's policy plans going forward.

[Speaking](#) at the Center for Strategic and International Studies on Monday 18 September, Lighthizer then answered questions on a host of topics, while repeatedly referring to the Trump Administration's interest in negotiating bilateral trade deals, ensuring reciprocity in trading relationships, and addressing trade deficits.

"I believe – and I think the president believes – that we must be proactive, that years of talking about these problems have not worked, and that we must use all instruments we have to make it expensive to engage in non-economic behaviour and to convince our trading partners to treat our workers, farmers, and ranchers fairly," said Lighthizer.

"We must demand reciprocity in home and in international markets," he added, following this statement with the above-mentioned promise of change and action. Later on, when describing existing US trade agreements with other partners, he affirmed that one metric for judging their success would be the impact on trade deficits.

"Where the numbers and other factors indicate a disequilibrium, one should renegotiate," he said.

He suggested that not only would it be more straightforward to clinch deals bilaterally, but that it would also be simpler to enforce their terms – while noting that the administration is still determining which countries to pursue such agreements which. "Usually in multilateral or plurilateral agreements it's difficult to enforce the agreements because you're disrupting too many things," he said.

The US trade chief took office in May, five months after President Donald Trump was sworn in on a platform touting an "America First" approach to the economy. Trump has repeatedly criticised various existing trade deals and has pledged to refocus the US agenda away from plurilateral and multilateral deals towards one-on-one accords with chosen partners. (See Bridges Weekly, [18 May 2017](#) and [26 January 2017](#))

### China in the spotlight

Lighthizer flagged the US' trading relationship with China as one in need of repair, suggesting that the WTO system was "not designed to successfully manage mercantilism on this scale" and saying that the US would be pursuing new options for ensuring its partners compete on a level playing field.

Among the US' concerns with China are "forced" technology transfers and intellectual property rights violations, he added, referring later to the "Section 301" investigation launched by his office in August. Section 301 refers to a section of the Trade Act of 1974 allowing for possible investigations and action in response to allegedly "unfair practices" by trading partners.

He added that while he could not “prejudge” an ongoing investigation, noting that a hearing in early October could serve to build a better understanding of the issue, there have been concerns already raised by industry in these areas.

“We’re not going to prejudge it. But there’s an awful lot to indicate that there’s a problem here,” he said. Lighthizer also responded to the question of why his office is using Section 301, given that this type of investigation has not been launched in several years.

“Why are we using 301? Because that’s the investigative tool we have. If there are – if we turn up WTO violations, we’ll bring them to the WTO. We’re not precluded from doing that, by any means, by using 301,” he said.

At a press conference the following day, Chinese Foreign Ministry Spokesperson Lu Kang responded to questions on Lighthizer’s remarks by referring to the WTO system, and argued that Beijing “has strictly observed the WTO rules and faithfully implemented its obligations.”

“The WTO has an objective assessment system to judge whether the policies of China and the US, as the two largest economies in the world, are appropriate or not,” the Chinese official said, according to a [transcript](#) released by his office. He also noted Beijing’s efforts at economic reform and incorporating more of a market-focused approach, while suggesting that Washington has benefitted from its trading relationship with the Asian economy.

## **Brexit**

The US official also fielded questions on the Trump administration’s plans for its UK and EU trading relationships, given both Washington’s own interest in deeper bilateral ties with key partners, as well as the ongoing Brexit negotiations.

Lighthizer said that negotiations for a UK-US free trade agreement were likely, though far off, while noting that he has held discussions with his British counterpart, Secretary of State for International Trade Liam Fox, on their economic relationship.

“At the appropriate time, I think the United States will enter into that process with the UK,” he said. “That’s probably a year or two off, I mean, it’s not even the deadline. Even when it’s going to happen is not quite clear yet until we know how their exit is going to go.”

The UK is currently expected to leave the European Union by end-March 2019. While the island nation cannot negotiate free trade accords as long as it remains an EU member state, it has been setting up working groups with interested partners to begin preparations for future trade initiatives, including possible negotiations for formal deals.

Though the previous Obama Administration had suggested prior to the Brexit referendum that the UK would be “at the back of the queue” for trade deals should it leave the EU, the current leadership in Washington has indicated interest in discussing the issue further with their UK counterparts. (See Bridges Weekly, [2 February 2017](#))

Lighthizer did not confirm whether the Trump Administration would be continuing talks launched under his predecessor, Barack Obama, for a Transatlantic Trade and Investment Partnership (TTIP) with the European Union. However, he did say that the relationship with the EU is “important” to the US and reaffirmed that Washington is studying TTIP, while waiting for European electoral processes to unfold.

While most elections in major EU member states have now passed, there is one key poll remaining this year: the federal elections in Germany, the bloc’s economic powerhouse. Those elections are set for this weekend, with Chancellor Angela Merkel widely expected to win a fourth term in office.

In the meantime, Lighthizer repeatedly stressed that the US has a strong interest in deeper EU ties, and that the relationship is a valuable one for Washington.

"There is just an enormous amount of trade between the United States and Europe. So improving the rules there is something we should do. And working with Europe on a whole variety of other things, including the challenge with China but also negotiations within the WTO, is also important," he said.

