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## GLOBAL ECONOMY

### US Trade Policy in Focus as NAFTA Fifth Round, Asia Meetings Approach

The coming weeks are slated to be busy ones in US trade policy circles, as negotiators from the three North American Free Trade Agreement (NAFTA) countries prepare for a fifth round of talks in Mexico City, while US President Donald Trump gears up for an Asia trip that is slated to see a series of meetings on trade and economic integration.

Also on the docket is an expected report from a US federal agency recommending remedies for Trump to take to address an import surge of crystalline silicon photovoltaic cells, after commissioners from that agency outlined their individual recommendations this week in a high-profile global safeguard investigation.

#### NAFTA: Debate grows as fifth round draws nearer

Two weeks ago, ministers from the US, Canada, and Mexico concluded their fourth round of talks by announcing that they would need to revise their initial timeframe, pushing back the negotiations' conclusion from end of 2017 to at least next March.

The reason, they explained, was that negotiators need more time in this challenging phase, particularly given the significant differences between the parties on certain areas – including controversial US proposals on dispute settlement and a five-year “sunset clause,” among others. (See Bridges Weekly, [19 October 2017](#))

In the weeks since, officials have publicly commented on their respective concerns, while speculation continues as to whether a final negotiated deal will be able to make it through their legislatures – and what it would mean if the US were to start withdrawal proceedings. Experts have similarly been weighing the economic and legal implications of such a move over the past several months.

“I think there will be a proposal that we can take to the President. Whether it will be a proposal that we will recommend and whether it'll be a proposal that he will accept are different stories,” said US Commerce Secretary Wilbur Ross last week, during an [interview](#) with CNBC's “Closing Bell.”

The commerce chief also said that Washington is “not in a position to offer anything in return” to the US’ NAFTA partners for making tough concessions, while suggesting that Washington is aiming to address past imbalances in the deal.

Meanwhile, the US’ NAFTA counterparts have publicly derided “winner-take-all” strategies, with Canadian Foreign Minister Chrystia Freeland telling a recent summit in Toronto that such an approach could make it hard to clinch a deal. She also termed the US proposals in certain areas “troubling.”

The fifth round of talks will kick off on 17 November in Mexico City, and is due to conclude on 21 November. Unlike the past round, where officials had predicted beforehand that the competition chapter would be concluded before that round began, similar expectations have not been announced for the upcoming meeting.

### **Trump trip to Asia**

Meanwhile, Trump is preparing to kick off a five-country tour of Asia that includes stops in China, Japan, South Korea, the Philippines, and Vietnam, with the trip due to begin this weekend.

The trip, which includes bilateral meetings with local leaders along with the Asia-Pacific Economic Cooperation (APEC) leaders’ meeting in Danang, Vietnam, is expected to focus heavily on trade, including Washington’s push to reach negotiated trade outcomes with China, agree on amendments with South Korea on their bilateral trade accord, and advocate for potentially starting bilateral talks with Japan.

Notably, it will also give a chance for the new US administration to provide greater clarity on its planned economic engagement with countries in the fast-growing region, particularly given Trump’s move to withdraw his country as a signatory of the Trans-Pacific Partnership (TPP) Agreement earlier this year.

“In the speech, the President will present the United States’ vision for a free and open Indo-Pacific region and underscore the important role the region plays in advancing America’s economic prosperity,” said a [statement](#) from White House Press Secretary Sarah Sanders in previewing Trump’s planned remarks to a related APEC CEO Summit during the trip.

The APEC meet, which brings together 21 countries from the Asia-Pacific region, including the NAFTA members, will see on the sidelines gatherings of leaders from the Trans-Pacific Partnership countries, which are weighing next steps following Washington’s withdrawal.

Past iterations of the APEC summit have considered the implementation of the “[Bogor goals](#)” on free trade and investment, which have a 2020 target date, along with how to reach the eventual goal of a Free Trade Area of the Asia-Pacific (FTAAP), with leaders reviewing a collective study on the subject last year. (See Bridges Weekly, [24 November 2016](#))

Leaders are also due to consider what their “post-2020” vision of APEC should look like, given the Bogor goals target date, having agreed on regular “high-level dialogues” on the subject last year when they met in Lima, Peru.

What the US leader’s approach to these topics will be, given his stated interest in bilateral trade accords, remains to be seen, as do his views on the APEC forum and Asia-Pacific engagement overall. Trump will not be the only leader attending APEC for the first time, with New Zealand Prime Minister Jacinda Ardern also due to participate just weeks after taking office.

### USITC members issue recommendations on solar

Back in Washington, the US International Trade Commission (USITC) released a series of “remedy recommendations” this week on an ongoing safeguard investigation involving imported crystalline silicon photovoltaic cells, which are used in solar panels.

These [recommendations](#) will serve as the basis for a report for Trump to consider going forward, with that document due by 13 November. The recommendations vary depending on the commissioner, with suggested remedies including tariff-rate quotas, higher duty rates, quantitative restrictions, trade adjustment assistance for US-based workers, and the launch of international negotiations to identify and tackle the source of the import surge.

The US ITC recommendations come just weeks after the agency deemed that the import surge was causing serious harm to domestic producers, allowing for the case to go forward. The commissioners also made suggestions on Tuesday as to which countries should be excluded from the remedies for not having caused “substantial injury” to US producers. (See Bridges Weekly, [28 September 2017](#))

The solar probe has drawn particular notice given the type of safeguard investigation being pursued, and the high-profile row within the downstream and upstream parts of the US solar industry, which have been publicly at odds over whether trade remedies will help or harm the sector, along with how far-reaching any remedy actions should be.

This “[Section 201](#)” probe, so named due to the relevant provision of the Trade Act of 1974, has been rarely used, and gives the US leader wide latitude in setting final remedies—though these must be time-bound and must meet other requirements. While other recent investigations, such as one into steel imports, have also sparked scrutiny given their use of little-used provisions of US trade law, including national security justifications, final reports in those cases are still pending.

