



CFTC, FAO, New Zealand Government, WTO

**Third Round Table Meeting
ON Implication of WTO Agreements for
the Pacific Region**

Auckland, New Zealand, 3 –7 April 2000

REPORT

**Sub-Regional Office for the Pacific Islands
Food and Agriculture Organization of the United Nations (FAO)
Apia, Samoa
May, 2000**

**Third Round Table Meeting on Implications of WTO Agreements
for the Pacific Region**

(Sponsored: CFTC, FAO, New Zealand Government, WTO)

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1. Introduction

1. The third Round Table Meeting on Implications of WTO Agreements for the Pacific region was held in Auckland, New Zealand at Hotel Grand Chancellor from 3 to 7 April 2000. The meeting was jointly sponsored by FAO, New Zealand, Commonwealth Secretariat (CFTC) and WTO as the follow-up to the first two meetings, held in Auckland in September 1998 and March 1999 respectively.
2. The Round Table meeting was opened by Dr. Vili A. Fuavao, FAO Sub-regional Representative for the Pacific Islands. Mr. David Gamble, Consultant to the New Zealand Ministry of Foreign Affairs and Trade, Mr. Kosi Latu, Deputy Director of Legal and Constitutional Affairs Division, Commonwealth Secretariat (CFTC) and Mr. Primitivo Gomez Toran, Councillor at the Technical Cooperation Division of WTO welcomed the participants.
3. Similarly to the previous two meetings, the main objectives of the Round Table were to:
 - Build sustainable capacity in Pacific Island countries to meet WTO obligations;
 - Accrue benefits to Pacific Island countries from the existing Agreements;
 - Provide tools to Pacific Island countries to act as “equal partners” in the continuation of the reform process;
 - Debate and discuss on outstanding international issues of interest to the Pacific Island Countries related to WTO and international trade of agriculture and fishery products.
4. The five days meeting involved 40 people (lecturers, participants, observers and organisers). Participants¹ represented Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshall Islands, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu (the list of participants is attached as Annex 1).
5. The programme of the Round Table (Annex 2) consisted presentation and discussion on the following subjects:
 - General progress toward the next Round of WTO negotiations;
 - Status of fishery and agriculture trade and WTO related issues (e.g. export subsidies);
 - Harmonization of domestic policy and national requirements;
 - The Pacific Free Trade Area and EU-ACP Partnership Agreements;
 - Risk analysis and Codex standards;
 - Genetically Modified Organisms - GMOs;
 - Quarantine pest and compliance requirements for the Pacific Island Countries.
6. Working documents and papers (Annex 3) were distributed during the meeting. A full set of papers presented is available at FAO Sub-regional office for the Pacific Islands.

2. Seattle, Davos and UNTAD meetings

7. Mr. Primitivo Gomez Toran, Counsellor, Technical Cooperation Division of WTO in Geneva, presented a paper on the general progress in global trade issues, including the Seattle, Davos and UNCTAD meetings. He

¹ Two participants from Palau and Solomon Islands were not able to attend the meeting.

outlined the 1998 Geneva Ministerial WTO's work programme which took into consideration the agenda agreed on at Marrakech in 1994, issues added at Singapore in 1996 and follow-up to the 1997 Meeting on Less Developed Countries and other matters proposed by the members. He went on to outline the issues identified at these Ministerial Conferences, for example, implementation of previous agreements, as well as new issues such as the relationship between trade and competition policy, interrelationships between trade and investment, transparency in government procurement and trade facilitation.

8. The second ministerial meeting held in Geneva identified further issues, including notification problems, exhaustion of transition periods in favour of developing countries, market access for individual products, regional trade agreements and trade and environment. Mr. Gomez Toran further highlighted other issues to be included for negotiation such as: increasing transparency in the WTO, the relations between WTO and NGOs and civil society, global economic coherence and WTO relations with other intergovernmental organisations.

9. Mr. Gomez Toran outlined some of the causes for the failure of the Seattle Meetings. He noted conflicting agendas among members, "North-South" and "East-West" fault lines, and differences among major parties. Many countries had attempted to negotiate outcomes rather than parameters of the negotiation. There were also problems of communication and organisation. Furthermore, the Developing Countries (DC) actions in preparation of the next round had sought more transparency. There was a (false) perception by lobby groups and NGOs that the WTO was responsible for restricting government rights to protect health worker's rights, the environment and consumers. He noted that liberalisation is a process that will continue.

10. Regarding LDCs, the important issues for consideration in the next round of negotiations included market access conditions in particular. Other issues for consideration were: the limitation on supply; integrated framework for trade related technical assistance, increasing participation in WTO process, and facilitation and acceleration of the accession process.