### **WTO: Ministerial prospects, Appellate Body impasse**

The US' approach to the World Trade Organization was also raised on Monday, with Lighthizer playing down the possibility of tangible negotiated deliverables at the organisation's upcoming ministerial conference in Buenos Aires, Argentina, while also raising a series of concerns with the Geneva-based institution's dispute settlement arm.

"Our view is that it's unlikely that the ministerial in Buenos Aires is going to lead to negotiated outcomes. There are a number of areas where we would be willing to engage, but there seems to be something blocking it in every case," said Lighthizer, suggesting instead that Washington is aiming for a meeting that will set the organisation's future agenda.

Over the past fortnight, US officials have raised in different WTO negotiating prospects their scepticism that talks in agriculture or fisheries are advanced enough to lead to concrete results, according to Geneva trade officials.

In the area of fisheries, the US did say during informal meetings last week that it was a "supporter" of the talks and would continue its involvement towards a possible outcome. A dedicated cluster of fisheries meetings is set for next week, from 27-29 September. (For more on the agriculture talks, see related story, this edition)

Lighthizer also dedicated a large portion of his remarks to concerns that both he and fellow US trade officials have raised over the past several months regarding the WTO's dispute settlement mechanism.

For example, he said that some decisions released in various trade remedy cases were "indefensible" for purportedly having "diminished what we bargained for or imposed obligations that we do not believe we agreed to."

"So what we've tended to see is that Americans look at the WTO or any of these trade agreements and we say, OK, this is a contract and these are my rights. Others – Europeans, but others also – tend to think they're sort of evolving kinds of governance. And there's a very different idea between these two things," said Lighthizer.

He also said that this is why the US recently blocked the start of selection processes to fill empty slots that have arisen on the seven-member Appellate Body – the WTO's highest court. (See Bridges Weekly, [14 September 2017](#))

"Well, I mean, to the extent that we're objecting to the process, it's because we don't agree with the way the – in many cases the Appellate Body has approached this. We think the Appellate Body has not limited itself... to precisely what's in the agreement," he said.

### **NAFTA: conclusion unclear**

Lighthizer also gave a mixed assessment on the recently launched efforts to modernise the North American Free Trade Agreement (NAFTA) with Canada and Mexico, with those talks due to enter their third negotiating round this weekend. (See Bridges Weekly, [14 September 2017](#))

"We're moving at warp speed, but we don't know whether we're going to get to a conclusion, that's the problem. We're running very quickly somewhere," he said.

Lighthizer did not elaborate on why he thought the talks may not bear fruit, while noting that upcoming elections in Mexico and the importance of addressing economic concerns by many sectors at home were reasons behind the tight timeframe. He did confirm that four more negotiating rounds are planned this year after the upcoming round in Ottawa from 23-27 September.

Meanwhile, Mexican Economy Secretary Ildefonso Guajardo Villareal suggested this week that issues such as rules of origin and trade deficits will be pivotal in the NAFTA modernisation's success – or failure – while noting that various other areas are likely to be thorny as well.

US and Mexican officials have previously said that this next round in Ottawa will likely focus on making progress in more straightforward areas, hoping that this energy can then give a boost to the tougher negotiating topics. (See Bridges Weekly, [14 September 2017](#))

ICTSD reporting; "Mexico sees 'elephants in the room' in NAFTA talks: minister," REUTERS, 18 September 2017.

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## CLIMATE CHANGE

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# Environment Ministers Highlight Climate Action Commitment at Montreal Meet

Environment ministers from 34 countries met on Saturday 16 September in Montreal, Canada, for high-level talks aimed at providing a political boost towards tackling the climate challenge, particularly ahead of UN negotiations coming up in Bonn, Germany, this autumn.

The meeting, convened by Canada, China, and the European Union, saw many governments [reaffirm](#) their pledge to implement fully the UN's Paris Agreement on climate change, given US President Donald Trump's announcement earlier this year of his plan to withdraw his country from the accord. (See Bridges Weekly, [8 June 2017](#))

The landmark climate accord entered into force last November, after surpassing the necessary threshold of ratifications and greenhouse gas coverage. Currently, [162 parties](#) to the UN Framework Convention on Climate Change (UNFCCC) have ratified the agreement, out of the total 197. (See Bridges Special Update, [6 November 2016](#))

Ahead of the summit, EU Commissioner for Climate Action and Energy Miguel Arias Cañete [said](#) that the 28-nation bloc "remains committed to the Paris Agreement and its full and swift implementation."

"Our aim is to raise global climate ambition, follow through with concrete action, and support our partners, in particular the most vulnerable countries," he added.

At the Montreal conference, participants agreed that the Paris Agreement should not be re-opened, with many deeming it "irreversible," according to a [co-chairs' summary](#) released after the event. Furthermore, they highlighted that the climate challenge is "critical" and that governments must respond urgently in order "to accelerate the global transition to a low-carbon and resilient economy."

"We continue to make the case that, like the United States, we want to create jobs, we want to create economic growth and there's a C\$30-trillion opportunity when it comes to clean growth and climate action," Canada's Minister of Environment and Climate Catherine McKenna [said](#) during the meeting, according to comments reported by CBC News.