ICTSD reporting; “CNBC Exclusive: CNBC Transcript: United States Secretary of Commerce Wilbur Ross Speaks with CNBC’S Becky Quick on ‘Closing Bell’ Today,” CNBC, 25 October 2017; “Canada Warns NAFTA Talks Can’t Be ‘Winner Take All,’” BLOOMBERG, 26 October 2017; “Canadian Foreign Minister Cites ‘Troubling’ U.S. Proposals in Nafta Talks,” WALL STREET JOURNAL, 30 October 2017.

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## TRADE AGREEMENTS

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### **RCEP Negotiators Set Groundwork for November Leaders' Summit**

The 20<sup>th</sup> round of negotiations for the Regional Comprehensive Economic Partnership (RCEP) concluded in Incheon, South Korea last week, where delegates sought to build convergence on remaining issues ahead of a pivotal leaders' meeting in November.

Several hundred delegates convened over various days of discussion in what represented the final scheduled RCEP negotiating round of the calendar year.

Talks were meant to pave the way for a high-level leaders' summit due to take place in the Philippines on 17 November, on the sidelines of the 31<sup>st</sup> Leaders' meeting of the Association of Southeast Asian Nations (ASEAN). According to a [statement](#) from China's Ministry of Commerce, negotiators were putting together a draft "joint assessment" to forward to their leaders for review this month.

The potential agreement would unite 16 nations in the Asia-Pacific in a massive trading bloc, including the 10 ASEAN member states, in addition to China, India, Japan, Korea, Australia, and New Zealand. The latter six countries are ASEAN's FTA partners.

Covering a third of the global economy, with a combined GDP of US\$23.8 trillion, and half of the world's population, ministers "underscored the immense potential for the RCEP to serve as an engine for global growth" and the need to ensure that "RCEP is inclusive and beneficial to all stakeholders" in a [joint statement](#) issued by RCEP ministers in September.

In addition, 30 percent of the volume of global trade would fall under the deal, including major emerging markets with significant potential for growth.

The agreement involves some of the same countries as the Trans-Pacific Partnership, negotiations for which were recently renewed following US withdrawal from the pact. Those talks are also preparing for a key leaders' meeting this month in Vietnam. (See Bridges Weekly, [26 October 2017](#)).

On the occasion of the fifth RCEP Ministerial Meeting, held in the Philippines in September, officials pressed for political commitments to be translated into action and agreed to "make utmost effort to achieve significant outcomes of the RCEP by end of 2017 to bring the negotiation closer to its successful conclusion," according to the joint statement.

Negotiators have kept 2017 as a target, a year of particular significance as the 50<sup>th</sup> anniversary of ASEAN's establishment, though some officials have lately suggested that the talks could go into next year given the nature of the differences that remain.

Towards this end, ministers agreed in September on the RCEP Key Elements for Significant Outcomes by the End of 2017, after which negotiators structured discussions in Incheon to support a process of narrowing "landing zones" on topics where agreement can be reached. Progress in this regard will be transmitted to the leaders' summit in November.

The previous round of negotiations took place from 24- 28 July 2017 in Hyderabad, India. (See Bridges Weekly, [3 August 2017](#))

### Topics under discussion

The deal aims to cover trade in goods and services, investment, competition policy, intellectual property rights, and e-commerce under its ambit, among other topics, such as provisions for dispute settlement.

The 20<sup>th</sup> round of talks put market access negotiations on trade in goods and services, rules of origin, intellectual property, and e-commerce high on the agenda, according to the Chinese Ministry of Commerce.

The RCEP talks are now in their fifth year, with certain key issues still out of reach as countries strive to find a balance between differing interests. For example, participants have not yet agreed on the degree of market access and must still determine the final number of tariff lines on which RCEP participants would slash duties.

South Korean Trade Minister Kim Hyun-chong underlined the “need to look for a pragmatic solution that will take into account each nation’s specific characteristics” during his opening address as the round’s host, according to comments reported in the [Hankyoreh](#).

India has reportedly proposed staggered time periods for certain tariff cuts, citing concerns for some domestic industries, as well as tiered cuts to tariffs, with the highest cuts granted to ASEAN economies. The south Asian nation has also pushed for greater market access in the services sector, particularly in terms of temporary movement of professionals.

### Civil society reactions

The RCEP deliberations concerning intellectual property rights have particularly garnered close scrutiny in terms of their potential public health implications, especially from civil society groups who fear that provisions in the agreement could hamper global access to affordable generic medicines.

Groups such as Médecins Sans Frontières (MSF) have voiced concerns with proposals on the table pertaining to data exclusivity and extended patent terms, which they say could make it tougher to produce lower-cost products and make it harder for newer manufacturers in India to enter the pharmaceuticals market.

“The balance between public health and the intellectual property regime seems to be broken,” said Thierry Coppens, General Director of MSF Korea, according to an [MSF press release](#). “Protection of unmerited intellectual property is blocking development and introduction of new and affordable quality drugs and vaccines.”

ICTSD reporting; “India Will Not Cross Red Lines on Generic Drugs in RCEP, but Stay Vigilant, Say Officials,” THE WIRE, 24 October 2017; “India to oppose anti-generics proposals at RCEP meet,” LIVEMINT, 25 October 2017; “Trade ministers in Asia-Pacific to gather for RCEP talks,” YONHAP, 23 October 2017; “20<sup>th</sup> round of Regional Comprehensive Economic Partnership negotiations opens in Songdo,” THE HANKYOREH, 29 October 2017; “RCEP deal unlikely this year: South Korean official,” NIKKE ASIAN REVIEW, 27 October 2017; “RCEP trade ministers from India & other countries to meet in Manila in mid-November,” THE ECONOMIC TIMES, 31 October 2017.

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## GLOBAL ECONOMY

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# Pacific Alliance, Associate Members Kick Off Free Trade Negotiations

The Pacific Alliance met with its incoming "associate members" for the first round of formal free trade negotiations last week in the Colombian city of Cali. The talks aim to confirm Australia, Canada, New Zealand, and Singapore's status of "associate members" to the Latin American trading coalition, in line with a process announced earlier this year.

"We share a goal of greater regional economic integration and freer, more progressive trade that can help create more middle-class jobs and opportunities. This new step represents a strategic opportunity for Canada to advance its ambitious progressive and diversified trade agenda with important and like-minded emerging markets," [said](#) Canada's minister of international trade François-Philippe Champagne in the run-up to the meeting.