11. Some of the questions and issues raised by participants at the Round Table were:

- More participation by members and awareness of priority areas;
- The mandate for the agriculture negotiations, which have commenced;
- Transparency;
- Special and preferential agreements;
- What is the definition of a developing country? e.g. Korea and Singapore;
- What does WTO mean to SIDS?

12. Mr. Gomez pointed out that the WTO Director General has stated that "WTO is back on track for trade and development" Important elements are:

- To improve and regularise the funding of WTO technical cooperation activities;
- Transition period problems and wider implementation issues;
- Freer access to markets with assistance to build up their institutional and human capacity and infrastructure;
- WTO internal procedures for consultation and decision making;
- The services and Agriculture negotiations as required by Article 20 of the Agreement on Agriculture (AoA) and Article XIX of the GATT have commenced.

Post Seattle

13. Global values and principles of human rights, labour standards and environmental parameters were considered important in the Forum of Davos, held in January 2000. An often repeated phrase during this meeting was "responsible globality".

14. The UNCTAD is the focal point for trade and development within the UN. UNCTAD X, Bangkok, has analyzed and presented a plan of action in which technical assistance in trade-related matters is prioritised.

3. Global Agriculture and Resumption of WTO Negotiation

15. Mr. Chris Carson made a presentation on global agriculture and the resumption of WTO negotiations in relation to the Uruguay Round Agreement on Agriculture (AoA). He gave reasons why it had been necessary to continue the MTN process together with some of the implications from Article 20 of AoA. This included the need for countries to prepare themselves adequately for the next negotiations. Further, he reiterated the points to which article 20 refers, and finally mentioned suggested topics for inclusion in the agenda for future agricultural negotiations.

Price trends

16. Reference was made to important price trends for wheat and coarse grains. During 1995, high cereal prices meant there was no pressure on domestic policies. In 1996 the price of wheat and grain dropped by 50 % and in 1998 fell lower. As a result, there was added pressure on the domestic agriculture policies in major northern hemisphere markets.

Policy trends

17. The European Union maintains high protection at its borders to preserve its domestic policy. Its ability to meet its UR commitments is in doubt. The United States export subsidies were lower in 1995/96 when prices of grain were high. Since then, the US has revised its agricultural policies, which have moved away from support subsidies to direct farmer support. However, there are signs that the US may again be moving some resources into subsidy measures. The policy position and emphasis for Japan and Korea on the other hand is on food security. The definition of this point will remain a contentious issue.

Agriculture negotiations

18. The current issues for the agriculture negotiations are the election of the chairperson, the Committee on Agriculture (COA) Special Sessions, technical papers and submissions, preparation of negotiating proposals and the compilation of secretariat papers.

19. The main elements of the agriculture negotiations will be: domestic support, market access and export competition.

Domestic support

20. Problems persist in defining those products eligible for inclusion in the AMS calculation, the treatment of negative values and errors in the calculation method. Regarding the blue box a determination must be made of how much the distortions of production and trade are due to these measures, and how necessary is their use. Regarding the green box he pointed out that problems continue in defining permitted support policies and in the significance and extent of the "minimal effect in production and trade."

Market access

21. On subjects related to market access Mr. Carson indicated the existence, among other things, of very high tariff levels for some agricultural products, the problems of escalation and tariff peaks and use of non-tariff measures. On the subject of the special safeguard clause he emphasised the need to decide whether it should be a temporary or permanent measure, and in connection with special and differential treatment, he believed that the concept of "developing country" required agreement.

Export Competition

22. Mr. Carson noted the persistence of high allowable subsidies, especially in developed countries, and the fact that the countries allowing subsidies are a minority within the membership. There were problems relating to the ability to transfer subsidies from one period to the next and the need to clarify the relationship between agricultural subsidies established in the AoA.

23. The issue of export credits and whether they should be subject to the general arrangements which govern export subsidies was noted for further discussion.

24. Non-trade concerns are becoming increasingly important to some countries, especially food security, environment, and multi-functionality. Other issues include special and differential treatment, biotechnology, animal welfare and state trading enterprises.

25. In relation to SDT in agriculture, Mr. Gomez Toran outlined the different provisions of the Agreement on Agriculture, referring to the special conditions granted to Developing and Least Developed Countries (DC/LDC). Implementation period, size of reduction and policies exempted from reduction, were reviewed and special mention of the implementation of the decision on possible negative effects of the reform programme on the LDC and Net Food Importing Developing Countries was made.

