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AGRICULTURE

WTO Negotiations: Members Debate New Farm Trade Proposals on Domestic Support, Transparency

Over the past fortnight, a series of WTO members have put forward new proposals involving different aspects of the agriculture talks, including on trade-distorting domestic support, public stockholding for food security purposes, and on the quality and enforcement of notification requirements.

In the thorny area of domestic agricultural support, Argentina has tabled a proposal aimed at forging "convergence" among members before ministers arrive in Buenos Aires, Argentina for the WTO's ministerial conference. The high-level meeting is set for 10-13 December, just over four weeks away.

Under the 2 November proposal, Argentina has called for WTO members to agree to new ceilings and cuts to their trade-distorting farm subsidies.

The communication from Argentina came shortly after the chair of the agriculture negotiations, Kenyan Ambassador Stephen Karau, circulated a document which set out alternative negotiating options in matrix format.

Several countries have encouraged the chair to prepare a draft negotiating text as the next step forward in the talks. While some delegates told Bridges that negotiating positions remain entrenched, others said that various countries were making a final effort to help build consensus. (See Bridges Weekly, [19 October 2017](#))

New negotiating proposals on agriculture were also tabled by Paraguay and Russia on public stockholding for food security purposes, and by Tunisia on tariff simplification.

The US has also tabled a proposal on transparency, which addressed delays in notifying information to the WTO in several areas, including agriculture. This document was not submitted under the agriculture negotiations themselves, but via the General Council and the Council for Trade in Goods.

Argentina: draft WTO decision

The Argentine paper is presented as a draft ministerial decision on domestic support. Sources told Bridges that the proposal drew on various elements put forward by other countries in the talks in recent months.

It sets out proposed new limits on overall trade-distorting support, which would cover highly trade-distorting “amber box” support as well as payments classified as “de minimis” at the global trade body. The latter are essentially amber box payments which fall below a minimum threshold, which is defined as a share of the value of agricultural production.

It also sets out proposed cuts to countries' existing ceilings on amber box support under their WTO commitments, as well as disciplines on cotton. The C-4 group of West African cotton producers, comprised of Benin, Burkina Faso, Chad, and Mali, have long argued that cotton subsidies have particularly harmful effects on the livelihoods of their citizens, making it harder to compete against foreign producers.

Under the draft decision, Argentina also says that other issues of negotiating interest could form part of a work programme for future reforms. These could include talks on further cuts to the limit on overall trade-distorting support, measures to address production-limiting “blue box” support, and limits on the concentration of trade-distorting support on specific products. These negotiations would aim to deliver outcomes by the next ministerial conference, which is expected in 2019.

Public stockholding: building on Bali?

Another draft decision for the ministerial has been put forward by Paraguay and Russia, focusing on the question of a “permanent solution” on the issue of public stockholding for food security purposes.

The G-33 developing country coalition has called for more flexibility in WTO farm subsidy rules to make it easier for developing countries to buy food at subsidised prices as part of their public food stockholding schemes. Agricultural exporting countries have nonetheless cautioned that exempting all subsidised purchases, as the G-33 have proposed, could distort trade and undermine food security in other countries.

The Paraguay and Russia proposal seeks to build off an earlier deal that was reached on this issue at the WTO's Bali ministerial conference in 2013. Under this agreement, countries agreed not to challenge these programmes under the WTO's dispute settlement mechanism, so long as certain conditions are met, such as more detailed notification requirements. (See Bridges Daily Update, [7 December 2013](#))

Paraguay and Russia propose that the permanent solution should include additional conditions and safeguards, such as a ceiling on the level of tariffs applied to products procured under the public stockholding programme.

Russia, as is the case with other grain exporting countries, is concerned that subsidised food purchases under public stockholding schemes would eventually cause adverse effects for their exports to global markets.

US: strengthen notification requirements

In a wide-reaching proposal on transparency and notifications, the US has called for members to agree stronger action on members that are persistently late in complying with their reporting requirements at the WTO.

Reports to the trade body's committees on agriculture, rules, and technical barriers to trade are singled out for special attention in the proposal, which includes a draft ministerial

decision for adoption at Buenos Aires. The rules negotiating group is the forum where members are negotiating disciplines on harmful fisheries subsidies. (For more on the fisheries subsidy talks, see related story, this edition)

Washington proposes a series of measures that it says would improve the quality of notifications, as well as the timeliness of members' compliance. This includes penalties for WTO members that fail to comply with reporting rules.

Regarding the Agreement on Agriculture, these include, after a 720-day or two-year delay, subjecting them to a set of potential penalties. This includes, within an additional year, barring the country's representatives from presiding over WTO bodies; not providing documentation to the government's Geneva mission or authorities in the capital; and discontinuing the country's access to the members section of the WTO website.

After a second year of delays, the member would be designated as an "inactive member," and denied access to training or technical assistance. It would also be "identified" as an inactive member when making interventions at the WTO's General Council, the organisation's highest-level meeting outside the ministerial. Notifications under the WTO's various other agreements would face similar timeframes, without the same delay.

The proposal also sets out "interim" steps for the ministerial. With regards to agriculture, it proposes that WTO members "re-commit to complying with their existing notification obligations under the Agreement on Agriculture and to commit to further strengthening the Committee on Agriculture as a forum for members to discuss members' implementation of agricultural policies."