The talks follow on an invitation extended this summer by the Pacific Alliance to four observer nations – Australia, Canada, New Zealand, and Singapore – to become associate members. The "associate member" status is designed to allow for the Pacific Alliance coalition to negotiate trade deals as a bloc with other interested countries. (See Bridges Weekly, [6 July 2017](#))

"With these agreements, the Pacific Alliance is closer to consolidating itself as a platform for economic and commercial integration and projection to the world, with special emphasis on the Asia-Pacific, the most economically dynamic region in the world," [said](#) the Colombian Ministry of Industry and Tourism in a press release following the meeting.

The Pacific Alliance includes Chile, Colombia, Mexico, and Peru, which set up the bloc in 2011 and clinched a framework agreement the following year with the goal of eventually achieving free movement of goods, services, capital, and people, among other public policy objectives. (See Bridges Weekly, [13 June 2012](#))

### First round's results

During the five-day round held last week, the Alliance negotiators presented the planned text of the "commercial protocol" which will serve as a building block for engaging with the associate members. The participants held nearly two dozen working group meetings, where they discussed the potential timeframe and locations for subsequent gatherings, along with what these may entail.

In addition, participants also looked at scheduling intersessional discussions, with the goal of advancing "as quickly as possible before the next meeting," [according to](#) the press release of the Colombian Ministry of Industry and Tourism.

The Colombian statement also noted that representatives advanced on the definitions of terms to use in a future accord, as well as on the possible chapters for inclusion. Negotiators also set dates for presenting market access offers in areas such as rules of origin, cross-border trade in services, and public procurement, the government summary said.

### Associate membership and beyond

The associate members involved already have deep ties with the Pacific Alliance, with Canada having free trade agreements with all four members.

The North American nation and the four-country group exchanged C\$48 billion in goods trade last year, much of it due to Canada-Mexico trade, according to Canadian government statistics, which note that this figure accounts for over three-quarters of the country's merchandise trade with the wider region.

Proponents say that the upcoming negotiations may help harmonise cooperation in different areas, given the potential overlaps in existing bilateral arrangements that would otherwise operate relatively independently.

"A free trade agreement with the Pacific Alliance offers the prospect to modernise and streamline our existing bilateral agreements with all four Pacific Alliance countries, expand key aspects of these agreements, as well as include progressive trade elements, such as gender, labour, environment, and SMEs," [states](#) the Canadian government press release. The term SMEs refers to small and medium-sized enterprises.

Similar hopes have been expressed by Australia and New Zealand, which were also invited to become associate members. In addition to slashing trade barriers, the Oceanic nations have expressed interest in opening financial markets, increasing agricultural and extractive industry exports, and boosting services trade, among other objectives.

"The Pacific Alliance is a grouping of fast-growing, like-minded economies committed to the liberalisation of trade," [said](#) then-New Zealand Trade Minister Todd McClay in late June following the announcement of the planned associate member status, according to comments reported by Reuters.

Commenting on the purpose of the associate membership status, Chilean President Michelle Bachelet [said](#) at the time that the category is obtained by countries "with which the Pacific Alliance as a bloc subscribe to ambitious and high-standard economic-trade agreements with the purpose of consolidating and expanding integration as an instrument of economic development."

Notably, the negotiations come as talks to modernise the two-decade-old North American Free Trade Agreement (NAFTA) enter a challenging phase. (See Bridges Weekly, [5 October 2017](#) and [19 October 2017](#))

Becoming the associate member of the Alliance would secure an additional arrangement between Canada and Mexico, which already have a deep trading relationship.

Separately, Ottawa and the South American trading bloc Mercosur have reportedly resumed preparations for potentially negotiating a future trade agreement, after several years of exploratory talks. Reports suggest that the negotiations could formally be announced by year's end. The Mercosur bloc includes Argentina, Brazil, Paraguay, and Uruguay. (See Bridges Weekly, [11 May 2017](#))

ICTSD reporting; "Canada, Australia, New Zealand, Singapore Begin Free-Trade Negotiations with Pacific Alliance in Colombia," FINANCE COLOMBIA, 23 October 2017; "Australia, New Zealand launch trade negotiations with Pacific Alliance," REUTERS, 1 July 2017; "Pacific Alliance to admit new associate members to expand trade reach," REUTERS, 30 June 2017.



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## DISPUTES

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### **Disputes Roundup: Compliance Panels Rule in US-Mexico Tuna Case, AB Vacancies Persist**

The past weeks have seen a series of developments in WTO dispute settlement, including the issuing of compliance reports in the ongoing US-Mexico row over “dolphin-safe” tuna labelling requirements ([DS381](#)) and Qatar's request for a panel in a separate dispute against the United Arab Emirates (UAE) ([DS526](#)).

Meanwhile, WTO members remain divided over starting the selection process for filling empty seats on the organisation's Appellate Body, which serves as the highest global trade court, even as the prospect of additional vacancies looms.

#### **Tuna dispute: Panel finds US compliance, Mexico to appeal ruling**

Two WTO compliance panels ([DS381](#)) found last week that changes the US made last year to its “dolphin-safe” tuna labelling requirements were “calibrated to the differences in the overall risks to dolphins arising from the use of different fishing methods in different areas of the ocean.”

Therefore, the panels ruled that the distinctions made by the US law between “setting” on dolphins and other fishing methods are justifiable under the WTO rules. Setting refers to the use of “purse-seine” nets, which initially set on dolphins to catch the tuna swimming below.

The US and Mexico have sparred over the dolphin-safe labelling policy for years, with the case making its way through the WTO legal system. The Appellate Body said five years ago that the original policy violated global trade rules in discriminating against imported Mexican tuna products, and would therefore need to be brought into compliance. (See Bridges Weekly, [16 May 2012](#))

The global trade court said that while the original version of the policy did address the harms dolphins may face from this type of fishing method, used by Mexican fishers in the Eastern Tropical Pacific (ETP), it failed to account for possible dolphin deaths that could be caused from other tuna fishing methods or in other geographical regions.