4. Status of Agricultural Export Marketing in the Pacific Region

26. Mr. Parmesh Chand, Trade Commissioner, South Pacific Trade Commission, Forum Secretariat began his presentation by presenting an overview of the Pacific Island Countries. He categorized the countries into three groups: i) the relatively large countries (mainly the Melanesian countries); ii) the middle level countries (Samoa and Tonga); and iii) the small states (predominately atolls- Cook Islands, Niue, the Micronesian states). This distinction is important because of the varying degrees of natural resource endowments, which determine to a large extent the nature of export marketing arrangements in each country. Nevertheless, he mentioned that each PIC has potential for improving its export sector through proper marketing co-ordination and arrangements.

27. He also highlighted the importance of meeting the importing countries' guidelines and requirements. The current exporting situation is that 90 % of the products are traded outside of the region and only 7 % are traded intra-regionally. The vulnerability of export markets should direct each PIC to analyze which markets they should develop and re-think the marketing arrangements in country. He also re-iterated the problem of consistency of bulk supply and quality to meet the importing countries requirements.

28. Regarding the flow of trade to New Zealand from the PICs, there is a declining trend. Mr. Chand pointed the decline in trade of:

- Pawpaw by 320% in the Cook Islands;
- Copra oil by 15 % and copra meal by 185% in Samoa;
- Cocoa beans by 30% and coconuts by 15% in the Solomon Islands;
- Taro by 32% in Tonga; and,
- Coffee by 136% in Papua New Guinea.

29. Mr. Chand highlighted several natural advantages in the export of agricultural produce because of the smallness and remoteness of PICs as follows:

- Duty free access to several developed countries of the Pacific Rim and European Union;
- Reasonable air and sea links to various metropolitan markets;
- Winter-window of opportunity for exporting tropical products to the Northern hemisphere;
- Ability to capture niche-markets given year round production of certain crops as well as capacity to cater for small orders;
- Relative freedom from pests and diseases;
- Linkages with tourism, which has resulted in extra freight capacity for fresh produce;
- The unpolluted and natural environment; and
- The sizeable Pacific communities living overseas in key markets.

30. Among the disadvantages Mr. Chand mentioned:

- Land availability and tenure;
- Lack of knowledge about appropriate technologies and export markets;
- Lack of skilled labor;
- Lack of economies of scale due to small size and topography of available arable land;

- Remoteness and isolation which translates into high freight costs both domestically and internationally;
- Lack of interdepartmental co-ordination and conflicting directions taken by respective Government agencies in policy formulation and implementation;
- Inconsistencies in supply and quality of produce;
- WTO trade liberalization policies diminishing the relative advantages of duty free access to developed country markets; and,
- Importing countries recent insistence on compliance with standards and requirements of instruments such as Codex Alimentarius and International Plant Protection Organization etc.

31. However Mr. Chand noted some success stories in regard to exports of commodities to the New Zealand market from the PICs. He outlined these by countries as follows:

- Fiji - papaya, mango, chillies, eggplant, okra, beans, ginger, taro and cocoa beans;
- Cook Islands - papaya, taro, and nono;
- Tonga - watermelon, papaya, eggplants, beans and vanilla;
- Samoa - green banana, taro-tamu, coconuts, cocoa beans and nonu;
- Vanuatu - ginger, cocoa beans and coconuts;
- New Caledonia -limes, mango;
- Papua New Guinea - coffee;

32. Mr. Chand concluded his presentation by outlining some of the issues and challenges, which PICs must decisively address should they venture into sustainable production and export marketing of agricultural produce. These are:

- Lack of investment in agriculture due to restrictive guidelines and excessive bureaucracy;
- Lack of co-ordination between agencies responsible for promoting trade, those responsible for trade and those responsible for supporting production;
- Poor information dissemination about opportunities and post harvest handling techniques;
- Inconsistencies in supply and export quality;
- Declining preferences due to globalization of trade;
- Resource constraints in meeting WTO requirements; and
- Changing the distribution patterns and cost structures, which penalise small importers and exporters.

33. Participants raised some concerns and issues relating to markets and marketing of agricultural export products which included:

- Conflicting views on markets and marketing information;
- High overhead costs of commodity boards;
- Diversification of the commodity boards to sustain their operation;
- Private sector and government coordination;
- Co-ordination of markets and dissemination of marketing information;
- Need for Government's pro-active role in marketing and partnership;
- Identifying market availability;

- Intra-regional marketing information;
- Quarantine measures;
- Knowledge of guidelines and standards of importers;
- Ability to supply markets consistently;
- Promotion of product markets to secure premium prices;
- Limited scope for large-scale production in some PICs (pursuit of niche markets);
- Realising potential of marine and fisheries products;
- Intellectual property rights for processed goods e.g. coconut cream;
- Determining what to produce at economical scale;

5. Status of Fisheries in the Pacific.

34. 'Akau'ola, Secretary for Fisheries of Kingdom of Tonga, spoke on "The Status of the Fisheries in the Pacific". His presentation surveyed the current situation in terms of stocks, the historical perspective of tuna management and the challenges of the future.