While many members welcome this long-due attention to the very damaging record of lax observance of notification obligations at the WTO, some suggested that the proposed penalties may be disproportionately stringent.

Tunisia: tariff simplification

The Tunisian proposal calls for tariffs that are expressed in a complex form – for example, those that vary depending on the weight of the imported product – to be simplified. A draft ministerial decision annexed to the proposal would see members agree to express all tariffs as a share of the product value within one year.

Developing countries would be granted additional flexibility, according to the proposal. All WTO members would negotiate the share of developing countries' tariffs that would not need to be simplified, and would agree on a longer implementation period for those that would be converted from more complex forms. Countries would also have to modify their WTO commitments accordingly, and be able to demonstrate that the changes would not involve an effective increase in the original tariff.

Intensive consultations

Karau is due to convene an informal agriculture negotiating session open to all WTO members on Friday 10 November, following a series of intensive small-group consultations.

The Friday meeting is meant to allow for a report back to the WTO membership on progress in the consultations, along with providing countries with an opportunity to react, trade sources said. That same day, WTO members are also due to convene under the Council for Trade in Goods, one of the forums where the US has tabled its transparency proposal.

Negotiating coalitions were also meeting during the week to explore options in the farm trade talks, with some countries or groups expected to submit further negotiating proposals.

ICTSD reporting.

FISHERIES

WTO Negotiators Debate Revisions to Integrated Fisheries Text

Trade negotiators debated a series of additions to a draft, integrated text of proposals on disciplining harmful fisheries subsidies last week, during a cluster of meetings at the WTO's Geneva headquarters.

The meetings, held from 31 October to 3 November, followed on previous meetings in October that involved an overview and initial discussion on a common text that brought together the seven proposals that had previously been tabled this year. (See Bridges Weekly, [19 October 2017](#))

WTO members have been working towards clinching a fisheries subsidy deal in time for their ministerial conference in Buenos Aires, Argentina, which is due to kick off in just one month.

Given the limited time remaining, and the various outstanding issues involved, delegations have been weighing how much they should aim to address by the Buenos Aires gathering, along with which areas should serve as part of a future agenda of WTO work. Negotiations around fisheries subsidies are due to resume next week.

Illegal, unreported, and unregulated fishing

The WTO fisheries talks have focused on crafting a ban on subsidies towards illegal, unreported, and unregulated (IUU) fishing; subsidies that contribute to overcapacity and overfishing; and subsidies that contribute to overfished stocks.

The past week of negotiations included suggestions from various members over how to craft the IUU ban within a broader deal, such as how to determine that IUU activities are taking place, sources say. This included, for example, how to ensure due process when using lists to make these determinations, along with who should be defined as the recipient of a subsidy under an IUU ban.

Notably, China put forward a three-page text specifically on an IUU fish subsidy ban. China's proposed text states that "IUU fishing activities shall be determined by the flag member in accordance with its domestic laws and regulations, including through the form of listing."

It further states that "when the flag member and the subsidising member are not the same, the fishing vessel concerned shall be notified to the subsidising member, and verified by the subsidising member through due procedure, and in accordance with relevant international laws, agreements, and rules of the RFMO."

Regional fisheries management organisations, or [RFMOs](#), are international coalitions of countries that work together in governing a particular fish species or those found in a set geographical region. Their roles vary depending on the RFMO, but can include collecting data, setting catch limits, and identifying non-compliance with RFMO decisions – and therefore setting up lists of IUU vessels.

Their role in a future fisheries subsidies deal – such as in the data they provide on the state of fish stocks, or how to use their IUU lists – has also been hotly debated among members. There are 17 existing RFMOs, with varying and sometimes overlapping memberships, according to the [Pew Charitable Trusts](#).

The move to rely primarily on flag states to determine whether IUU fishing is taking place reportedly drew pushback from various WTO members, including the US, EU, Australia, Japan, and the least developed country (LDC) group, according to a Geneva trade official familiar with the meeting.

Concerns raised included whether giving a flag state such a large role in determining if these types of activities are occurring would weaken an IUU subsidy ban. A separate caveat in the proposal, that “any alleged IUU fishing activity involving disputes concerning territoriality, sovereignty, or maritime jurisdiction shall be exclude[d]” from the application of a fish subsidy deal, also drew concerns.

The various exceptions related to territoriality also include a proposed provision to terminate any WTO legal disputes where members claim that it could affect territory or maritime jurisdictions, or sovereignty. Various members have proposed different language formulations for treating this issue, but not all proposals go so far as to create a carve-out for territoriality in a subsidy ban.

According to a [2016 report](#) by the UN's Food and Agriculture Organization (FAO), illegal fishing may add up to 15 percent of fish captured every year. Tackling subsidies that could contribute to IUU fishing is one of several approaches being tried to tackle this problem, with others including steps outside the WTO to improve seafood traceability and limit market access to fish caught illicitly.

US calls for expanding scope, issues transparency proposal

Another development in last week's talks was additional clarity from the United States on its negotiating position. The US called for expanding the deal's scope to cover inland fisheries, rather than limiting it to fish caught in marine waters – an approach that differs from those proposed to date.