While the US made changes to the policy in 2013, adjudicators said that the revisions were not enough to address the WTO-illegal aspects. (See Bridges Weekly, [26 November 2015](#))

In early 2016, Mexico asked for approval to suspend “tariff concessions and other related obligations” in goods trade against the US, with a WTO arbitrator confirming earlier this year that the level of suspension would be permitted up to US\$163.23 million annually. (See Bridges Weekly, [27 April 2017](#))

In parallel, the US and Mexico each asked for panels to review whether more recent changes to the US policy, made over a year ago, were enough to address the WTO-illegal elements. Both panels, which featured the same adjudicators, said that overall the “risk profile” of setting on dolphins is far greater than that of the other fishing methods reviewed – such as purse seine fishing without setting, gillnet fishing, trawl, longline fishing, pole and line, and hardline fishing.



Under the 2016 version of the tuna measure, fishing methods other than setting are eligible for “dolphin-safe” labels so long as it can be certified that dolphins are not seriously hurt or killed in the process, and that no equipment was used intentionally to encircle dolphins in the efforts to catch tuna. The eligibility criteria are enforced through certification, tracking and verification requirements, among other methods.

Looking at the tuna policy as a whole, the panels said that it addresses the varying risks posed by different fishing methods – therefore not contravening global trade rules.

Washington [welcomed](#) the panels' findings, with US Trade Representative Robert Lighthizer stating that “WTO panels have finally agreed with the overwhelming evidence that US dolphin-safe labeling requirements are accurate and fair.”

For its part, Mexico [indicated](#) its plans to appeal the result. It has not yet used the authorisation granted to suspend concessions, which it would have to drop should WTO adjudicators definitely find that the 2016 version of the US policy is in line with trade rules.

### **Qatar pushes forward “economic isolation” dispute with UAE**

Meanwhile, questions over the use of national security justifications in a dispute brought to the WTO came up during a meeting of the Dispute Settlement Body (DSB) last week, when Qatar [requested](#) the establishment of a panel ([DS526](#)) to hear its complaint against the United Arab Emirates concerning the latter's “measures taken in the context of coercive attempts at economic isolation imposed by the UAE against Qatar.”

In late July, Qatar filed three cases respectively against the United Arab Emirates, Bahrain ([DS527](#)), and Saudi Arabia ([DS528](#)), alleging that those countries had adopted measures affecting trade in goods, services, and trade-related aspects of intellectual property rights.

Those complaints came shortly after the three Gulf states cut diplomatic ties to Qatar over “national security” concerns tied to the country's alleged support to terrorist groups, including closing off transport, expelling Qatari citizens, and recalling their own.

In the months since, Qatar has also [raised](#) the subject through UN channels, including through a [complaint](#) to the UN's civil aviation body, the International Civil Aviation Organization (ICAO), regarding the move to close the Gulf countries' airspace to Qatari flights.

In its WTO claims, Qatar listed among the closure of maritime and land borders, the airspace ban, the blocking of access to Qatari websites and audio-visual channels, and the suspension of handling Qatari-related international mail. Qatar also raised intellectual property concerns in this respect.

Qatar said that United Arab Emirates, Bahrain, and Saudi Arabia had prohibited or restricted goods trade “originating in, transiting through, towards or from, or destined for Qatar,” in violation of the WTO's rules on non-discrimination, freedom of transit, quantitative restrictions, and administering trade regulations.

It also raised market access concerns with regards to the blocking of Qatari services, and further argued that the three nations have also failed to protect intellectual property rights enjoyed by the country's citizens, as required by WTO rules.

In the [panel request](#), Qatar pointed out that the UAE had rejected dispute consultations with Qatar. Qatar therefore asked that a panel examine the matter.

The UAE, Bahrain, Saudi Arabia, and Egypt all argued that WTO rules allow for measures taken for protecting national security, and by their nature, those issues fall outside of the scope of the global trade body's jurisdiction, according to a Geneva trade official.

Despite not being a complainant or a respondent, the US [noted](#) that “issues of national security are political,” and also suggested that the issue be addressed in another forum or at least outside the formal dispute system.

Following the UAE's objection, the first panel request was blocked.

### **Appellate Body impasse**

Meanwhile, WTO members are still at odds as to the replacement of members of the Appellate Body. Two of the seven seats are already vacant, due to the expiration of the second term of Ricardo Ramírez-Hernández of Mexico and the resignation of Hyun Chong Kim of South Korea earlier this year. A third vacancy will open up on 11 December, when the second term of Peter Van den Bossche of the EU (Belgium) comes to an end.

Divergent views of members have emerged in recent months. Argentina, Brazil, Colombia, Chile, Guatemala, Mexico, and Peru initially put forward a proposal focusing solely on the starting the task of filling the first empty slot, with the second selection process to be started thereafter. The EU, for its part, had called for both processes to begin jointly. The US had initially backed the Latin American proposal, but has since spoken out against either approach. (See Bridges Weekly, [27 July 2017](#))

Despite consultations by DSB chair Junichi Ihara of Japan, and the move by the EU and the Latin American countries mentioned above to present similar proposals at last week's meeting that would start one selection process for filling all three slots, the US [reiterated](#) its previous “systemic” concerns. These include the continued participation of some of these former Appellate Body members in ongoing cases. Washington has not removed its objection to moving forward. (See Bridges Weekly, [14 September 2017](#))

As is normal practice under the global trade court's [working procedures](#), Ricardo Ramírez-Hernández has continued to work on the appeal proceedings where he was already involved.

That provision of the working procedures, Rule 15, states that “a person who ceases to be a Member of the Appellate Body may, with the authorisation of the Appellate Body and upon notification to the DSB, complete the disposition of any appeal to which that person was assigned while a Member, and that person shall, for that purpose only, be deemed to continue to be a Member of the Appellate Body.”

However, the US says that the DSB should first decide whether to allow an Appellate Body whose term has expired to continue serving on those cases. These long-standing working procedures were drawn up by the Appellate Body in consultation with the Director-General and DSB chair, and are not embodied in WTO rules on dispute settlement.

“As noted in past meetings, the DSB has a responsibility under the [Dispute Settlement Understanding] to decide whether a person whose term of appointment has expired should continue serving. The United States considers that members need to discuss and resolve that issue first before moving on to the issue of replacing such a person,” [said](#) the US delegate at the meeting.

