

BRIDGES WEEKLY

Global trade news from a sustainable development perspective

VOLUME 21, ISSUE 32, 5 OCTOBER 2017

TRADE AGREEMENTS

NAFTA Negotiators Report Progress, Warn of Challenging Road Ahead1

FISHERIES

WTO Fisheries Negotiators Weigh Next Steps as Clock Counts Down to Ministerial4

GLOBAL ECONOMY

Fourth Round of EU-UK Talks Conclude, Divergences in Key Areas Remain6

TRADE AGREEMENTS

EU Commission: Indonesia Trade Talks Advance to Text-Based Phase9

AGRICULTURE

Sugar Surge to Dampen Prices as EU Scraps Production Quotas11

INTELLECTUAL PROPERTY

Changing Intellectual Property Landscape Underscored as WIPO Assemblies Open13

EVENTS & RESOURCES

Events15
Resources17

TRADE AGREEMENTS

NAFTA Negotiators Report Progress, Warn of Challenging Road Ahead

Ministers from Canada, Mexico, and the United States announced last week that they have made steady progress in their latest negotiating round on modernising the North American Free Trade Agreement (NAFTA), and are set to reconvene next week in Washington to continue negotiating.

The 11-15 October round will come just one fortnight after officials wrapped up their third negotiating round in Ottawa, Canada. At that gathering, ministers announced that the three parties have now effectively wrapped up the chapter on small and medium-sized enterprises (SMEs), with just a few items remaining.

They also confirmed that they plan to finish up talks on the competition policy chapter before they meet in Washington.

"Negotiators are now working from consolidated texts in most areas, demonstrating a commitment from all parties to advance discussions in the near term," said a [trilateral statement](#) from the three countries.

They also confirmed that there had been a first exchange of market access offers in public procurement, along with citing progress in various areas, including customs and trade facilitation, digital trade, and good regulatory practices. Ministers did not specify what those chapters entail in detail.

Canadian Foreign Minister Chrystia Freeland also said that discussions were held on her country's proposal for a chapter on gender and trade, as well as a concept paper on an indigenous people's chapter – both of which she had announced previously as key areas of interest for Ottawa. (See Bridges Weekly, [14 September 2017](#))

"These have been a very productive past five days. Our negotiators met across 28 tables and they were working to identify and consolidate common ground," said Freeland last week.

Officials have previously confirmed that they plan to hold seven negotiating rounds before year's end, including the ones held to date, with the hopes of wrapping up the talks through this "accelerated timeframe" before 2018.

"Our timelines are very ambitious. Negotiators from all three countries are working at an accelerated pace," Freeland said. "Our priority is to get to an agreement that is win-win-win. NAFTA is 23 years old. A thorough update was overdue."

Ministers generally affirmed, however, that the challenging parts of the NAFTA negotiations are yet to come, even with the progress seen in the third round. Officials have noted, for example, that tough areas like rules of origin for major products such as automobiles, and dispute resolution between investors and governments as well as for trade remedies, are likely to take longer to resolve.

"As negotiations move forward, it is important that we have the will to table positions that encourage constructive discussions and programmatic solutions. For the next round in Washington, DC, we will have substantial challenges to overcome," Mexican Economy Secretary Ildefonso Guajardo Villareal [told reporters](#) last week.

Measuring trade benefits

Amid the reports of progress, the public debate over how to quantify NAFTA's benefits also continued, as all three ministers made references either to competitiveness, trade deficits and surpluses, and reciprocity in their statements to reporters.

US Trade Representative Robert Lighthizer told reporters that slashing the trade deficit remains key for Washington going forward.

"Of course, there is an enormous work still to be done, including some very difficult and contentious issues. We continue to push for ways that will reduce the US trade deficit. We are committed to a substantial renegotiation that reinvigorates US industry and ensures reciprocal market access for American farmers, ranchers, and businesses," said Lighthizer.

The US trade chief, as well as President Donald Trump, have both said repeatedly that one of the administration's priorities in trade negotiations will be lowering trade deficits, along with trade enforcement and ensuring a level playing field for American producers.

However, the Canadian foreign minister outlined in her remarks a series of sectors where the United States already has a trade surplus over Canada.

"I cite these statistics not because we believe trade surpluses or deficits are a good measure of the success or failure of a trade deal, but to stress that our trade with the United States is reciprocal, mutually beneficial, and nearly perfectly balanced," said Freeland.

The Canadian official also held up the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which took provisional effect last week, as an example of the high bar that should be met or surpassed in NAFTA, along with calling for a final deal to include "robust labour standards, environmental protection, and social justice."

Guajardo similarly commented that competitiveness and freer trade are key for Mexico, telling reporters that his side "will be open to new ideas, but it must be clear that Mexico has the firm decision of increasing our competitiveness and create new business and investment opportunities for our citizens."