Trump said in June that his withdrawal plans were motivated by concerns that the Paris deal places the US at an unfair economic "disadvantage," arguing that it could lead to drastic losses in jobs and hurt household incomes.

### Bonn coming up

The summit brought together a large cross-section of countries, including some of the world's largest economies and greenhouse gas emitters, as well as smaller nations suffering from more immediate climate risk.

Notably, the event also comes shortly ahead of the annual UNFCCC Conference of the Parties (COP) in Bonn, Germany. At that meeting, which is scheduled for 6-17 November, countries are expected to advance on the work programme for the implementation of the Paris Agreement, known also as the Paris "rulebook," among various other objectives. (See Bridges Weekly, [24 May 2017](#))



In Montreal, many countries reaffirmed their goal of finalising the work programme by next year, along with hammering out the modalities for the 2018 Facilitative Dialogue. The latter will mark the first occasion where countries will get to review initial progress on their nationally determined contributions (NDCs), which could then inform future versions. It will also serve as a trial run before a planned “global stocktake” of these NDCs five years later.

The EU, Canada, and China have also said they would be willing to host another ministerial next year.

### **Domestic, international scrutiny of US climate stance**

The domestic US debate on climate change has been in the limelight once more in the wake of consecutive hurricanes that have devastated parts of the southeastern United States and the Caribbean. Trump was [asked](#) by reporters last week whether these extreme weather events had made him reconsider his climate action stance, to which he responded that the US has “had bigger storms than this.”

Meanwhile, at the international level, speculation has grown in recent weeks over whether the Trump Administration may revise its approach towards the Paris Agreement. According to sources quoted by the [Wall Street Journal](#), the White House has been weighing the possibility of “re-engaging” with the deal, subject to getting better conditions.

The US was represented at the climate ministerial in Montreal last weekend, and the North American nation will not be able to leave the Paris Agreement before November 2020 due to a clause prohibiting parties from withdrawing within four years after its entry into force.

When Trump [announced](#) in June his plans to withdraw from the Paris Agreement, he had also pledged to start “negotiations to re-enter the Paris accord or a new transaction on terms that are fair to the United States.”

In response to this recent speculation, National Economic Council Director Gary Cohn said on Monday that Washington would still withdraw from the agreement unless its officials could secure improved terms. He also suggested that this did not mark any change in the president’s “unambiguous” position on Paris, according to comments reported by [Reuters](#).

The assertion, made in the margins of the annual UN General Assembly in New York, came the same week as Trump’s first formal speech to that body. While he did not overtly refer to the Paris Agreement in his remarks, Trump did repeat past concerns over “unfair” deals.

“The United States will forever be a great friend to the world, and especially to its allies. But we can no longer be taken advantage of, or enter into a one-sided deal where the United States gets nothing in return. As long as I hold this office, I will defend America’s interests above all else,” he [said](#) this week.

However, French President Emmanuel Macron, who was also speaking at the UN General Assembly for the first time, reaffirmed on Tuesday that the Paris accord was not up for renegotiation.

“[The Paris Agreement] can be improved, we can have new contributions, but we will not backtrack,” said the French leader, according to comments reported by Time magazine.

ICTSD reporting; “‘Paris agreement should not be renegotiated’: Talks with environment leaders underway in Montreal,” CBC NEWS, 16 September 2017; “Trump Administration Seeks to Avoid Withdrawal From Paris Climate Accord,” THE WALL STREET JOURNAL, 17 September 2017; “Trump adviser says without new terms, U.S. still leaving climate pact,” REUTERS, 18 September 2017; “France’s Macron Says the Paris Climate Deal Is Not Up for Debate,” TIME, 19 September 2017.

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## TRADE AGREEMENTS

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# Canada, UK PMs Look to CETA as Starting Point for Future Trade Deal

On Monday 18 September, UK Prime Minister Theresa May visited Canada to discuss the terms of the trading relationship between the nations post-Brexit, announcing after that the two sides plan to use the Comprehensive Economic and Trade Agreement (CETA) as a starting point for a future UK-Canada deal.

May and Canadian Prime Minister Justin Trudeau further pledged to establish a joint working group to hammer out the details of the bilateral arrangement.

"Prime Minister May and I discussed the UK's ratification of CETA as well as the importance of stability and continuity in the Canada-UK trading partnership into the future," Trudeau stated in a press conference on Monday.

The meeting came days before the CETA's provisional application in the EU on 21 September. The trade deal uniting Canada and the EU, negotiated over the course of eight years, eliminates 98 percent of tariffs and contains stringent environmental and labour provisions.

In addition, the agreement provides for the protection of intellectual property rights, including geographical indications, as well as featuring significant market access gains in public procurement, prompting observers to regard it as the most far-reaching and advanced deal agreed on both sides.

### Orderly transitions

The plans to build off an existing trade deal is in line with trade policy directions outlined by May last month, in which the UK will seek to use existing EU trade deals as starting points for future bilateral ones with non-EU partners. The strategy would ensure predictability and stability as the UK transitions out of the bloc from March 2019 onwards, according to the prime minister.

"When we leave the EU there are a number of trade deals the EU has with other countries and we are looking at the possibility of those being able to be brought over into certainly initial trade deals with the United Kingdom," May said on a visit to Japan in August.