According to a Geneva trade official, several WTO members spoke up at the DSB meeting, questioning both the link being made by the US between “systemic concerns” and the start of a process to fill Appellate Body vacancies. They also noted the lack of a proposal from the US to address the matter.

Should the divide continue, the global trade court could have only four of its seven seats full by the end of the year – a situation which officials and trade experts alike warn could put a heavy burden on the WTO's dispute settlement branch.

Under WTO rules, a minimum of three Appellate Body members must serve on any case. Given that another Appellate Body member's first term – that of Shree Baboo Chekitan Servansing of Mauritius – concludes on 30 September 2018, concerns have been raised that the global trade court could go down to only three serving members if the situation is not resolved beforehand.

Trade policy observers and various delegates have also expressed worries to Bridges that this situation could detract attention from WTO negotiations on possible deliverables for the Buenos Aires ministerial conference, planned for 10-13 December, if not resolved in Geneva beforehand.

ICTSD reporting.

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## GLOBAL ECONOMY

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# US, China Leaders Prepare to Talk Trade at Beijing Meet

Trade is expected to be high on the agenda when US President Donald Trump and Chinese President Xi Jinping meet next week during the American leader's high-profile trip to Asia, with officials from both sides confirming that economic issues will be raised in Beijing.

Trump will be meeting with his Chinese counterpart during a larger regional visit that also includes stops in Japan, the Philippines, South Korea, and Vietnam, along with a planned speech to business leaders on his Asia-Pacific engagement strategy. How much progress on agreed trade deliverables might emerge from the 8 November meeting between Trump and Xi is not yet clear, with White House officials downplaying the possibility.

At a previous meeting this year, the two leaders pledged to boost trade cooperation and reach agreed outcomes within a 100-day window, along with calling for further progress on issues such as addressing the trade deficit over the longer term. (See Bridges Weekly, [13 April 2017](#) and [27 July 2017](#))

The past few months have therefore seen the two trading giants discuss avenues for future cooperation in different forums, even as bilateral tensions have emerged over various topics. For example, US authorities are currently conducting a [Section 301](#) investigation on alleged forced technology transfers and intellectual property rights infringements, which was launched just a few months ago. (See Bridges Weekly, [21 September 2017](#))

Meanwhile, just last week US Commerce Department officials published a [memorandum](#) maintaining China's "non-market economy" status in anti-dumping probes – an issue that has become the subject of a WTO dispute and related debates within trade circles. US Trade Representative Robert Lighthizer previously [told](#) domestic lawmakers that a US loss in the WTO dispute would be "cataclysmic" for the global trade club, given the importance of the issue to Washington.

In a separate development, the Commerce Department issued on 27 October an affirmative preliminary [determination](#) regarding imported aluminium foil from China, deeming that Chinese exporters sold products at prices below normal value on the US market. The agency found dumping margins ranging between 96.81 percent to 162.24 percent, though the investigation must still undergo several more steps before completion.

### China prepares for next chapter following Party Congress

The leaders' meeting comes just weeks after a landmark event in Chinese politics – specifically, the 19th National Congress of the Communist Party of China, which took place earlier this month and brought in the spotlight the future objectives of the country's leadership in the short and medium term.

The Party Congress, which occurs every five years, included selections of the General Secretary, in other words the Chinese President as head of the party, along with the Central Committee, Politburo, and the decision-making body known as the Politburo Standing Committee.

Notably, during the meeting Xi became the third Chinese leader to be recognised in an amendment to the party's constitution, along with Mao Zedong and Deng Xiaoping. The

Chinese leader, in outlining his "school of thought" on Chinese socialism going forward, called for "a new option for other countries and nations who want to speed up their development while preserving their independence."

Given the change of leadership in the US this past January, the results of the Trump-Xi meeting and the recent elevation of the latter in the Chinese political system is expected to fuel continued debate over the two country's respective approaches to international economic cooperation and geopolitics in the coming years.

Xi's [plan](#) includes various goals for China's development, with time-bound milestones through the middle of the century to "modernise" the economic giant. Going forward, Xi also focused on the role Beijing aims to play on the regional and global stage and stressed his country's commitment to openness.

On trade, the Chinese leader suggested the possibility of establishing free trade port zones, along with [speeding](#) up short-term reforms to state-owned enterprises (SOEs), while pushing for a greater market role in interest and exchange rates. Other pledges included ramping up manufacturing and getting more involved in newer technologies, such as artificial intelligence, along with drawing greater foreign investment flows into China through additional investment protections and better market access.

"We will implement the system of pre-establishment of national treatment plus a negative list across the board," he said with regards to market access, [explaining](#) that it would "sort through and do away with regulations and practices that impede the development of a unified market and fair competition, support the growth of private businesses, and stimulate the vitality of various market entities."

International cooperation in areas ranging from trade to production overcapacity also featured in Xi's remarks, as well as the importance of a coordinated regional development strategy, [along with](#) a rural revitalisation strategy domestically. China has already announced plans for hefty investments in regional infrastructure, with more planned together with other interested actors through the Belt and Road Initiative and the [Asian Infrastructure Investment Bank](#). (See Bridges Weekly, [18 May 2017](#))

Among the other significant leadership developments was the reappointment of Liu He, a longstanding economic adviser, to the Central Committee, which analysts say suggests planned continuity in economic policy, as well as the fact that no one on the Standing Committee is under 60 years of age, opening questions over who could succeed Xi in five years' time. Premier Li Keqiang, the party's second top official, also retained his spot.

ICTSD reporting; "Trump trade tsar warns against China 'market economy' status," FINANCIAL TIMES, 21 June 2017; "China Signals Steady Economic Policy as Liu Keeps Party Role," BLOOMBERG, 24 October 2017; "Economic Watch: China SOE reform set to accelerate," XINHUA, 26 October 2017; "Xi says China to introduce negative list for market access nationwide," XINHUA, 18 October 2017; "'A huge deal' for China as the era of Xi Jinping Thought begins," THE GUARDIAN, 19 October 2017; "CPC Constitution enshrines Xi's thought as part of action guide," XINHUA, 24 October 2017; "Xi Jinping Lauds 'New Era' for Socialism in Modernizing China," CAIXIN, 18 October 2017; "US sees China in 'retrenchment' on move towards market economy – US official," REUTERS, 31 October 2017.