"We don't want to restrict any possibilities to create wealth and trade," he said.

Bombardier spat

Bilateral tensions on non-NAFTA topics also flared up last week between the US and Canada, after the US Commerce Department [announced](#) on 26 September that it would be issuing orders to collect preliminary countervailing duties on certain Canadian-made planes, with a final determination due in mid-December.

Countervailing duties are meant to counter instances of unfair state aid by foreign governments to their country's producers.

The US federal agency announced that its preliminary subsidy rates for Bombardier, the Canadian aerospace giant, were found to be 219.63 percent, with the same rate for all other producers. The planes involved can hold between 100 to 150 passengers, though the agency noted that the imports in question have yet to enter the United States.

The news came just one day before the end of the third round, and stoked concerns that it could affect the pace or tone of the talks.

However, Lighthizer said that the issue would not have implications for the NAFTA talks, according to comments reported by the Reuters news agency. Freeland, meanwhile, told reporters that the Commerce Department ruling was "unjust" and "punitive."

An anti-dumping investigation on Canadian civil aircraft is also underway. Dumping refers to instances where goods are sold abroad at prices below their normal value, or "dumped."

ICTSD reporting; "U.S. trade envoy says Bombardier dispute with Canada does impact relations," REUTERS, 27 September 2017; "Negotiators weigh NAFTA progress as Canada fumes over Bombardier," REUTERS, 27 September 2017.

FISHERIES

WTO Fisheries Negotiators Weigh Next Steps as Clock Counts Down to Ministerial

Trade negotiators are engaged in intense discussions over how to develop new disciplines on harmful fisheries subsidies, with many issues left to clarify and resolve in the two remaining months until the WTO's ministerial conference in Buenos Aires, Argentina.

Officials in Geneva have held two sets of meetings under the "rules negotiating group" this month, picking up their discussions after the global trade club's annual August hiatus. Negotiators are aiming to clinch a deal for ministers to endorse in Buenos Aires, with the ministerial scheduled for 10-13 December.

Among the issues they have been examining are how to address subsidies related to overfished stocks, overcapacity of fishing fleets, and illegal, unreported, and unregulated (IUU) fishing. They have also been weighing how to address the needs of developing and least developed country members, such as by providing them additional support or time to implement the new rules or by incorporating some flexibility into some of the bans themselves.

While the fisheries negotiations are far from new, they have been given additional impetus thanks to the UN's Sustainable Development Goals (SDGs), which includes a specific target to "prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies." (See Bridges Weekly, [4 May 2017](#))

That same target, known as SDG 14.6, also sets a deadline of 2020 for the achievement of these objectives, and refers to the importance of negotiating "appropriate and effective special and differential treatment" for the WTO's poorest members. The SDGs were adopted by consensus at a United Nations summit in late 2015, as part of the overall 2030 Agenda for Sustainable Development.

Worrisome data about the state of fish stocks has also been a factor. According to a [UN report](#) on SDG-related progress, "the proportion of world marine fish stocks within biologically sustainable levels has declined from 90 percent in 1974 to 68.6 percent in 2013" – a situation that experts say has significant environmental and food security implications.

Reviewing the matrix

Before the August break, the negotiating group's chair Ambassador Wayne McCook of Jamaica had circulated a [matrix document](#) collating the various proposals tabled to date.

These seven proposals are from New Zealand, Iceland, and Pakistan; the European Union; Indonesia; the African, Caribbean, and Pacific (ACP) Group; Argentina, Colombia, Costa Rica, Panama, Peru, and Uruguay; the Least Developed Country (LDC) Group; and Norway. (See Bridges Weekly, [20 July 2017](#))

The matrix was designed to facilitate the autumn discussions, allowing members the chance to see the areas where there is closer alignment, along with those that will require further definition or negotiation.

Earlier this month, negotiators had met to review the first part of the matrix, which deals with the proposed “general provisions” of a future agreement. This area includes, for example, different proposed versions of the agreement’s preamble, many of which refer explicitly to the role of the 2030 Agenda and/or SDG 14.6.

The general provisions section also addresses definitions to use in a final accord, such as whether and how to define overcapacity and IUU fishing; subsistence, small-scale, and artisanal fishing; and overfished stocks, among various other terms.

Furthermore, the matrix also sets out side by side the different proposals on what types of fisheries subsidies – such as those provided for disaster relief, or to support fisheries management – should not be covered by the planned prohibitions.

Preparing for text-based talks

After their initial meeting to review the “general provisions” part of the document, negotiators reconvened last week from 27-29 September for additional matrix-focused discussions.