"We want to ensure that when we leave the EU, for businesses and people, that change is as smooth and orderly as possible," the UK Prime Minister commented in Monday's press conference, speaking alongside Trudeau. "CETA means that seamless transition can take place, people will know the basis on which that trading relationship will be set up."

UK-Canada bilateral trade is valued at £15.2 billion (US\$20.5 billion) annually, where the UK market is the second largest destination for Canadian foreign investment, according to a [press release](#) prepared by the British government.

The working group tasked with the technicalities of the transition will be the thirteenth of its kind since the referendum. However, the UK still cannot negotiate separate trade deals as long as it remains an EU member state.

"We recognise the rules in place around negotiating with the EU and EU members and we respect the need for the UK to determine its path forward with Brexit from the EU," Trudeau acknowledged.

He also indicated that while CETA will prove a useful starting point, some revisions might be in order for the UK-Canada version.

"After that, there will obviously be opportunities for us to look at particular details that could be improved upon for the specific needs and opportunities in the bilateral relationship between the UK and Canada," said Trudeau.

### **CETA provisional application**

CETA is being applied on a provisional basis due to its nature as a mixed agreement, requiring EU member states to ratify the agreement at the national and, in some cases, regional levels before it can take full effect. That process is expected to take several years. The legislatures of some EU member states have voted to approve CETA to date, with more pending. (See Bridges Weekly, [2 March 2017](#) and related story, this edition)

Around 90 percent of the deal's provisions will be provisionally applied, with the exception of certain areas not under exclusive EU competence, such as the investment protection provisions and the new Investment Court System. (See Bridges Weekly, [16 February 2017](#))

Officials had initially pushed for an earlier start to the provisional entry into force, suggesting following ratification by the European Parliament and the Canadian legislature that the deal might be applied from July, a deadline already postponed from an anticipated April start date. (See Bridges Weekly, [13 July 2017](#))

### **Rules-based trading system**

Prime Minister May underlined on Monday a mutual commitment by the partners to promote free trade in a manner that "works[s] for everyone, not just the privileged few," addressing recent concerns in response to non-inclusive patterns of economic globalisation.

"The rules-based international system established after World War II is under threat as never before, and we must make sure it can adapt and change to cope with new and emerging powers and the economic realities of globalisation in order to deliver growth and opportunities for all," she said.

She also flagged WTO-related cooperation, telling reporters that "as staunch champions of the power of free trade to grow our economies, Canada and the UK will also work together at the WTO to promote and spread the benefits of free trade."

ICTSD reporting; "Theresa May to pursue trade deal in Canada trip," POLITICO, 17 September 2017; "Theresa May in Canada for post-Brexit trade talks," BBC, 18 September 2017; "Brexit boost for Theresa May as Justin Trudeau promises 'seamless' trade deal," THE INDEPENDENT, 19 September 2017; "4 takeaways from Theresa May's flying visit to Canada," POLITICO, 19 September 2017; "UK wants to copy and paste EU trade deals after Brexit," POLITICO, 30 August 2017.

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## TRADE AGREEMENTS

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# EU-Canada Trade Deal Begins Provisional Application

The Comprehensive Economic and Trade Agreement (CETA) between Europe and Canada is set to start its provisional application on Thursday 21 September, slashing duties on over 98 percent of tariff lines, along with further liberalising services trade and public procurement, among a host of other provisions.

The deal also includes chapters on trade and sustainable development, trade and environment, trade and labour, intellectual property rights, trade remedies, technical barriers to trade, sanitary and phytosanitary measures, and investment, among others, numbering 29 chapters in total.

While around 90 percent of the accord's provisions take effect from today, some areas are still pending ratification at the member state level, including those related to investment protections and the investment court system. The Commission proposed that CETA be submitted to ratification as a "mixed agreement" last year. (See Bridges Weekly, [7 July 2016](#), [16 February 2017](#), and [18 May 2017](#))

"This is a positive signal for the global economy, with the potential to boost economic growth and create jobs. CETA is a modern and progressive agreement, underlining our commitment to free and fair trade based on values," [said](#) EU Trade Commissioner Cecilia Malmström on Wednesday 20 September.

### Investment court, ratification process

While some member states, such as the Czech Republic, Denmark, Latvia, Malta, and Spain, have ratified the agreement, approval by the remaining legislatures is expected to take months or years. Portugal's parliament ratified CETA on Wednesday 20 September, according to a [statement](#) on social media from the EU Trade Commissioner.

Meanwhile, debate is still continuing within the EU over the investment court system that was included in the accord. Domestic lawmakers in some EU member states, including Poland, have reportedly raised questions over the setup of the investment court system, such as its system for appointing judges, as well as its compatibility with European law.

The court system, touted by proponents as an improvement over the previous investor-state dispute settlement (ISDS) model, already sparked controversy during the signing process for CETA last year after concerns were raised by the Belgian regional parliament of Wallonia. The disagreement led to a delay in the signing ceremony, though it was ultimately resolved after officials agreed on a "[joint interpretative instrument](#)" on this and other subjects. (See Bridges Weekly, [3 November 2016](#))

At the time, the Belgian government also reached [an agreement](#) with its regional legislatures to ask for an opinion from the bloc's highest court, the European Court of Justice (ECJ), on whether the investment court included in CETA is in line with EU law. Deputy Prime Minister and Minister of Foreign Affairs Didier Reynders submitted the [official request](#) to the ECJ earlier this month.