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## TRADE AGREEMENTS

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# France Approves Action Plan for CETA

The French government gave the green light to an "action plan" last week for the EU-Canada Comprehensive Economic and Trade Agreement (CETA), following a domestic review of the trade accord's expected impacts on different public policy areas.

Along with addressing the pact's implementation, it also calls for taking on additional, complementary steps with the EU's North American counterparts on climate action, as well as advocating for even more robust sustainable development provisions in future trade accords.

"This action plan demonstrates the government's determination, along with that of the European Commission and EU member states, working closely with Canada, to make sure that the CETA is applied in an exemplary fashion, to step up its actions against climate change, and to be more ambitious when it comes to the environmental, social, and health-related aspects of European trade policy," [states](#) the press release by the French Ministry for Europe and Foreign Affairs.

The EU-Canada trade deal has long been the subject of scrutiny among some civil society groups, who have raised concerns that the accord could weaken the EU's future ability to set and enforce stringent rules on health and environmental protection, despite assurances from EU and Canadian officials on the subject. The was cited by some French officials in explaining the plan.

France's Environment Minister Nicolas Hulot said that Paris would be looking for extra safeguards against any weakening of standards. "We will put in place what you might call a form of climate veto," said Hulot in explaining the action plan, [according to](#) French media.

This "would assure that from the moment the measures are put in place, our climate commitments could in no case be attacked by investors, notably in arbitration tribunals," he added.

From 29-31 October, France's Minister of State Jean-Baptiste Lemoyne visited Canada to discuss CETA's implementation with his North American counterparts, including what it means for bilateral ties on shared policy areas of interest.

The government's action plan, released shortly before the visit, "will reaffirm France's desire to step up the dialogue between the EU and Canada with a view to additional initiatives to combat climate change," [says](#) the related press release from the French government.

"The interim application of CETA is giving new momentum to exchanges between our two countries. Our successive G7 presidencies (Canada 2018 – France 2019) will further strengthen our ties," [commented](#) Lemoyne on the visit.

How the action plan will be received by other parties to CETA on either the European or Canadian sides is not yet clear, nor is the approach these other parties might take on these types of issues.

CETA entered into force on a provisional basis on in late September. In practice, provisional application means slashing 98 percent of duties between the two trading partners, as well as improved services and public procurement market access, protecting various

geographical indications, chapters on environmental and labour issues, and various other provisions. (See Bridges Weekly, [21 September 2017](#))

While around 90 percent of the accord's provisions are now being applied, those excluded from application at this stage mostly concern investment, including investor protection and the new bilateral Investment Court System (ICS). The latter sparked a controversy during the CETA signing process last year, when the Belgian regional parliament of Wallonia sought additional assurances on protecting the right to regulate and how the investment protection terms would be implemented before giving the green light for Belgium to sign the deal. (See Bridges Weekly, [3 November 2016](#))

The EU and Canada ultimately signed the agreement one year ago, and the European Parliament subsequently approved it in February. A few months later, Canada's legislature formally ratified the accord. (See Bridges Weekly, [7 July 2016](#), [16 February 2017](#), and [18 May 2017](#))

The Commission proposed for CETA to be submitted to ratification as a "mixed agreement" last year. That means that CETA's full enactment will require the sign-off of EU national and regional legislatures.

### **Ratification and legal challenges**

Seven EU member states have ratified CETA to date. These include Croatia, the Czech Republic, Denmark, Latvia, Malta, Portugal, and Spain.

However, aside from ratification itself, the accord is also awaiting court rulings at the domestic and EU levels which could affect the implementation of the investment provisions. Following its internal compromise with Wallonia, Belgium asked the European Court of Justice (ECJ) in September for its opinion on the agreement's compatibility with EU law, including the investment court system, a process which could take years. (See Bridges Weekly, [18 May 2017](#))

The ECJ's opinion could play a large role in determining CETA's future, both in terms of ratification and full implementation. In addition, the ruling from the bloc's highest court may influence European Commission's approach to its plans for negotiating a multilateral investment court with interested partners, given that CETA's bilateral mechanism is meant to serve as a stepping stone towards meeting this goal.

CETA already overcame a legal hurdle in France earlier this year, after the country's Constitutional Council confirmed that the agreement is in line with the French constitution. The trade deal is also being reviewed by the German court system, [according to](#) a European Parliament brief.

ICTSD reporting; "France wants 'green veto' in EU-Canada trade deal," RFI, 26 October 2017; "Czech parliament ratifies Canada deal," POLITICO, 13 September 2017; "Portugal's parliament ratifies EU-Canada deal," POLITICO, 20 September 2017.



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## GLOBAL ECONOMY

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# US, India Look to Next Steps in Trade, Economic Relationship

US and Indian officials debated ways to improve market access, address the movement of skilled professionals, and deepen their overall economic and trading ties last week during the Trade Policy Forum in Washington.

However, the meeting did not lead to a joint statement nor the announcement of new deliverables, with officials from both sides releasing respective statements noting areas where they hope to see future concessions from their trading partners.

The 26 October event brought together commerce, trade, and foreign affairs officials from both sides. Discussions under this forum are held annually, with last week's meet being the first under the new administration of US President Donald Trump.

Over the past dozen years, bilateral trade between the two economic powerhouses has tripled, according to US statistics. [Data](#) from the Office of the US Trade Representative places bilateral goods and services trade at US\$114.8 billion last year alone. Among the top goods traded between them are medical devices and pharmaceuticals, precious stones, minerals, and machinery.

Within the services sector, travel and telecommunications are listed as topping bilateral trade between Washington and New Delhi.

### Trade deficits, movement of workers

Since taking office in January, the new US administration has placed a significant focus on addressing trade deficits with major partners, along with calling for rectifying purported trade imbalances to enable more "reciprocal" trading relationships.

The approach has fuelled concern in international trade policy circles, as officials from many US trading partners have argued in different contexts that trade deficits in themselves are not sufficient measures for qualifying the nature of economic relationships.

The trade deficit subject was reportedly raised by Washington officials last week, with US Trade Representative Robert Lighthizer noting that his country currently holds a US\$29.6 billion trade deficit with the South Asian country.