Negotiators grappled with a range of technical questions, including how prohibitions on subsidies that support IUU fishing, and on subsidies related to overfished stocks, could work, and on understanding, defining, and measuring overcapacity, according to a Geneva trade official. Sources say that the level of technical complexity is likely to make the coming talks challenging, as members prepare to make the final political trade-offs to clinch a deal.

Notably, both the US and India also aired their views last week on specific aspects of the proposals raised to date, having previously said that internal transitions were preventing them from giving detailed reactions.

While neither Washington nor New Delhi put forward texts, the US clarified its views on the proposed subsidy bans themselves, arguing in favour of a stringent ban on subsidies relating to overfished stocks. Meanwhile, India’s position focused more on addressing possible flexibilities, such as limiting overcapacity and overfishing subsidy bans to areas outside a country’s territorial waters and thus avoid having to create an exception for smaller fishers. That suggestion reportedly drew interest at last week’s meeting.

According to a Geneva trade official, proponents of the seven proposals included in the matrix are now looking to compile their proposals into a single text to serve as a basis for negotiation.

The rules negotiating group is set to meet again this Friday to address other areas of the matrix. That meeting comes just days before a planned WTO “mini-ministerial” in Marrakesh, Morocco, that officials across different WTO negotiating groups are looking to for clarity and political direction on what areas are priorities for ministerial outcomes.

ICTSD reporting.

GLOBAL ECONOMY

Fourth Round of EU-UK Talks Conclude, Divergences in Key Areas Remain

The United Kingdom's Secretary of State for Exiting the European Union David Davis and the European Chief Negotiator for Brexit Michel Barnier both acknowledged a more positive tone during the fourth round of Brexit negotiations which concluded last week. Barnier however signalled a lack of substantive progress in key areas of the withdrawal discussions.

The talks followed a speech delivered by UK Prime Minister Theresa May in Florence earlier this month, in which she suggested determining a new type of future economic partnership and requested a two-year Brexit transition period. (See Bridges Weekly, [28 September 2017](#))

"After four rounds, when I look across the full range of issues to do with our withdrawal from the EU, I am clear that we have made considerable progress on the issues that matter," [said](#) Davis in his closing remarks following the talks in Brussels.

"We managed to create clarity on some points," [commented](#) Davis's European counterpart Barnier, referring to the results of the fourth round of negotiations. "On others, however, more work remains to be done. We are not there yet."

The official talks covering the UK's exit from the EU started in June 2017, two months after the British government invoked Article 50 of the EU Treaty, which sets out the provisions for exiting the union. The mechanism provides for two years to reach an agreement, with the UK scheduled to leave on 29 March 2019, unless an extension is agreed by all parties.

A phased approach to negotiations

Following the UK's notification of withdrawal in March, European Council President Donald Tusk outlined the draft negotiating guidelines for the 27 EU member states. The EU view assumes a two-phase process, in which both sides first agree on divorce issues before proceeding to broader negotiations on the future relationship. (See Bridges Weekly, [6 April 2017](#))

The divorce issues seen as a priority for Brussels in the current phase of negotiations are citizens' rights, a financial settlement or Brexit bill, and the Northern Ireland border.

"Once, and only once we have achieved sufficient progress on the withdrawal, can we discuss the framework for our future relationship. Starting parallel talks on all issues at the same time, as suggested by some in the UK, will not happen," [said](#) Tusk in his remarks on Brexit negotiations immediately after the UK notification.

Regarding the rights of EU citizens in the UK and British citizens in Europe, Davis [reported](#) at the end of the fourth round of talks that both parties agreed on "most of the aspects of social security coordination." He also acknowledged that "a major question remains open between us – it relates to the enforcement of citizens' rights after we leave the European Union."

Barnier, for his part, [stated](#) that the parties had agreed "to guarantee – for the citizens concerned – that the UK will apply EU law concepts in a manner that is consistent with EU law after Brexit. But we failed to agree that the European Court of Justice must play an indispensable role in ensuring this consistency. This is a stumbling block for the EU."

The UK's Department for Exiting the European Union subsequently [released](#) a document mapping areas of convergence in EU-UK positions on topics related to the rights of citizens.

Commenting on discussions surrounding the financial settlement, both parties held to the position laid out in Theresa May's Florence speech, suggesting that the UK will "honour commitments" taken during its membership.

"We are not yet at the stage of specifying exactly what these commitments are. That will need to come later," [said](#) Davis.

The position in Brussels is that no member state should pay more or receive less due to Brexit. In a speech addressed to EU lawmakers in Strasbourg on Tuesday in the lead-up to a vote on the talks, Barnier warned of "serious divergences" over the financial settlement.

The outcome of the non-binding vote saw 557 out of 751 MEPs favour a delay in opening discussions on trade relations, with the next round of Brexit negotiations set to commence on 9 October.