"With its request for an opinion, the Kingdom of Belgium hopes to further clarify the legal framework in which CETA has been established, in accordance with the agreements which

pertain to the signing of CETA by Belgium," the document says, after outlining which questions it would like the court to clarify.

The EU-Canada and EU-Vietnam trade accords are the first European agreements to see the investment court system included, as opposed to the previous ISDS mechanism. The ICS in both is meant to serve as a precursor to a future multilateral investment court. How an ECJ ruling might affect those plans remains unclear at this stage.

Earlier this year, the ECJ issued a ruling on the investment provisions of another trade pact, specifically between the EU and Singapore. (See Bridges Weekly, [18 May 2017](#))

The opinion issued by the court at the time outlined which provisions within the accord qualified as falling with the EU's "exclusive competence," versus which ones were of shared or member state competence. Among other findings, it deemed that the ISDS mechanism in the EU-Singapore accord would require member state approval before going forward.

Meanwhile, the European Commission, following President Jean-Claude Juncker's State of the European Union address last week, has now published a proposed [draft mandate](#) for the above-mentioned multilateral investment court. (See Bridges Weekly, [14 September 2017](#))

"The multilateral investment court initiative aims at setting up a framework for the resolution of international investment disputes that is permanent, independent and legitimate; predictable in delivering consistent case-law; allowing for an appeal of decisions; cost-effective; transparent and efficient proceedings and allowing for third party interventions (including for example interested environmental or labour organisations)," the draft mandate says.

An annex explains that the planned court would involve "first instance" and appellate tribunals, with judges to face "stringent requirements regarding their qualifications and impartiality," while limited to single terms of an established duration. It also envisions the possibility of third party submissions, along with steps aimed at ensuring transparency and affordability for smaller companies.

ICTSD reporting; "Poland threatens to block part of EU-Canada trade deal," THE FINANCIAL TIMES, 7 September 2017; "Europe braces for CETA, attacks its legality in top EU court," EURACTIV, 8 September 2017; "Survey shows backing for Austrian leader's criticism of EU-Canada trade deal," REUTERS, 20 September 2016; "Brussels faces fresh crisis over CETA as 100 French MPs take EU-Canada trade deal to court," EXPRESS, 22 February 2017.

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## TRADE AGREEMENTS

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### Chinese, Australian Officials Prepare for Trade Accord Review

Officials are preparing for the upcoming review later this year of certain chapters within the China-Australia Free Trade Agreement (ChAFTA), with ministers from Beijing and Canberra meeting in the Chinese capital late last week to discuss these efforts and other bilateral economic issues.

Ministers [met](#) on 16 September in the context of the Joint Ministerial Economic Commission (JMEC). The event brought together China's Minister of Commerce, Zhong Chan, and Australia's Trade Minister, Steven Ciobo, among other high-level officials. The JMEC negotiating venue is a decades-old platform for the countries' high-ranking officials to discuss next steps for their economic relationship.

#### Updating ChAFTA

During the meeting, ministers confirmed that reviews of ChAFTA's services and investment chapter will kick off by December, though a formal date has not been announced. The intent to upgrade the agreement was [confirmed](#) in late March this year, following the Chinese Premier Li Keqiang's official visit to Australia. (See Bridges Weekly, [30 March 2017](#))

ChAFTA came into effect in December 2015, and has since seen multiple rounds of tariff cuts take place. The accord was lauded by officials at the time for market access gains seen in various agricultural goods, as well as tariff cuts for various manufactured goods and energy products, among other provisions. (See Bridges Weekly, [12 November 2015](#) and [25 June 2015](#))

The [total value](#) of bilateral trade in services in 2015-2016 amounted to A\$13.3 billion (US\$10.7 billion at current exchange rates), mainly imported by China. When ChAFTA was finalised, Australian officials [noted](#) the extensive market access commitments made by Beijing in areas such as manufacturing, construction, tourism, education, mining, and telecommunications, among others.

Meanwhile, Australia is China's third largest destination of overseas investment, with most flows concentrated in such sectors as mining, industrial goods, and agriculture, among others. While ChAFTA did include provisions on investment, officials say that both the services and investment relationships have untapped potential that should be explored.

There is "very much a continuing appetite for Chinese investment in Australia," [said](#) Australian Treasurer Scott Morrison in comments to The Australian. "The sort of extraordinary growth in tourism by Chinese people in Australia is often accompanied by inward investment by the source countries. There can be real synergies," he added.

China and Australia are also a part of broader Asia-Pacific integration initiative, the Regional Comprehensive Economic Partnership (RCEP) agreement. Ministers from RCEP pledged earlier this month to ramp up their negotiating efforts in this area, with another round of talks slated for October. (See Bridges Weekly, [14 September 2017](#))

RCEP is a proposed free trade deal between the 10 members of the Association of Southeast Asian Nations (ASEAN) and the six partner countries which have a free trade agreement with the bloc – Australia, China, India, Japan, South Korea, and New Zealand.