The US has also put forward a draft ministerial decision in separate WTO discussions that would have implications for transparency efforts in the area of fisheries subsidies. Under the draft decision, which also focuses on subsidies involving agriculture and technical barriers to trade, among others, Washington has called for members to improve their notifications, both in quality and frequency of submission, along with outlining detailed administrative penalties should members miss their notification deadlines. (See agriculture story above)

In the area of fisheries, the proposal also asks that members submit a series of details on their fish subsidy programmes, and that ministers agree at MC11 “as an interim step” to “re-commit to complying” with existing WTO subsidy rules on notifications and endorse new categories of details to include in their submissions.

WTO members are expected to discuss the transparency proposal during the Friday 10 November meeting of the Goods Council, which is where the US has tabled it for discussion.

Preparing for post-MC11 work

In recent weeks, there has been a growing debate among WTO members over how much an MC11 outcome should aim to tackle, and how much should be left outstanding for some type of work programme following the ministerial.

That debate continued during last week's meetings, according to a Geneva trade official, with some members stressing that IUU fishing should be prioritised in crafting a Buenos Aires deal. Some also raised the importance of transparency commitments, such as those involving subsidy notifications, among the areas that should be kept in a final accord.

Members also debated whether a ban on subsidies contributing to overfishing should be featured in an MC11 outcome document, or whether it should instead be treated after the

ministerial to allow more time for building consensus. Members reportedly remain at odds over different aspects of determining whether stocks are overfished, and whether a subsidy would need to have a negative effect on an overfished stock to be prohibited, along with the geographic scope of this prohibition.

Other members have pushed against endorsing a deal that only covers some elements now and others later, urging instead for ministers in Buenos Aires to endorse a significant package that goes beyond just IUU fishing.

ICTSD reporting.

INVESTMENT

Abuja High-Level Forum Examines Link Between Investment Facilitation, Trade

The interlinkages between trade and investment – as well as the potential role of the WTO in investment facilitation – took centre stage during a high-level meeting in Abuja, Nigeria, held from 2-3 November.

The high-level forum was co-hosted by the Nigerian government, the Commission of the Economic Community for West African States (ECOWAS), and a group of WTO members who have dubbed themselves the “Friends of Investment Facilitation for Development,” or FIFD. It also drew the participation of private sector, think tank, and civil society representatives.

The forum produced a [document](#) entitled “Deepening Africa’s Integration in the Global Economy Through Trade and Investment Facilitation for Development,” which examined the role that investment and trade play across the African continent, including for its development prospects. For example, the document refers to Africa’s connectivity needs in an increasingly digitalised world, along with supporting sectors that can, in turn, lead to improved health and educational outcomes.

“African is emerging as the next global growth frontier and realising the potential must be a major priority, not just for Africa, but for the global economy as a whole,” the document says.

It also refers specifically to how meeting various sustainable development objectives is contingent on a rapid scale-up of investment flows. According to a [2014 report](#) from the UN Conference on Trade and Development, developing economies face a US\$2.5 trillion shortfall every year in the investment they need for meeting the Sustainable Development Goals (SDGs). This includes investment for areas ranging from infrastructure to climate mitigation and adaptation, among various others.

That UNCTAD report was prepared as UN member states were still negotiating the goals and related targets, which were endorsed in late 2015. The SDGs and the 2030 Agenda for Sustainable Development together aim to eradicate extreme poverty, improve education quality and access, achieve gender equality, improve ocean conservation, and foster more inclusive, sustainable economic growth. (See Bridges Weekly, [1 October 2015](#))

“This situation deserves our attention. Bridging these gaps could help reduce Africa’s trade costs, boost its competitiveness, diversification, industrialisation, and participation in global trade,” [said](#) WTO Director-General Roberto Azevêdo to forum participants last week, referring to the investment gap for meeting the SDGs.

Role of the WTO?

While referring to the importance of governments undertaking domestic policies which lead to an enabling business climate, as well as the value of regional initiatives such as the Continental Free Trade Area (CFTA) negotiations, the text also devotes a significant level of attention to the WTO.

Assessing the role of the global trade body in the field of investment facilitation was one of the high-level forum’s “central objectives,” the document says. Along with calling on WTO

members to develop a “multilateral framework to facilitate investment for development,” it also notes the role of other intergovernmental bodies and agencies in this area, such as the UN Conference on Trade and Development (UNCTAD) and the International Trade Centre (ITC), as well as regional bodies.

Addressing investment facilitation under the WTO's multilateral framework has long been a controversial subject among members. Proponents argue that doing so could support greater cross-border investment by leading to rules that cut red tape, facilitate collaboration between countries, and provide a forum for discussing and addressing developing country needs in this area.

The “Friends of Investment Facilitation for Development,” or [FIFD](#), has convened workshops, seminars, and other informal meetings on the subject throughout the year. The FIFD includes Argentina, Brazil, Chile, China, Colombia, Hong Kong, Kazakhstan, Mexico, Nigeria, Pakistan, Qatar, and South Korea.

They suggest that discussing the issue within the WTO could be a valuable initiative, pointing to the role investment plays in helping developing economies participate in global value chains (GVCs), along with achieving the connectivity those countries need to be more competitive players in the digital space.

Furthermore, they have suggested that establishing a clear distinction between trade and investment is no longer appropriate in a 21st century context, given the current nature of production patterns. They therefore argue that addressing inefficiencies in investment regulations and administrative procedures are critical for enhancing trade flows.

The Abuja forum statement says that “a critical starting point for their exchange of insights and sharing of experiences was the reaffirmation that trade and investment are inseparable – and remain indispensable ‘twin engines’ for economic growth, modernisation, and development in Africa, as well as in the wider global economy.”