On Ireland – the third area of focus in the divorce phase of Brexit negotiations – both parties recognised the uniqueness of the situation and the need to uphold the principles of the Good Friday Agreement. "Any solution will need to be fully informed by the special circumstances on the island of Ireland," [reaffirmed](#) Barnier.

Future trade relations

On 19-20 October, leaders from all 28 member states will meet at a [summit](#) where Brexit will be on the agenda alongside other important items. If the 27 EU countries involved in negotiations with the UK agree that sufficient progress has been achieved on divorce issues, negotiations over the future relationship and a transition period could be triggered – as hoped by Britain.

The UK has stated its intention to leave the European customs union after Brexit and become a legally separate customs territory. It remains unclear what this will imply in terms of institutional arrangements.

The official position paper on future customs arrangements [released](#) by the UK government suggests two alternatives: a "streamlined customs arrangement" and a "new customs partnership." The UK Trade Policy observatory (UKTPO), a think tank on UK trade relations, reacted to these options.

"This is extremely ambitious, to say the least," says Peter Holmes, UKTPO fellow, in an online [article](#). "It is not impossible, but it effectively means negotiating the most complex customs union that exists outside the EU for a three-year interim period and then getting rid of it. And, crucially, relies on the EU accepting the proposal."

In her Florence speech, Prime Minister May outlined a new transition plan involving an interim deal in which business conditions remain unchanged until the end of the "implementation" period. (See Bridges Weekly, [28 September 2017](#))

Besides hammering out a deal with the EU, the UK also faces the challenge of reaching formal arrangements with over 50 countries with which the bloc currently has trade agreements.

"If the UK leaves the EU without any agreement with these countries all this trade could be negatively affected as the UK would have no legal option but to switch to trading on less advantageous market access conditions," [argue](#) UKTPO experts.

Preliminary deal at the WTO

In another development – technically distinct from the formal Brexit negotiations – the Financial Times [reported](#) this week that the EU and UK had agreed to a preliminary deal on WTO quotas.

A joint letter from European and British negotiators to EU capitals says that the “EU and UK intend to maintain the existing levels of market access available to other WTO members. Both the UK and the EU would like to reassure our WTO partners that we will strive to minimise disruption.”

ICTSD reporting; “Boost for Pound Sterling Outlook as 4th Round of Brexit Negotiations Confirm Progress is Finally Being Made,” POUNDSTERLING LIVE, 29 September 2017; “Brexit negotiations are at a stalemate over the divorce bill,” BUSINESS INSIDER, 26 September 2017; “Barnier: UK has not made ‘sufficient progress’ in Brexit talks,” FINANCIAL TIMES, 03 October 2017.

TRADE AGREEMENTS

EU Commission: Indonesia Trade Talks Advance to Text-Based Phase

Talks between the EU and Indonesia for a free trade accord have advanced to “text-based” negotiations in the majority of areas under consideration, according to a report published by the European Commission late last week.

The EU's executive branch released an [update](#) on this third negotiating round on Friday 29 September, with the talks themselves taking place from 11-15 September in Brussels, Belgium. Negotiators are set to reconvene in Indonesia next year.

The two sides announced just over one year ago their plans to launch trade talks, and EU Trade Commissioner Cecilia Malmström said in March that the planned deal will play a key role in the future engagement between the regions. (See Bridges Weekly, [21 July 2016](#) and [2 February 2017](#))

According to [EU statistics](#), the two trading partners currently exchange €25 billion in merchandise trade alone, and the 28-nation bloc is a major source of foreign investment in the Asian archipelago. A bilateral accord between them would cover a market of over 750 million people.

Text-based discussions, plans for market access offers

According to the European Commission, the latest negotiating round saw parties address a host of areas, including government procurement, investment, trade remedies, geographical indications, technical barriers to trade (TBT), and competition policy.

Under the customs and trade facilitation chapter, negotiators signed off on articles involving post-clearance audit and customs brokers, based on texts put forward by the [EU](#) and Indonesia over the past several months. Competition policy discussions are also very advanced, according to the EU's executive branch.

Nevertheless, the EU's report cited differences in areas such as export duties and remanufactured goods, both of which were raised in the discussions around the bloc's proposed chapter on goods trade. Other topics requiring more work to reach common ground include energy and raw materials, along with how to address state-owned enterprises.

The EU's proposal for an Investment Court System (ICS), which is a feature that the bloc has been advocating in its more recent trade deals as an alternative to the past investor-state dispute settlement mechanism, also came up in this month's discussions. The report notes, however, that reaching agreement in this area will require more work in the coming rounds.

The planned TBT chapter is one of the various areas which saw detailed discussions at the latest round, with a focus on the proposed EU text and suggested alternative language put forward by Jakarta in some areas, such as on its goals for that chapter.