"Our work under the Trade Policy Forum focused on achieving progress towards a more balanced trade relationship," [said](#) Lighthizer in a statement following the meet. "To increase reciprocal trade, we will continue to seek to identify and address trade barriers related to goods, including manufactured and agriculture, services, and intellectual property rights."

The USTR statement also noted that while discussions between both sides tackled areas ranging from tariff and non-tariff barriers to intellectual property rights enforcement, which have long been the subject of trade discussions between Washington and New Delhi, the two nations "had differing views that could not be resolved immediately" when it came to many of the topics tabled in Washington last week.

Meanwhile, India's trade officials said following the meet that while talks were "positive," they questioned the trade deficit focus of Washington's approach.

"On the United States concerns related to trade deficit with India, the Minister of Commerce and Industry pointed out that the issue of trade deficit should be viewed in the larger context of the growing economic and strategic partnership between the two countries that has grown and strengthened in recent years," [said](#) a statement published by the Indian ministry.

The Indian Commerce and Industry Minister is currently Shri Suresh Prabhu, who met with both Lighthizer and with US Commerce Secretary Wilbur Ross last week. The Indian official also flagged some recent policy changes that have enabled greater energy imports from the US, along with various purchases of US-made aircraft and recent efforts by India to address the US' intellectual property rights concerns.

However, both Prabhu and Indian External Affairs Minister Sushma Swaraj [raised](#) in separate meetings with their US counterparts their concerns over the US visa regime for skilled workers, including potential changes under consideration by Washington lawmakers that could make it harder for Indian skilled professionals to work in the North American nation.

Another topic reportedly raised in the discussions was the upcoming WTO ministerial conference in Buenos Aires, Argentina, according to the Indian commerce ministry statement. That meeting is set for 10-13 December, with negotiators in Geneva working to advance a set of deliverables for the high-level event, along with agreeing on which areas should be the subject of future work in the short term. (See Bridges Weekly, [26 October 2017](#))

Indian officials raised their proposal on a trade facilitation accord in services, the statement said, advocating for the US to back the suggested approach. Statements from Washington officials did not refer to the WTO discussions, though the US has said in recent months that it is not expecting major negotiated outcomes in Buenos Aires.

ICTSD reporting.

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EVENTS & RESOURCES

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## Events

### Coming Soon

6 November, Bonn, Germany. IMPLEMENTATION OF ARTICLE 6 OF THE PARIS AGREEMENT. The International Centre for Trade and Sustainable Development (ICTSD), the European Roundtable on Climate Change and Sustainable Transition (ERCST), and the Institute for Global Environmental Strategies (IGES), supported by International Carbon Action Partnership (ICAP), are organising this event on the sidelines of the UN Framework Convention on Climate Change's (UNFCCC) Twenty-third Conference of the Parties (COP23) to discuss progress and challenges towards implementing Article 6 of the Paris Agreement on cooperative approaches. An event agenda is available online. For more information, visit the ICTSD [website](#).

6-17 November, Bonn, Germany. ICTSD AT THE TWENTY-THIRD CONFERENCE OF THE PARTIES TO THE UNFCCC (COP 23). At the UN Framework Convention on Climate Change's (UNFCCC) Twenty-third Conference of the Parties (COP23), the International Centre for Trade and Sustainable Development (ICTSD) will host various events on issues at the trade and climate change interface, along with issuing special updates in six languages on the trade-related aspects of the UN climate negotiations. For more information, visit the ICTSD [website](#).

7 November, Tokyo, Japan. SEMINAR: HOW DO THE BREXIT AND A POTENTIAL US EXIT FROM NAFTA AFFECT ASIAN COUNTRIES' TRADE? This seminar is hosted by the Asian Development Bank Institute (ADBI). This event will focus on the UK's impending exit from the EU in 2019, as well as a possible US withdrawal from the North American Free Trade Agreement (NAFTA), and what these mean for economies within Asia. Expected participants include policymakers, practitioners, and academics, among others. The event aims to generate policy options for consideration going forward. For more information and registration, visit the ADBI [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.

3 November: Committee on Sanitary and Phytosanitary Measures

3 November: Committee on Trade Facilitation

3 November: Informal Open-ended Negotiating Group on Rules (Fisheries Subsidies)

6 November: Committee on Customs Valuation

6 November: Committee on Trade-Related Investment Measures

6 November: WTO Informal Dialogue on Micro, Small, and Medium Enterprises

- 6 November: Informal Open-ended Committee on Trade and Development
- 6 November: Committee on Participants on the Expansion of Trade in Information Technology Products
- 6 November: Committee on Balance-of-Payments Restrictions
- 6 November: Committee on Budget, Finance, and Administration
- 7 November: Committee on Trade and Development – Dedicated Session on Small Economies
- 7 November: Committee on Trade and Development – Session on Aid for Trade
- 7 November: Informal Committee on Technical Barriers to Trade
- 7 November: Working Party on Domestic Regulation
- 8 November: Working Group on Trade, Debt, and Finance
- 8-9 November: Committee on Technical Barriers to Trade
- 9 November: Working Party on State Trading Enterprises
- 9 November: Informal Open-ended Committee on Trade and Development – Special Session
- 9-10 November: Committee on Regional Trade Agreements

### **Other Upcoming Events**

12 November, Beijing, China. SIXTEENTH ANNUAL CONFERENCE ON WTO AND CHINA. This event is being co-hosted by the University of International Business and Economics (UIBE), the China Society for World Trade Organization Studies (CWTO), and the International Centre for Trade and Sustainable Development (ICTSD), along with being organised by the China Institute for WTO Studies at UIBE. The event will examine the potential ramifications of China's Nineteenth Party Congress, along with global investment governance and the future of the WTO. To learn more, visit the ICTSD [website](#).

13-14 November, Bonn, Germany. SUSTAINABLE INNOVATION FORUM 2017. The Sustainable Innovation Forum is being held on the sidelines of the UN Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP 23). The meetings are being organised by Climate Action and UN Environment (UNEP) and are set to address a range of climate-related topics, including renewable energy, carbon markets, and climate finance, among various others. The event is slated to feature participants from the public and private sectors, as well as development bank and media representatives. For more information and to register, see the Forum [website](#).