Meanwhile, some developing countries warn that crafting rules in this area could limit their domestic policy space, including in the right to regulate, and have vocally pushed against bringing this discussion within the WTO framework. They have also said that investment issues do not fall within the WTO's scope, citing the wording of past legal agreements, and further argue that investment facilitation is a more complex area than pure trade facilitation in goods, given the various behind-the-border aspects of investment.

After last week's meeting, the FIFD coalition could soon see more countries joining their ranks. The Abuja statement refers to expressions of interest from several African nations, though not specifying which ones. Sources familiar with the meeting note that while some African economies are interested in taking part in these discussions, others are not of that view.

During his intervention in Abuja last week, the WTO director-general suggested that one factor for the growing interest in investment facilitation comes from the Trade Facilitation Agreement (TFA), a global deal adopted by trade ministers at the WTO's ministerial conference in Bali, Indonesia, four years ago. (See Bridges Weekly, [7 December 2013](#))

That accord, which is now in force for those members who have ratified, aims to cut red tape and otherwise ease customs procedures, with the larger goal of lowering costs and lag times when goods are traded across borders. Experts have [examined](#) in detail how the TFA and the Aid-for-Trade Initiative can be used in developing a sustainable investment facilitation framework.

When making his statement, Azevêdo also made a distinction between investment facilitation and other facets of the trade-investment debate, such as market access or legal

protections for investors, arguing that the current push by some members to address investment facilitation at the WTO is not driven by the so-called "[Singapore issues](#)."

This refers to the 1996 WTO ministerial conference where members initially set up working groups on trade and investment, competition policy, and government procurement. Of these, only trade facilitation was included in subsequent WTO negotiations from 2004 onward.

However, Azevêdo also warned that moving forward multilaterally on investment facilitation within the WTO could prove difficult, given the current political landscape.

"I do think that, if you have a properly framed conversation, you will find that the WTO has a lot to offer. But having said that, I must also share my belief that most members would not be willing to revive – at least now – the kind of conversations we were having on investments several years ago," the WTO chief said.

Informal dialogue on investment facilitation has been taken place in various forums with particular emphasis in the last two years. In such conversations among delegates, academics, and other stakeholders, the concept refers to policies and measures that facilitate investment, without affecting market access, investor protection, or investor-state dispute resolution.

The final version of the Abuja statement has been forwarded to the WTO's General Council and the upcoming ministerial conference in Buenos Aires, Argentina.

ICTSD reporting.

GLOBAL ECONOMY

Asia-Pacific Trade Meetings Kick Off, as US Leader Meets with Japan, Korea Counterparts

US President Donald Trump began his five-nation trip in the Asia-Pacific region this past weekend, starting with a visit to Tokyo to address trade relations and other foreign policy matters with Japanese Prime Minister Shinzo Abe.

The meeting of leaders from two of the world's largest economies was being closely watched for signs of any outcomes on trade issues, including possible news of FTA plans.

Leaders told [reporters](#) afterwards that they hope to boost US-Japan economic ties, including on trade and investment. A [summary](#) issued by the White House outlined their shared interest in infrastructure projects in the region, so long as these are in line with key principles such as transparency and good governance. The summary also noted the growing influx of foreign direct investment from Japan to the United States, including over the past year.

Both Trump and Abe praised their existing relationship, and reportedly highlighted the value of ongoing discussions under the US-Japan Economic Dialogue led by US Vice President Mike Pence and Japanese Deputy Prime Minister Taro Aso. The last meeting under that forum was held on 16 October. (See Bridges Weekly, [19 October 2017](#))

Trade rule-making, trade deficits

Speaking at a joint press conference, Abe said that "together, Japan and the US are the two global economic leaders, occupying 30 percent of the global economy."

He added that not only does this make them logical partners in a bilateral context, but it also prepares them to play a leading role in the "high-standard rulemaking in trade and investment in the Asia Pacific region."

In a separate [speech](#) given at the US ambassador's residence in Tokyo, Trump referred to his concerns over "massive trade deficits" between Washington and Tokyo, flagging specifically automobiles as an area of concern. Trade deficits have been a recurring theme under the new US administration, particularly with major partners.

"So we'll have to negotiate that out, and we'll do it in a very friendly way, and I know it's going to be a successful negotiation," said Trump in response to questions from business leaders. A separate statement from the White House did welcome efforts from Tokyo in areas such as financial incentives for motor vehicles, without elaborating further.

However, no announcement was made on possible FTA talks in that context. Separately, Aso told reporters this week that bilateral trade talks would not be forthcoming at this stage, and suggesting that negotiations on a free trade agreement are not the right approach for dealing with the US administration's deficit concerns. He instead referred to the bilateral dialogue in place as a more appropriate forum.

This same week, officials from the two sides announced progress on a bilateral energy partnership, with the US Trade and Development Agency (USTDA) and the Japanese Ministry of Economy, Trade, and Industry (METI) signing a [Memorandum of Cooperation](#) "to advance quality energy infrastructure in third-country emerging markets in the Indo-Pacific."

Trump, Moon move to accelerate KORUS talks

Trade also took centre stage during meetings between Trump and his South Korean counterpart, President Moon Jae-in, in Seoul this week, particularly in light of ongoing discussions to amend an existing trade pact.