Both parties are also weighing the next steps for a chapter on trade and sustainable development, discussing which environmental and labour issues could form the basis of a final text. The EU tabled a [proposed text](#) on these issues in May.

Regarding market access, the two sides are aiming to exchange a first set of offers in goods at their next meeting, though offers in services, investment, and public procurement are not yet expected at this stage.

Region-to-region accord

Indonesia is one of the 10 members of the Association of Southeast Asian Nations (ASEAN), a coalition of countries that together comprise over 600 million people, along with covering a market of over US\$6 trillion. The group has been progressively working to deepen the economic ties between them, including through the establishment of the ASEAN Economic Community, and through trade deals with various partners.

The EU and ASEAN have previously explored the option of negotiating a sweeping trade accord between the two respective regions. While the approach has since shifted to the negotiation of bilateral deals between the EU and individual ASEAN members, earlier this year the two sides indicated that they hope to resume the region-to-region trade talks. (See Bridges Weekly, [16 March 2017](#))

Officials say that the two regions have significant untapped potential when it comes to economic cooperation, with Violeta Bulc, the EU Commissioner for Transport, stating in a September [op-ed](#) in the Myanmar Times that connectivity, including through infrastructure, is one of the EU's priorities in its ASEAN-related engagement.

Business leaders from both sides, under the EU-ASEAN Business Council (EU-ABC), also called for the acceleration of trade talks in a [survey](#) released last month, suggesting that failure to do so would create economic disadvantages.

"More than four-fifths (88 percent) of European companies believe the EU should pursue a region-to-region Free Trade Agreement (FTA) with ASEAN, a significant increase on the 66 percent surveyed in 2016, and more than half (55 percent) feel they are at a disadvantage in ASEAN without an EU-ASEAN FTA," the survey said.

The EU has already negotiated trade agreements with Singapore and Vietnam, though these have yet to enter into force. The bloc has also launched negotiations with the Philippines, Thailand, and Malaysia. The other ASEAN members are Brunei, Cambodia, Laos, and Myanmar.

ICTSD reporting; "ASEAN and EU must improve connectivity," MYANMAR TIMES, 27 September 2017.

AGRICULTURE

Sugar Surge to Dampen Prices as EU Scraps Production Quotas

The EU has scrapped domestic production quotas for sugar, in a long-awaited move which analysts say is set to boost the bloc's output and dampen global prices.

The reform, which was implemented on 30 September, will remove limits on the volume of sugar that EU beet growers can produce. It was first agreed four years ago as part of a bigger package of measures which the European Commission said was aimed at improving environmental sustainability and the market orientation of EU farming. (See Bridges Weekly, [27 June 2013](#))

However, the shift in policy will mean fiercer competition for countries in tropical regions that produce sugar cane. While Brazil, India, and Thailand are the biggest producers, many African, Caribbean and Pacific countries also grow the crop and export sugar – including through preferential market access arrangements to the EU.

"The end of the quota system represents an important turning point for our European sugar sector and marks another important step in the market orientation of the Common Agricultural Policy," said Phil Hogan, EU Commissioner for Agriculture and Rural Development, in a [statement](#).

Hogan also said he was confident that the EU sugar industry had taken steps to adjust since the reform was first announced.

A flooded market

"The market will be a bit flooded," said Jean Luc Mastaki, Senior Economist at the UN Food and Agriculture Organization, in comments to Bridges.

Mastaki said that France, Belgium, Germany, and Poland were among the countries with the capacity to increase sugar beet production in the wake of the move, which could almost double for some producers.

The increased competition could hit some developing countries harder than others, though, he said – with African countries that have integrated in regional trade blocs, such as Swaziland, potentially less vulnerable than small island nations in the Pacific or Caribbean which remain heavily dependent on sugar exports to the EU market.

Competitive sugar exporters in other regions meanwhile remain concerned that the EU sugar market remains highly protected.

"Global sugar producers are effectively locked out of the European market," argued Géraldine Kutas, head of international affairs at the Brazilian sugarcane industry association UNICA, in an online [article](#) on Monday.

Kutas said that exporters without preferential access faced an import tariff of €339 a tonne at current international prices.

Sugar, ethanol, and grains

With many countries converting part of their sugar output into ethanol for use in cars, a complex relationship exists between energy markets and agriculture, analysts said.

For decades, Brazilian sugar production has helped fuel its fleet of flexible-fuel cars – with the US more recently also moving to convert part of its maize harvest into ethanol as well. With oil prices currently low, demand for sugar as a biofuel feedstock has been weaker. But a drop in sugar prices combined with upward movement in the price of oil could see more sugar diverted towards the energy sector, Mastaki said.