14 November, Bonn, Germany. FROM COP23 TO THE 11TH MINISTERIAL CONFERENCE OF THE WTO: WHAT TO DO ABOUT FOSSIL FUEL SUBSIDIES? This event is being organised by the International Centre for Trade and Sustainable Development (ICTSD) during the UN Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP 23). The gathering aims to focus on the potential role of trade policy in addressing fossil fuel subsidies. Expected participants include government representatives, experts, and stakeholders, and will address among other topics the potential for action in the WTO context. For more information, visit the ICTSD [website](#).

14 November, Bonn, Germany. STRENGTHENING CLIMATE ACTION THROUGH PURPOSEFUL TRADE POLICY – WHAT ROLE FOR THE G20? This event, being held on the sidelines of the UN climate talks, is being hosted by the International Centre for Trade and Sustainable Development (ICTSD) and German Development Institute/Deutsches Institut für Entwicklungspolitik (DIE). This event examines the role of the G20 in climate action, particularly regarding the role of trade policy. The meeting will feature a presentation of preliminary findings on these subjects, resulting from an ICTSD project, among other topics. For more information, visit the ICTSD [website](#).

15 November, Bonn, Germany. INCREASING THE POTENTIAL OF TRADE TO SUPPORT CLIMATE PROTECTION – LESSONS FROM RTAs AND NDCs. This side event to the UN climate talks will be hosted by the International Centre for Trade and Sustainable Development (ICTSD) and the Entreprises pour l'environnement (EPE). It will address the role of trade policy in spurring climate action, looking at regional trade agreements and nationally determined contributions. The event will draw upon ICTSD research, along with an assessment of the EU-Canada Comprehensive Economic Trade Agreement, CETA, which included ICTSD inputs. For more information, visit the ICTSD [website](#).

16 November, Geneva, Switzerland. KNOWLEDGE-SHARING SEMINAR ON FISHERIES SUBSIDIES. This seminar is being organised by the International Centre for Trade and Sustainable Development (ICTSD). This seminar aims to provide support to the ongoing efforts within the WTO context to clinch a deal disciplining harmful fisheries subsidies, with a focus on building and sharing knowledge over the different options on the table and their potential implications. For more information, see the ICTSD [website](#).

27-28 November, London, UK. A SUSTAINABLE FOOD FUTURE. This Chatham House event will look at both the current state of play and future prospects for food security and a sustainable food system, examining topics ranging from fisheries and aquaculture to nutrition and health. Additional details such as an agenda, speakers list, and pricing information are available online. For more information, visit the Chatham House [website](#).

10-13 December, Buenos Aires, Argentina. WTO MC11 (BUENOS AIRES 2017). This event is the World Trade Organization's (WTO) Eleventh Ministerial Conference, marking the global trade body's highest level of meetings. The event is slated to see negotiations on a series of areas, including fisheries subsidies and agriculture, among various others. For more information on the event, please visit Argentina's MC11 [website](#).

10 -13 December, Buenos Aires, Argentina. ICTSD AT THE WTO'S ELEVENTH MINISTERIAL CONFERENCE. The International Centre for Trade and Sustainable Development (ICTSD) will be organising a series of activities during the WTO's Eleventh Ministerial Conference (MC11), including daily reporting from the event, along with the publication of related research and blog posts. To learn more, visit the ICTSD [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 and knowledge partners, in parallel with the WTO's Eleventh Ministerial Conference. A dedicated website to the TSDS is live, with information on how to register; the event's format; and other relevant details. More information is available at the TSDS [website](#).

14 December, Buenos Aires, Argentina. FORUM ON MIGRATION, TRADE, AND THE GLOBAL ECONOMY. The International Centre for Trade and Sustainable Development (ICTSD), the Fundación Foro del Sur, and the International Organization for Migration (IOM) will be holding the Forum on Migration, Trade, and the Global Economy in Buenos Aires, Argentina. Themes that have been identified as key areas of interest include the relationship between migration and labour policy, good governance, the innovation economy, regional integration, the contribution of diaspora communities, and a new vision for development. To learn more about the forum, please visit the ICTSD [website](#).

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## Resources

LOOKING FOR A PERMANENT SOLUTION ON PUBLIC STOCKHOLDING PROGRAMMES AT THE WTO: GETTING THE RIGHT METRICS ON THE SUPPORT PROVIDED. Written by Franck Galtier for the E15 Initiative (October 2017). This article, prepared for the E15 Initiative, which is jointly implemented by the International Centre for Trade and Sustainable Development (ICTSD) and the World Economic Forum (WEF), examines a possible approach towards a WTO-agreed permanent solution on public food stockholding programmes. This article is available for download at the ICTSD [website](#).

TOWARDS AN INDICATIVE LIST OF FDI SUSTAINABILITY CHARACTERISTICS. Written by Karl P. Sauvant and Howard Mann for the E15 Initiative (October 2017). This paper develops an indicative list of foreign direct investment (FDI) sustainability characteristics, with the goal of facilitating the assessment of these investment flows in terms of their ability to advance sustainable development objectives. This paper is available for download at the ICTSD [website](#).

FOSSIL FUEL SUBSIDIES REDUCTION AND THE WORLD TRADE ORGANIZATION. Written by Joel P. Trachtman for the International Centre for Trade and Sustainable Development (ICTSD) (October 2017). This paper examines the potential role of trade policy, including in the WTO context, in facilitating the phase-out of fossil fuel subsidies and thus advancing climate action. This paper is available for download at the ICTSD [website](#).

OECD QUARTERLY INTERNATIONAL TRADE STATISTICS, VOLUME 2017 ISSUE 2. Published by the Organization for Economic Co-operation and Development (October 2017). This publication features trade data for a series of countries, with the objective of facilitating analysis of international trading patterns. This report is available for download at the OECD [iLibrary](#).

TRADE TALKS EPISODE 9: HAPPY 70TH GATTIVERSARY—THE ORIGINS OF MULTILATERAL TRADE. Published by the Peterson Institute for International Economics (PIIE) (October 2017). This episode of the Peterson Institute's "Trade Talks" podcast reflects back on the origins of the General Agreement on Tariffs and Trade (GATT), the precursor to the present-day WTO. The podcast is available on the PIIE [website](#).

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