During the meeting, Trump [reiterated](#) past claims that the South Korea-US Free Trade Agreement (KORUS FTA) was “quite unsuccessful and not very good for the United States.”

Trump called for reaching a “free, fair, and reciprocal” trade arrangement, along with amending the KORUS accord itself, which entered into force in 2012. The two leaders [agreed](#) this week to “expedite” the KORUS amendment discussions, according to Moon.

According to local media reports, the South Korean government is set to publish an “economic feasibility” report on revising KORUS this coming Friday, 10 November, flagging which areas could be updated, under which conditions.

Nevertheless, South Korea's Minister of Agriculture, Food and Rural Affairs Kim Young-rok, told the Korea Times earlier this month that “there is no way Korea will offer more concessions to the US. This time, the US should offer to import more from Korea.”

The South Korean official highlighted in particular Seoul's concerns over a burgeoning trade deficit in farm goods since KORUS' entry into force.

Coming up

A series of other high-level meetings on trade are planned for the rest of this week in the Asia-Pacific. Trump is meeting in Beijing with his Chinese counterpart, President Xi Jinping. Shortly thereafter, regional leaders will convene at the Asia-Pacific Economic Cooperation (APEC) Leaders' Week in Danang, Vietnam.

APEC leaders will discuss a series of issues related to advancing regional economic integration and collaboration, at a meeting that comes at a “very complex time due to the many views on trade policy around the world,” said Allan Bollard, the Executive Director of the Singapore-based APEC Secretariat, in comments to the Straits Times.

The 21 APEC countries represent about 39 percent of the world's population, 57 percent of global gross domestic product (GDP), and nearly half of international trade. The APEC meet will be followed by the East Asia Summit (EAS) in Manila, Philippines on 13-14 November.

ICTSD reporting; “Korea diversifies agricultural export markets,” THE KOREA TIMES, 1 November 2017; “Trump Shifts Course, Will Attend East Asia Summit in Manila,” THE DIPLOMAT, 6 November 2017; “Report outlines amendment scenarios for KORUS FTA,” THE HANKYOREH, 3 November 2017; “Danang gears up to host leaders at Apec summit,” STRAITS TIMES, 7 November 2017; “Japan dismisses the idea of a two-way trade pact with the US, no matter what Trump wants,” REUTERS, 6 November 2017.

SERVICES

WTO Negotiators Weigh Ministerial Options for Domestic Regulation Negotiations

The past weeks have seen WTO negotiators engage in intensive debate on how and whether to advance with an outcome on domestic regulation in services in time for the organisation's eleventh ministerial conference (MC11), slated for 10-13 December in Buenos Aires, Argentina.

A group of 25 WTO members, led by Australia and the European Union, recently circulated a seven-page document for the wider WTO membership to consider, according to sources familiar with the process. The document focuses on "development and administration of measures," "regulatory independence," "necessity test," "transparency," "technical standards," and a new section on "development."

The document has built on the discussions under the Working Party on Domestic Regulation (WPDR) and the unfinished Trade in Services Agreement (TiSA). The former is a subsidiary body of the WTO's Council on Trade in Services, with a focus on negotiating potential rules involving technical standards, licensing, qualification requirements, and other issues that could hamper cross-border services trade.

The latter is a plurilateral initiative that was under negotiation by 23 WTO members, counting the EU as one. The TiSA talks have been on hold for the past year. (See Bridges Weekly, [24 November 2016](#))

However, trade sources say that the proposal drew pushback from some members at a meeting this week of the WPDR, leaving the next steps for this initiative unclear at press time.

Building on the TFA?

While most of its content could be traced back to the WPDR and TiSA processes, the proposal's new section on "development" represents an innovation from the traditional "special and differential treatment" (S&DT) approach seen under WTO rules.

With the conclusion of the Trade Facilitation Agreement (TFA) in 2013, WTO members have expanded and updated their understanding on "development" in the context of trade negotiations.

The landmark accord, which entered into force earlier this year, set up a series of categories for developing countries to notify the implementation of their commitments. This tiered system allowed for choosing which TFA provisions entered into force immediately, which ones would require a transition period, and which ones would require both additional time as well as technical assistance and capacity building. (See Bridges Daily Update, [7 December 2013](#), and Bridges Weekly, [23 February 2017](#))

As a result, analysts say that the implementation of new WTO obligations and commitments is now being increasingly recognised as a two-way process that seeks to benefit all parties equally, rather than a scheme based simply on delayed entry into force and exceptions. The recently circulated document on domestic regulations, sources suggest, seems to be moving in a direction consistent with the variable geometry introduced by the TFA.

The proposal's new section on development differentiates between developing, developed, and least developed countries. While the last group would be excepted from all obligations, they would nevertheless be encouraged to comply within their capabilities. Regarding developing country members, the proposal describes a mechanism for delayed entry into force of specific provisions, subject to specific timeframes and conditions. Likewise, the proposal lays out a system of "on request-trade assistance" in support of developing countries that face institutional and regulatory capacity constraints.

Racing against the clock

This proposal comes at a crucial time in the run-up towards MC11, which kicks off in a matter of weeks. As the clock runs down, members are trying to define the elements to be included in a ministerial decision and the subsequent mandates for each area of work.

Although the path towards MC11 remains challenging and negotiators say that prospects are not always optimistic, proponents suggested prior to this week's WPDR meeting that this new proposal could delineate a realistic way forward for the ongoing agenda of the WTO's General Agreement on Trade in Services (GATS).