Analysts pointed out that, in the EU, farmers' production decisions would also depend on price movements for other temperate crops that are produced in areas where sugar beet grows well.

"When we say beet growers, we actually mean arable farmers that grow sugar beets," noted Rabobank analyst Ruud Schers, in an [article](#) posted online.

Schers said that prices for crops such as wheat, barley, and rapeseed could ultimately also affect sugar markets, by influencing farmers' land use decisions.

ICTSD reporting.

INTELLECTUAL PROPERTY

Changing Intellectual Property Landscape Underscored as WIPO Assemblies Open

The fifty-seventh series of the annual World Intellectual Property Organization (WIPO) Assemblies kicked off this week at the UN agency's Geneva headquarters from 2-11 October. The 10-day meetings will give WIPO delegations the opportunity to take stock of progress and chart a future path for the organisation's work.

Remarks by WIPO director general

In his opening remarks, WIPO Director General Francis Gurry pointed to the accelerating rate of innovation as a force decisive in shaping future policy directions for the organisation.

Innovation "lies at the heart of the mission of intellectual property," [said](#) Gurry. "Innovation has become a central element of the economic and industrial strategies of a wide spectrum of countries, not just the most advanced technologically."

Referring to WIPO's mandate, he further added that innovation's "fundamental importance has been recognized in the Sustainable Development Goals (SDGs) in SDG 9. As a capacity and a strategy that applies to all sectors of the economy and society (...) innovation provides an opportunity for the Organization to contribute to all the SDGs," he added.

Dwelling on the fundamental technological changes of recent decades, Gurry noted "the rapidly developing area of big data, the Internet of Things and artificial intelligence" and their implications and multifaceted dimensions, "many of which lie well beyond the focus of intellectual property."

With respect to the intellectual property system and how it is performing in this area, he concluded by stating that many questions remain open and that "our knowledge base is only just developing."

IGC work programme

Delegates are expected to discuss whether to extend the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), tasked with negotiating the text for an international legal instrument(s) to protect traditional knowledge (TK), traditional cultural expressions (TCEs), and genetic resources. (see Bridges Weekly, [22 June 2017](#))

Member states have so far disagreed on the level of advancement of discussions, where a [proposal](#) tabled by the African Group in August supports the convening of a diplomatic conference as early as 2019 to adopt a binding treaty on genetic resources, while others have underlined that certain elements, including the scope and nature of such an instrument, remain to be clarified.

The EU [proposal](#) released on 29 September outlines a vision for the IGC work programme that is focused on closing divisions on such basic principles, emphasising that the "Committee will work to reach overall agreement on all aspects of the mandate on the basis that nothing is agreed until everything is agreed."

Design Law Treaty

WIPO delegates will also make the highly anticipated decision on whether to convene a high-level negotiation for the adoption of a Design Law Treaty towards the end of the first half of 2018.

Within the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), disagreement has persisted over whether to include an article granting a contracting party the right to require that an application contain a disclosure of the origin of the TCEs, TK, or genetic resources used in the industrial design.

Delegations have also debated whether and in what form to include a provision on technical assistance and capacity building, urging WIPO to expedite the creation of a digital library system for registered designs for information exchange by contracting parties. Whether to establish a fee reduction system for design creators based in developing or least developed countries is also a topic of deliberation.

Certain delegations believe that these outstanding issues can be resolved in the context of a diplomatic conference, while others say they must be tackled beforehand. The two sessions of the SCT held in 2017 maintained the item on the agenda, but resolved to defer the ultimate decision to this year's Assemblies as agreed by the General Assembly in October 2016. (see Bridges Weekly, [13 October 2016](#))

Broadcasting Treaty

The WIPO General Assembly is further expected to provide guidance for future action to the Standing Committee on Copyright and Related Rights (SCCR), and direct the Committee to continue its work as outlined in the [report](#) on its progress produced by the Secretariat in August.

The Committee seeks to arrive at a possible treaty to protect broadcasting organisations in light of technological advancements. It also aims to address the issue of limitations and exceptions to copyright for libraries and archives, and for education and persons with disabilities other than visual impairment.

In addition, the SCCR has since its 31st session included on its agenda the issue of copyright related to the digital environment, supported by the Group of Latin American and Caribbean countries (GRULAC) and, more recently, the issue of resale right, raised by Senegal and Congo.

Delegates were ultimately unable to find consensus on recommendations to the General Assembly in the 34th and latest session of the Committee held in May. Some countries are requesting a binding international instrument on exceptions and limitations, but there are issues around the protection, and whether the treaty should cover Internet-enabled broadcasting or keep to traditional forms.