### **E-commerce, infrastructure cooperation**

Aside from ChAFTA, discussions also addressed Australia's potential interest in engaging with China's Belt and Road Initiative, as well as possible options for cooperating on e-commerce.

As one of the deliverables of the meeting, ministers ultimately signed a Memorandum of Understanding on e-commerce, which aims at creating "a framework under JMEC to enhance dialogue and practical cooperation."

"Increasingly issues are emerging in e-commerce around consumer rights, warranties, security and taxation, and these will be addressed through this new dialogue," [said](#) Ciobo in comments to The Australian newspaper regarding e-commerce.

"E-commerce between Australia and China is growing rapidly, with great potential for future growth and innovative collaboration," says the joint ministerial statement.

Infrastructure development in other countries under China's Belt and Road Initiative was also raised, according to the joint ministerial statement. Among the ideas reportedly floated was a "joint taskforce" on infrastructure. Ciobo had attended China's Belt and Road Forum earlier this year in Beijing. (See Bridges Weekly, [18 May 2017](#))

### **Beef, coal discussions**

Australia's concerns about Chinese import curbs from six Australian facilities, along with rumoured import restrictions on the country's coal, were also on the meeting's agenda. Both are [major exports](#) for the Oceanic nation.

Following the economic commission meeting, Ciobo [told](#) The Australian newspaper that discussions with his Chinese counterparts on both items were "very positive."

Six Australian beef processors have been temporarily blocked from importing into China since July, following Chinese inspections which found labelling problems at the plants in question. An Australian government agency has since [undertaken](#) its own review of the plants involved.

"I was reassured that China is working through the report that Australia has provided on the moratorium on beef from the six affected facilities," Ciobo said in the same interview.

Regarding coal, measures to restrict imports have not been formally announced, though have been reported in the media. Ciobo told journalists prior to the meeting that Australian officials "haven't been advised of any restrictions [that have] been put in place," according to a [transcript](#) provided by his office.

After the discussions, Ciobo told The Australian that China "is undertaking an ongoing rationalisation of excess capacity in both steel and coal production." However, whether the concerns had been resolved was not publicly confirmed.

ICTSD reporting; "China talks will iron out irritants: Steven Ciobo," THE AUSTRALIAN BUSINESS REVIEW, 18 September 2017; "Political talks held but China beef ban remains," NORTH QUEENSLAND REGISTER, 19 September 2017; "China, Australia to prepare for FTA upgrade talks: ministry," XINHUA, 7 April 2017.



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## EVENTS & RESOURCES

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# Events

### Coming Soon

22 September, New York, US. DISCIPLINING FOSSIL FUEL SUBSIDIES FOR CLIMATE MITIGATION AND SDGs: A JOB FOR THE TRADE SYSTEM? This event is being jointly organised by the International Centre for Trade and Sustainable Development (ICTSD), the Guarini Center, and the Institute of International Law and Justice (IJIL) of the New York University (NYU) School of Law. It will look at the relationship between fossil fuel subsidies, climate change, and the international trading system, examining the potential role of the WTO in disciplining such subsidies. To learn more, please visit the ICTSD [website](#).

25 September, Geneva, Switzerland. ACTION GROUP MEETING - GENDER & TRADE POLICIES AND AGREEMENTS. This meeting is being convened by the International Centre for Trade and Sustainable Development (ICTSD) with the support of the World Trade Organization. ICTSD's action group on gender and trade policies will look at designing trade agreements and policies in a gender-sensitive way can support the achievement of sustainable development objectives. Please note that the event is by invitation only. To learn more, please visit the ICTSD [website](#).

25-27 September, Seoul, South Korea. INTERNATIONAL SEMINAR ON OPEN DATA FOR THE SUSTAINABLE DEVELOPMENT GOALS. This seminar is being organised jointly by the UN Statistics Division (UNSD) and Statistics Korea (KOSTAT), with a focus on how "Open Data" projects can facilitate efforts to achieve the 2030 Agenda for Sustainable Development. The objective of this seminar is to provide best practices and recommendations for policymakers and other stakeholders to use going forward. More information available at the following [website](#).

25-27 September, Geneva, Switzerland. TRADE FOR SUSTAINABLE DEVELOPMENT FORUM 2017. This annual event by the International Trade Centre (ITC) will examine the topics of voluntary sustainability standards and sustainable value chains, looking specifically at partnerships and other collaboration in this field. To learn more, visit the ITC [website](#).

26 September, London, UK. UNDERSTANDING OPPORTUNITIES IN EMERGING MARKETS. This Chatham House event will involve a panel discussion on different country groupings, such as the BRICS, made up of Brazil, Russia, India, China, and South Africa. The discussion will examine the long-term potential of such economic and geopolitical coalitions, as well as the implications for investment. To learn more, please visit the Chatham House [website](#).

26-28 September, Geneva, Switzerland. WTO PUBLIC FORUM 2017: "TRADE: BEHIND THE HEADLINES." This year's edition of the WTO's outreach event will have as its theme "Trade: Behind the Headlines." The meeting will look at the real-life implications of trade, as opposed to rhetoric, and will also examine how trade can support the 2030 Agenda for Sustainable Development and related issues. To learn more, visit the WTO [website](#).