Officials have also noted that various options remain, even if a multilateral outcome ultimately proves elusive at MC11. Earlier this month, WTO Director-General Roberto Azevêdo highlighted the importance of services trade in the global economy, [speaking](#) to an audience in Washington. He also noted that while negotiations in this area – and various others – are challenging, there are options for moving forward within the WTO framework for interested parties.

"The WTO architecture is flexible enough to allow for different types of agreements and for arrangements in different configurations. There is plenty of scope for creativity. I think it's important to keep this in mind," he said, without prescribing what these scenarios could involve.

"This is particularly true in services, where the structure of the GATS allows for very flexible approaches – both in terms of the commitments and of the number of participants," he added, noting that the Buenos Aires ministerial is just one step in a longer process.

ICTSD reporting.

TRADE REMEDIES

US Commerce Dept Announces Final Determinations in Canadian Lumber Probe

The US Commerce Department announced last week the final determinations in the anti-dumping and countervailing investigations on imported softwood lumber from Canada, in a move that trade observers say could ratchet up tensions between the North American neighbours.

The duties, which were confirmed by the US federal agency on 2 November, include final anti-dumping duties on various Canadian producers ranging between 3.2 percent and 8.89 percent, while countervailing duties range from 3.34 to 18.19 percent.

The final determination resulted in slightly lower rates compared to preliminary [dumping](#) margins and [subsidy](#) estimates issued earlier this year. (See Bridges Weekly, [11 May 2017](#))

Anti-dumping duties are used to respond to cases of alleged dumping, where goods are being sold abroad at prices below their normal value. Countervailing duties are imposed to neutralise the negative effect of unfair subsidies, as long as the latter is found to injure domestic producers in the importing country.

"While I am disappointed that a negotiated agreement could not be made between domestic and Canadian softwood producers, the United States is committed to free, fair, and reciprocal trade with Canada," [said](#) Wilbur Ross, the US Secretary of Commerce.

"This decision is based on a full and unbiased review of the facts in an open and transparent process that defends American workers and businesses from unfair trade practices," he added.

In a joint statement, Canadian Foreign Minister Chrystia Freeland and Natural Resources Minister Jim Carr [called](#) the US decision "unfair, unwarranted, and deeply troubling."

"We will forcefully defend Canada's softwood lumber industry, including through litigation, and we expect to prevail as we have in the past. We are reviewing our options, including legal action through the North American Free Trade Agreement and the World Trade Organization, and we will not delay in taking action," says the joint statement.

The duties are still awaiting confirmation from the US International Trade Commission (ITC), which is due to issue its findings on 18 December. The US agency will need to make a determination of whether these imports caused substantial injury to US domestic producers. If it deems that substantial injury did not occur, then the duties will not go forward.

The decision comes at a time when negotiators from the three North American Free Trade Agreement (NAFTA) countries – the US, Canada, and Mexico – are working to modernise the deal. Ministers have lately acknowledged that the talks have now entered a very challenging phase. (See Bridges Weekly, [19 October 2017](#))

While officials say that the softwood lumber issue is not part of the formal NAFTA talks, they have noted that the situation does have implications for the trade dynamic between the North American neighbours.

Canada's Prime Minister Justin Trudeau, answering questions from domestic media outlets, noted that "every different aspect of our deep and broad relationship with the United States comes into the conversation that we have regularly," while reaffirming that addressing the softwood lumber row is not part of the formal NAFTA modernisation process.

SLA spectre lingers

The introduction of duties follows failed efforts to renew a bilateral accord known as the Softwood Lumber Agreement (SLA), which had ended a previous decades-long lumber dispute between the neighbours. Prior to the SLA, bilateral trade in the timber had faced litigation in NAFTA and WTO courts. The SLA expired in 2015, and a standstill period on launching new trade remedy investigations expired late last year. Despite negotiations between Washington and Ottawa on a replacement to the SLA, no deal has been reached at this stage. (See Bridges Weekly, [23 June 2016](#))

After the standstill expired, a coalition of US timber producers filed a petition with the Commerce Department for launching investigations into claims of dumping and unfair subsidies. While meetings between US and Canadian trade officials on a new softwood lumber deal have continued, officials say no formal negotiations are currently on the docket.

At issue in the long-running trade row are the "stumpage fees" paid by Canadian lumber mills for timber, which comes largely from government-owned land, otherwise referred to as "Crown land." Given that these fees are lower than those paid on US timber, grown mostly on private land, many US timber producers have argued that the arrangement is tantamount to an unfair subsidy, and should thus be subject to corrective duties.

The US Commerce Department [estimates](#) the value of imports of softwood lumber from Canada at US\$5.66 billion in 2016. Softwood lumber represents around seven percent of Canadian exports and contributes C\$22.3 billion to Canada's GDP, [according to](#) estimates issued by Ottawa.

Industry players, domestic lawmakers react

The Chairman of the US National Association of Home Builders, Granger MacDonald, has been among those warning that duties on imported Canadian lumber could have adverse effects on US housing costs, given that the vast majority of lumber imports come from the US' neighbour to the north.

"This tariff only adds to the burden by harming housing affordability and artificially boosting the price of lumber," MacDonald [said](#), according to CBC News.