ICTSD reporting; "Guide To This Week's Annual WIPO General Assemblies," IP-WATCH, 01 October 2017; "WIPO General Assembly Opens; Delegates In Starting Block To Discuss Budget, Normative Work," IP-WATCH, 02 October 2017; "Inside Views: WIPO, Pharma Join Forces To Set Up Database For Medicine Procurers," IP-WATCH, 03 October 2017.

EVENTS & RESOURCES

Events

Coming Soon

2-11 October, Geneva, Switzerland. ASSEMBLIES OF MEMBER STATE OF WIPO: 57TH SERIES OF MEETINGS. This event is the annual meeting of all the members of the World Intellectual Property Organisation (WIPO). There will also be various sub-meetings of each individual country and committees. To learn more, please visit the WIPO [website](#).

4-6 October, Geneva, Switzerland. INTERGOVERNMENTAL GROUP OF EXPERTS ON E-COMMERCE AND DIGITAL ECONOMY. This three-day meeting of the Trade and Development Board will be hosted by the United Nations Conference on Trade and Development (UNCTAD) to discuss how developing countries can take advantage of e-commerce and maximise their usage for sustainable growth. To learn more and register for the event, please visit the UNCTAD [website](#).

9-10 October, London, UK. CLIMATE CHANGE 2017. The two-day conference hosted by Chatham House will be looking at the new questions that have arisen in the global climate change actions. It will be an open debate that allows for discussions on new dynamics of international leadership and how that will affect going forward with global climate initiatives. For more information and to register for this event, please visit the Chatham House [website](#).

9-11 October, Geneva, Switzerland. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, MULTI-YEAR EXPERT MEETING ON INVESTMENT, INNOVATION AND ENTREPRENEURSHIP FOR PRODUCTIVE CAPACITY-BUILDING AND SUSTAINABLE DEVELOPMENT, FIFTH SESSION. This three-day meeting will be hosted by the United Nations Conference on Trade and Development (UNCTAD). Its fifth session will take stock of the sustainable-development-oriented reform of the international investment agreement regime to date, as well as policy options for the next phase of the reform. To register for this event and more information, please visit UNCTAD's [website](#).

9-13 October, Rome, Italy. COMMITTEE ON WORLD FOOD SECURITY. This is the annual meeting on world food security of the Food and Agricultural Organization of the United Nations (FAO). This year the committee will be drafting initiatives on food security and assessing the effectiveness of current initiatives. For more information and to register, please visit the FAO Committee [website](#).

10 October, Brussels, Belgium. CLIMATE CHANGE AND CLEAN ENERGY TECHNOLOGIES - POLICY OPTIONS FOR THE GLOBAL TRADE AND INVESTMENT SYSTEM. This event is organised by the International Centre for Trade and Sustainable Development (ICTSD), Chatham House, Climate Strategies, and the Friedrich Ebert Stiftung. It will present a selection of the findings from the E15 Initiative and discuss policy options for decision-makers in trade, investment, and climate change in the context of the post-Paris world. For more information, please visit ICTSD's [website](#).

10-11 October, Yangon, Myanmar. TRADE AND INVESTMENT POLICIES IN THE NEW ECONOMY: OPPORTUNITIES FOR INCLUSIVE TRANSFORMATION IN SOUTHEAST ASIA. This two-day event is organised by the International Centre for Trade and Sustainable Development (ICTSD). The dialogue will be structured to generate awareness of global and regional trends in business and policy and help develop strategies to pursue sustainable and inclusive growth. For more information, please visit ICTSD's [website](#).

11 October, London, UK. INVESTMENT TREATIES: A DEBATE OVER SOVEREIGNTY, TRADE, DEVELOPMENT AND HUMAN RIGHTS. The debate will be hosted by the Chatham House and held between prominent policymakers and legal practitioners to discuss recent legal and policy developments in the area of investment law. To register interest and for more information, please visit the Chatham House [website](#).

12-13 October, Geneva, Switzerland. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, MULTI-YEAR EXPERT MEETING ON COMMODITIES AND DEVELOPMENT, NINTH SESSION. This event will be hosted by the United Nations Conference on Trade and Development (UNCTAD). It will discuss the developments, challenges, and opportunities in commodity markets, giving due attention to those commodity sectors that are relevant to commodity dependent developing countries. It will also review and evaluate the contribution of the commodities sector to the attainment of the Sustainable Development Goals. For more information and to register for the meeting, visit the UNCTAD [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.

6 October: Council for Trade in Services

6 October: Informal Open-ended Negotiating Group on Rules

6 October: Trade Policy Review Body – Iceland

10 October: Informal Open-ended Dispute Settlement Body – Special Session

11 October: Informal Open-Ended Negotiation Group on Rules (Trade Remedies/Horizontal Subsidies)

12 October: Committee on Budget, Finance and Administration

12 October: Informal Open-ended Committee on Trade and Development – Special Session

12 October: Working Party on the Accession of Comoros

Other Upcoming Events

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 strategic and knowledge partners, in parallel with the WTO's Eleventh Ministerial Conference. A dedicated website contains 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.