26 September, Geneva, Switzerland. THE ROLE OF SDGs IN SETTING THE TRADE AGENDA: TOWARDS BUENOS AIRES AND BEYOND. This event is being organised by the International Centre for Trade and Sustainable Development (ICTSD) during the WTO's Public Forum. It examines the linkages that can be made between the Sustainable Development Goals (SDGs) framework and the WTO negotiations, both in the short and medium-term. To learn more, please visit the ICTSD [website](#).



26 September, Geneva, Switzerland. FISHERIES SUBSIDIES: FROM NEW YORK UN OCEAN CONFERENCE TO BUENOS AIRES MC11. WILL THE WTO DELIVER ON SDG TARGET 14.6? This event is being organised by the International Centre for Trade and Sustainable Development (ICTSD), BLOOM, and the Varda Group during the WTO's Public Forum. The session will look back at the UN Ocean Conference from earlier this year, examining how it may affect the ongoing WTO negotiations for fisheries subsidy disciplines. To learn more, please visit the ICTSD [website](#).

26 September, Geneva, Switzerland. FACILITATING INVESTMENT FOR SUSTAINABLE DEVELOPMENT. This event is being organised by the International Centre for Trade and Sustainable Development (ICTSD), the World Economic Forum (WEF), and the Government of the Netherlands. It will examine how investment facilitation can support sustainable development, along with reviewing related examples in practice. More information is available at the ICTSD [website](#).

27 September, Geneva, Switzerland. TRADE AND SUSTAINABLE DEVELOPMENT SYMPOSIUM 2017 LAUNCH. This event is being organised by the International Centre for Trade and Sustainable Development (ICTSD) during the WTO Public Forum. It will serve as the official launch event for the upcoming Trade and Sustainable Development Symposium (TSDS), the biennial ICTSD event held alongside the WTO Ministerial Conference. To learn more about the launch, please visit the ICTSD [website](#).

27 September, Geneva, Switzerland. DRIVING INCLUSIVE GROWTH AND ENHANCING INTRA-AFRICAN TRADE THROUGH SERVICE SECTOR DEVELOPMENT. This event is being organised by the International Centre for Trade and Sustainable Development (ICTSD) and North-West University during the WTO Public Forum. The session will look at various dimensions of services trade in relation to value chains, structural transformation, and gender equality. More information about the event is available [here](#).

27 September, Geneva, Switzerland. ENSURE SUSTAINABLE PRODUCTION AND CONSUMPTION (SDG 12): WHAT ROLE FOR TRADE? This event is hosted by the International Centre for Trade and Sustainable Development (ICTSD) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) during the WTO Public Forum. The meeting will examine how trade can play a part in achieving Sustainable Development Goal (SDG) 12, as well as prospects for policy cooperation on private standards. For event details, please visit the ICTSD [website](#).

27 September, Geneva, Switzerland. FROM THE G20 HAMBURG SUMMIT TO MC11 IN BUENOS AIRES: SMOOTH PATH OR BUMPY ROAD? This session is being organised by the International Centre for Trade and Sustainable Development (ICTSD), the German Development Institute (DIE), and the Consejo Argentino para las Relaciones Internacionales (CARI) during the WTO Public Forum. The event will examine the G20 process, priorities, and outcomes, from the recent German presidency to the incoming Argentine one, and look at the potential linkages with the WTO negotiations and the 2030 Agenda on Sustainable Development. More information about the session can be found [here](#).

28 September, Geneva, Switzerland. DIGITAL TRADE RULES AND SMEs: MUCH TO GAIN. This event is being organised by Nextrade Group and the International Centre for Trade and Sustainable Development (ICTSD) during the WTO's Public Forum. This session will examine the potential for a digital trade agenda for small and medium-sized enterprises (SMEs), both in the WTO context and elsewhere, and what lessons can be garnered from the current business landscape. To learn more about the session, please visit the ICTSD [website](#).

28 September, Geneva, Switzerland. GLOBAL VALUE CHAINS: POTENTIAL FOR NEW GROWTH AND INCLUSION FOR LDCs AND LICs. This session is being organised by the International Centre for Trade and Sustainable Development (ICTSD) and the University of Cape Town (PRISM) during the WTO Public Forum. ICTSD and PRISM will be discussing their

research on global value chains and their implications in relation to the Sustainable Development Goals. For session details, please visit the ICTSD [website](#).

28 September, Geneva, Switzerland. GENDER AND TRADE POLICY: FOSTERING A VIRTUOUS CIRCLE. This event is being organised by the International Centre for Trade and Sustainable Development (ICTSD) and TradeMark East Africa during the WTO Public Forum. This session will focus on international trade policies and agreements' effect on gender equity, and how improving such equity can yield strong benefits for economic growth prospects. For event details, please visit the ICTSD [website](#).