Similarly, the joint statement from the Canadian ministers [said](#) that the duties are "a tax on American middle class families," given the potential implications for housing affordability. "It is clear the tariffs are worsening the lumber supply problem in the United States and forcing US home builders to look overseas to meet their demand for lumber," it adds.

Representatives of the US "lumber coalition" advocating for the duties [said](#) that the Commerce decision will help "level the playing field" for US producers, which can now scale up their productive efforts to fill demand.

The decision also was praised by some US lawmakers who have been calling for punitive measures, including from those states that are competitive players in the country's timber market – such as by being home to sawmills or other processors.

"With today's action by the Commerce Department, American lumber mills and mill workers are one step closer to getting hard-won relief against subsidised and dumped Canadian softwood lumber," [said](#) Senator Ron Wyden, the ranking member of that chamber's Finance Committee. Wyden is a Democrat from the US state of Oregon.

"The duties announced today by the Commerce Department will provide much-needed relief for the US softwood lumber industry," [echoes](#) a joint statement by some US congressional representatives from states in the Pacific Northwest.

However, the Commerce Department decision has drawn criticism from the Canadian province of British Columbia, which accounts for a significant portion of the country's softwood lumber exports to the US.

"We will continue to fight for the 60,000 British Columbians who depend on forestry," [said](#) the Premier of British Columbia (BC), John Horgan. "The forest sector is an integral part of BC's sustainable economy, and we will make sure workers, families, and communities have the support they need to mitigate the impact of these duties."

In June, the Canadian government announced a C\$867 million (US\$640m) industry relief action plan to "support affected workers and communities" and to "chart a stronger future for the workers," following the announcement earlier this year of preliminary US countervailing duties on imported Canadian softwood lumber. (See Bridges Weekly, [11 May 2017](#))

ICTSD reporting; "'Unfair, unwarranted and deeply troubling': U.S. sets final import duties on Canadian softwood lumber," CBC NEWS, 2 November 2017; "UPDATE 5-U.S. imposes final duties on Canadian softwood lumber," REUTERS, 2 November 2017; "US sets final tariffs on softwood lumber from Canada," BBC NEWS, 2 November 2017.

GLOBAL ECONOMY

Australia PM: EU, TPP-11 Accords Can Help Support Rules-Based Economic System

Advancing on trade rule-making in various regional contexts – including negotiating an EU-Australia trade accord and advancing the Trans-Pacific Partnership (TPP-11) process – could play a valuable role in supporting the multilateral trading system, said Australian Prime Minister Malcolm Turnbull last week.

The EU and Australia are “key partners in reinforcing the rules-based economic system,” Turnbull [said](#) in the Western Australian city of Perth on 4 November. “It is our only remaining major trading partner with which we don’t have a free trade agreement. We must seize the opportunity to achieve one.”

In his speech, the prime minister also commented on the current geopolitical climate when it comes to trade, warning against inward-focused policy and political approaches.

“Continuing prosperity assumes we do not close our doors to the flow of people, capital, imports, or ideas. That we don’t turn in on ourselves, taking populist comfort in protectionism. That we don’t forget the lessons of the 1930s,” he [said](#).

He also referred specifically to some of the challenges facing today’s global trading landscape, including within the WTO context.

“The siren songs of populists, advocating protectionism as simple quick solutions, have gained considerable support. Moreover, there is a real risk that rising major power tensions – tensions between assertive state capitalism in China and populism in the United States – could undermine the stability of the World Trade Organization’s rules-based trading system and its all-important mechanisms for settling disputes,” Turnbull said.

With the US pulling out of the Trans-Pacific Partnership (TPP) earlier this year, the 11 remaining members have spent the past several months negotiating how to advance with the accord.

While not yet confirmed, observers note that the TPP-11 preparations could lead to an agreement on the sidelines of the Asia-Pacific Economic Cooperation (APEC) summit. However, negotiators will still need to contend with differing opinions on which provisions to put on hold or revise in order to proceed with ratification, and also address requests for changes to investor-state dispute settlement (ISDS) clauses that have been requested by the new government in New Zealand.

Proponents of the accord say that it could be a landmark deal, both in economic heft and in setting a new bar in trade rule-making, even without the US currently on board.

“If we are to maintain the dynamism and prosperity of the Indo-Pacific, then we have to reinforce the rules-based structure that has enabled it thus far,” said the Australian premier in explaining his approach to the TPP-11. He also suggested that the deal should ensure that any economy willing to match the group’s ambition and standards should be able to sign on – including China.

EU lawmakers visit Australia, New Zealand

The Australian leader's remarks came just days after EU parliamentarians [signed off](#) on resolutions backing draft "guidelines" for free trade agreements with Australia and New Zealand, respectively.

This includes, for example, negotiating better access when bidding on government contracts in Australia; addressing sensitivities in the area of farm trade; and ensuring the right to regulate in the public interest. The resolutions give an indication of lawmakers' priorities in the talks, and the European Parliament will have to sign off on any completed deals.

The European Commission has already proposed draft mandates in both negotiations, with the European Council expected to endorse final versions by December in order for talks to kick off in the new year. (See Bridges Weekly, [14 September 2017](#))

Some of the EU's key parliamentarians on trade praised the vote last week, while also noting that the 28-nation bloc's recent accord with Canada could serve as a useful template for talks between Brussels and Canberra.

"Now we have a blueprint, it's not starting point-zero. I hope that this might go quite smoothly over 18 months to two years," said Bernd Lange, the EU parliamentarian who chairs the committee on international trade, in comments to The Australian newspaper.