Resources

THE CONTRIBUTION OF SERVICES TRADE POLICIES TO CONNECTIVITY IN THE CONTEXT OF AID FOR TRADE. By Martin Roy for the World Trade Organization (2017). The paper finds that services sectors play a multifaceted and significant role in connecting countries to the international trading system, and matter greatly to economic development and the achievement of the Sustainable Development Goals. It also underscores that services trade policies have a fundamental impact on connectivity. This working paper is available for [download](#).

BRETTON WOODS TO BREXIT. By Harold James for Finance and Development (2017). This article discusses the global economic cooperation that has held since World War II but with certain political forces like nationalism rising, things could be changing to an economy of self-interest. The article is available [here](#).

THE APPLICATION OF COMPETITION POLICY VIS-À-VIS INTELLECTUAL PROPERTY RIGHTS: THE EVOLUTION OF THOUGHT UNDERLYING POLICY CHANGE. By Robert D. Anderson and William E. Kovacic for the World Trade Organization (2017). This paper examines the evolution of national competition (antitrust) policies and enforcement approaches vis-à-vis intellectual property rights and associated anti-competitive practices in major jurisdictions over the past several decades. It focuses especially on the underlying process of economic learning that has, the authors suggest, driven relevant policy changes. This paper is available for [download](#).

TROUBLE IN THE MAKING?: THE FUTURE OF MANUFACTURING-LED DEVELOPMENT. By Mary Hallward-Driemeier and Gaurav Nayyar for the World Bank (2017). This book discusses how globalisation and new technologies were to encourage development in LDC's but the trend is moving away from that. With faster diffusion of technology, it will be all the more important for countries to improve the enabling environment, remain open to trade, and support capabilities of firms and workers to ensure future prosperity is shared. The book is available for [download](#).

EXPLORE THE TRADE AND SUSTAINABLE DEVELOPMENT
WORLD FURTHER WITH ICTSD'S BRIDGES NETWORK

BIORES

Analysis and news on trade and environment for a global audience
<http://www.ictsd.org/bridges-news/biores>
English language

BRIDGES AFRICA

Trade and sustainable development news and analysis on Africa
<http://www.ictsd.org/bridges-news/bridges-africa>
English language

PUENTES

Latin America-focussed analysis and news on trade and sustainable development
<http://www.ictsd.org/bridges-news/puentes>
Spanish language

МОСТЫ

CIS-focussed analysis and news on trade and sustainable development
<http://www.ictsd.org/bridges-news/МОСТЫ>
Russian language

PONTES

Analysis and news on trade and sustainable development for the Portuguese-speaking world
<http://www.ictsd.org/bridges-news/pontes>
Portuguese language

桥

Analysis and news on trade and sustainable development for the Chinese-speaking world
<http://www.ictsd.org/bridges-news/桥>
Chinese language

PASSERELLES

Africa-focussed analysis and news on trade and sustainable development
<http://ictsd.org/news/passerelles>
French language

PUBLISHED BY



International Centre for Trade
and Sustainable Development
Chemin de Balexert 7-9
1219 Geneva, Switzerland
+41-22-917-8492
www.ictsd.org

Bridges Weekly Trade News is made possible
through generous contributions of donors and
partners including

DFID - UK Department for
International Development

SIDA - Swedish International
Development Agency

DGIS - Ministry of Foreign Affairs
Netherlands

Ministry of Foreign Affairs, Denmark

Department of Foreign Affairs and Trade,
Australia

Copyright ICTSD, 2017. Readers are encouraged
to quote and reproduce this material for
educational, non-profit purposes, provided the
source is acknowledged.



This work is licensed under a Creative Commons
Attribution-NonCommercial-NoDerivatives 4.0
International [License](https://creativecommons.org/licenses/by-nc-nd/4.0/).

Your support to BRIDGES and the BRIDGES series
of publications is most welcome; if interested,
please contact Andrew Crosby, Managing
Director at +41-22-917-8335.

Contributors to this issue are Sofía Alicia Baliño,
Emily Bloom, Jonathan Hepburn, Heather
Lincecum, Maria Ptashkina, and Ada Siqueira. This
edition of Bridges Weekly Trade News Digest is
edited by Sofía Alicia Baliño and Fabrice
Lehmann.

The Publisher and Director is Ricardo Meléndez-
Ortiz. The Editor in Chief is Andrew Crosby.
Comments and suggestions are welcome and
should be directed to the [editor](#) or the [director](#).

ISSN 1563-003X