### 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.

22 September: Trade Policy Review Body – Paraguay

22 September: Informal Committee on Market Access

22 September: Committee on Market Access

22 September: Dispute Settlement Body

25 September: Committee on Budget, Finance, and Administration

25 September: UN Comtrade Data Fair

26-28 September: WTO: Public Forum "Trade: Behind the Headlines"

26-29 September: Informal Open-Ended Negotiating Group on Rules

### Other Upcoming Events

29 September, Geneva, Switzerland. DISCIPLINING FOSSIL FUEL SUBSIDIES - TRADE POLICY OPTIONS TO CLIMATE MITIGATION AND TO SDGs. This workshop, organised by the International Centre for Trade and Sustainable Development (ICTSD) will look at possible lessons that the WTO negotiations in various areas can provide for efforts to phase out fossil fuel subsidies. The event is being implemented in cooperation with the World Economic Forum. To learn more, please visit the ICTSD [website](#).

Present-15 October, online. TSDS BRIDGES WRITING COMPETITION. The International Centre for Trade and Sustainable Development (ICTSD) is holding its second Bridges Writing Competition as part of its Trade and Sustainable Development Symposium (TSDS) this December in Buenos Aires, Argentina. The competition is open to all current university students, with the essay topic focusing on the trade and sustainable development agenda. Please note that the submission deadline is 15 October 2017. To learn more about specific topic requirements, submission procedures, prizes, and eligibility, visit the TSDS [website](#).

11-13 December, Buenos Aires, Argentina. TRADE AND SUSTAINABLE DEVELOPMENT SYMPOSIUM (TSDS). This biennial event is being organised by the International Centre for Trade and Sustainable Development (ICTSD) in collaboration with select strategic partners, in parallel with the WTO's Eleventh Ministerial Conference. A dedicated website to the TSDS is now live, with information on how to register; the event's format; and other relevant details. More information will be made available at the TSDS [website](#) closer to the date.

14 December, Buenos Aires, Argentina. FORUM ON MIGRATION, TRADE, AND THE GLOBAL ECONOMY. The International Centre for Trade and Sustainable Development (ICTSD) and the Fundación Foro del Sur will be holding the Forum on Migration, Trade, and the Global Economy in Buenos Aires, Argentina. As part of the event, they have a “call for papers” underway. An announcement regarding selected abstracts will be made by 25 September 2017, with the deadline for paper submissions being 23 October 2017. Papers will be distributed and discussed at the forum itself in December. To learn more about submission requirements, key dates in the process, and the forum itself, please visit the ICTSD [website](#).

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## Resources

**LEVERAGING THE SERVICES SECTOR FOR INCLUSIVE VALUE CHAINS IN DEVELOPING COUNTRIES.** By Judith Fessehaie for the International Centre for Trade and Sustainable Development (ICTSD) (September 2017). This paper examines many of the interlinkages between services, value chains, and sustainable development, along with providing related recommendations for achieving sustainable development objectives. This paper is available for download on the ICTSD [website](#).

**PHASING OUT FOSSIL FUEL SUBSIDIES IN THE G20: PROGRESS, CHALLENGES, AND WAYS FORWARD.** By Henok Birhanu Asmelash for the International Centre for Trade and Sustainable Development (ICTSD) (September 2017). This paper reviews the state of play in the efforts to phase out fossil fuel subsidies, particularly given past G20 commitments in this area. The author also includes recommendations for G20 policymakers, specifically built around trade. This paper is available for download on the ICTSD [website](#).

**SHARED STOCKS AND FISHERIES SUBSIDIES DISCIPLINES: DEFINITIONS, CATCHES, AND REVENUES.** By Rashid Sumaila for the International Centre for Trade and Sustainable Development (September 2017). This information note focuses specifically on shared and non-fish stocks, looking at how these are defined in academic literature and what this could mean for understanding fisheries subsidies and related WTO negotiations to discipline such support. This note is available for download on the ICTSD [website](#).

**PREDICTIONS ON HOW NAFTA TALKS WILL GO.** By Gary Claude Hufbauer, Euijin Jung, and Melina Kolb for the Peterson Institute for International Economics (August 2017). This piece sets out possible scenarios for the ongoing negotiations to modernise the North American Free Trade Agreement (NAFTA), building off an earlier blog post. It also outlines what challenges could complicate each scenario. This article is available [online](#).

**WHY CHINA IS CURBING OUTBOUND DIRECT INVESTMENT.** By Zixuan Huang and Heiwai Tang for the Peterson Institute for International Economics and the John Hopkins School of Advanced International Studies (August 2017). This article looks at China's direct investment both involving state-owned and private actors, along with the implications for the domestic banking and financial system. This article is available [online](#).

**THE STATE OF FOOD SECURITY AND NUTRITION IN THE WORLD 2017: BUILDING RESILIENCE FOR PEACE AND FOOD SECURITY.** Published by the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the International Fund for Agriculture Development (IFAD), and the World Food Programme (WFP) (September 2017). This annual report examines the efforts towards addressing hunger and malnutrition, particularly in light of the Sustainable Development Goals (SDGs), providing updated estimates on food insecurity. It also looks at the implications for food insecurity for conflicts and unrest. This report is available [online](#).

**TRADE AND DEVELOPMENT REPORT 2017.** Published by the United Nations Conference on Trade and Development (UNCTAD) (September 2017). This report calls for boosting investment on a global scale, arguing that doing so could help support sustainable development objectives. It also looks at a host of related topics, including resource mobilisation and technology. This report is available for download at the UNCTAD [website](#).

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