Meanwhile, Daniel Caspary, the EU parliamentarian serving as the "rapporteur" on the Australia and New Zealand trade pacts, [said](#) last week that the vote was a promising sign of shared commitment to trade openness.

"While protectionism is on the rise in other parts of the world, the EU's trade agenda is on track: the trade negotiations with Australia and New Zealand will bring us closer to each other and pave the way for new jobs and more growth," he said.

EU trade lawmakers also visited both Oceanic nations last week, as part of the effort to prepare for the talks, including possible sensitivities and challenges that may arise.

Along with the EU parliamentary delegation that visited Australia and New Zealand last week, the German President, Frank-Walter Steinmeier, visited both countries this week for the 2017 Asia Pacific Regional Conference and other high-level meetings. This reportedly included leaders' level discussions on trade with both Turnbull and New Zealand Prime Minister Jacinda Ardern.

ICTSD reporting; "German President touches down in New Zealand for high-level meetings," STUFF.CO.NZ, 6 November 2017; "EU Australian trade deal could be signed by 2019," THE AUSTRALIAN, 6 November 2017; "TPP trade talks, minus the US, close to final stretch," THE STRAITS TIMES, 2 November 2017.

EVENTS & RESOURCES

Events

Coming Soon

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](#).

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.

16-17 November, Tokyo, Japan. MAKING TRADE INCLUSIVE: HOW TO MANAGE TRADE ADJUSTMENT. This event is hosted by the Asian Development Bank (ADB), World Trade Organization (WTO), and the Inter-American Development Bank (IADB). This event aims to foster a clearer understanding of how trade liberalisation has affected the Asia-Pacific region, as well as the impact of recent demographic and other trends on trade. For more information and to register, visit ADB's [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 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.

10 November: Committee on Regional Trade Agreements

10 November: Council for Trade in Goods

10 November: Informal Open-ended Committee on Agriculture – Special Session

10 November: Informal Open-ended Heads of Delegation

13-17 November: Informal Open-ended Negotiating Group on Rules (Fisheries Subsidies)

14+16 November: Trade Policy Review Body – Bolivia, Plurinational State of

14 November: Informal Group of Developing Countries

15 November: Committee on Trade and Development – Dedicated Session on the Monitoring Mechanism on Special and Differential Treatment

15 November: Committee on Trade and Development

15 November: Committee on Government Procurement

16 November: Informal Open-ended Committee on Trade and Development – Special Session

Other Upcoming Events

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 and to register for the event, 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 biennial 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. To learn more, visit 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](#).

Resources

IMPLICATIONS OF WTO TALKS ON AGRICULTURAL DOMESTIC SUPPORT FOR LEAST DEVELOPED COUNTRIES. Published by the International Centre for Trade and Sustainable Development (ICTSD) (November 2017). This new information note looks at the stakes for the WTO's poorest members in the ongoing negotiations on domestic agricultural support. It includes data and estimates on production, consumption, and trade for least developed countries (LDCs), and serves as a brief version of a longer, related ICTSD paper. The information note is available [here](#).

WHEN BAD TRADE POLICY COSTS HUMAN LIVES: TARIFFS ON MOSQUITO NETS. By Arne Klau for the World Trade Organization (WTO) (October 2017). This working paper examines how tariffs on mosquito nets have had a negative effect on demand – with related adverse public health implications, including for malaria. Along with presenting the state of play, it also examines policy alternatives to address the situation. The paper is available to download [here](#).

ACTION, AMBITION, INVESTMENT: WHAT SUCCESS AT COP23 LOOKS LIKE FOR LDCS. By Achala C. Abeyasinghe, Brook M. R. Dambacher, Rebecca Byrnes, Gebru Jember Endalew, and Subhi Barakat for the International Institute for Environment and Development (IIED) (October 2017). This paper examines the stakes for least developed countries from the current round of UN climate talks, known as the twenty-third Conference of the Parties (COP23) to the UN Framework Convention on Climate Change (UNFCCC). The paper is available to download [here](#).

STATE AND TRENDS OF CARBON PRICING 2017. Published by the World Bank in cooperation with Ecofys and Vivid Economics (November 2017). This annual review of the global carbon pricing landscape is designed for policymakers and private sector actors alike, and is meant to serve as a contribution to the ongoing negotiations on the implementation of the UN's Paris Agreement on climate change. This report is available to [download](#).

CONNECTING CLIMATE ACTION TO THE SUSTAINABLE DEVELOPMENT GOALS. Published by the German Development Institute (DIE/GDI) and the Stockholm Environment Institute (SIE) (November 2017). This project aims to map the relationships between countries' "nationally determined contributions" (NDCs) under the UN's Paris Agreement on climate change and the UN's Sustainable Development Goals. The tool is available [here](#).

MAINSTREAMING ENVIRONMENT AND CLIMATE FOR POVERTY REDUCTION AND SUSTAINABLE DEVELOPMENT: THE INTERACTIVE HANDBOOK TO STRENGTHEN PLANNING AND BUDGETING PROCESSES. Published by the UN Development Programme (UNDP) – UN Environment (UNEP) Poverty-Environment Initiative (November 2017). This new publication aims to serve as an interactive handbook for policymakers to mainstream environmental and climate concerns into development agendas, looking both at progress to date and future possibilities. The handbook is available [here](#).

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