35. Fisheries, particularly tuna represented the greatest potential resources for the majority of Pacific Island Countries (PICs). Current levels of harvest for the Central & Western Pacific region amounted to US\$1.7 billion. While catch rates have been steady over the longer period, there have been notable increases in the past two years, possibly attributed to the increased use of FADS.

- While the Exclusive Economic Zone (EEZs) of PICs was 50% of the area it accounted for 65% of the catch of the tuna target species of skip-jack, yellow fin, albacore and big eye for the region. Fishing methods have concentrated on tuna long lining for the deeper swimming tunas and purse seiners and pole and line for the surface swimming smaller tunas.
- The status of the stocks continues to be robust, particularly skip-jack and yellow fin. The only exception is big eye which has shown declining levels of catch over the longer period although the increased use of FADs (Fish Aggregate Device) over the last two years has resulted in higher levels of catch of smaller fish.

36. Management of the relatively large EEZs of PICs that were claimed under the provisions of the Law of the Sea Convention has been coordinated successfully through the FFA (Forum Fisheries Agency) Secretariat. Fishing relations with the Distant Water Fishing fleets were conducted both through multilateral and bilateral arrangements. A number of management measures were introduced to regulate and control fishing for tuna within the EEZs of member States including the regional register of fishing vessels, an observer programme, the introduction of a catch data base and a vessel monitoring system. Patrol vessels and aerial surveillance jointly operated by Australia, New Zealand and France have strengthened the region's monitoring, control and surveillance programme.

37. In spite of the outstanding success of the US Tuna Treaty with Certain Pacific Island States which will expire in 2003 (after 15 years), no other multilateral treaty has been negotiated, partly because of the preference of other DWFNs (Distant Water Fishing Nations) for bilateral arrangements. There is also the belief that bilateral arrangements may result in better returns to individual states although an analysis of known benefits does not seem to support this. There is an urgent need for PICs to assess future strategy given the danger that states negotiating individually will not have the full weight of support and the wider range of options/tactics that are available to the larger group. Continued resorting to such an option could weaken PIC resolve to maintain strong regional solidarity and in time erode its control of the resources.

38. Ongoing negotiations with DWFN's on the management of tuna stocks in the Western Central Pacific Ocean (WCPO) will culminate in Hawai'i with a Multilateral High level Conference on the Conservation and management of Highly Migratory Fish Stocks in the Central and Western Pacific - MHLC6. A small number of major issues still need to be finalized including definition of the treaty area, decision making, financing arrangements, and setting total allowable catch. PICs will also need to consider the future relationship between a new management regime and the current established regional organs.

39. Other challenges include maximizing benefits under new arrangements while ensuring that additional management costs are contained within reasonable limits. The early attempts by PICs to fish through the direct involvement of the public sector have been unsuccessful and resulted in losses as high as US\$300 million. Private sector led efforts have since proven that with good management and appropriate support from governments in a sympathetic environment combined with technical assistance from regional organizations, particularly SPC (Secretariat for the Pacific Community), it is possible to build a strong national fishing fleet targeting fresh fish for the growing international sashimi market. Leading examples are Fiji, French Polynesia, New Caledonia, Samoa and Tonga. FFA is currently looking at airfreight capacity, one of the potential constraints to the orderly development of this fishery.

40. PICs will need to address over-capacity. As new entrants seek to fish in the region management is not just a matter of the biological state of the fisheries. Consideration will need to be given to the economics of operations. Given the marginal profitability of some of the fleets that operate in the region increased catches may very well have a negative effect. World production of canned tuna was 262.1 million cases while consumption remained at 151.5 million cases. The high catches experienced in the last two years will not have helped the situation.

41. Another area of growing importance to the region is aquaculture. Its full potential was highlighted at the Kyoto Conference in 1976. The two major recommendations were to bring science into aquaculture and to adopt regional cooperation as a strategy to expand aquaculture development. Induced breeding and mass seed production leading to better yields and higher economic returns propelled aquaculture to become the fastest increasing food source, growing at a rate of 10% since 1984. The need to develop regional strategies to promote aquaculture has been recognized and the SPC, SPREP (South Pacific Regional Environmental Programme) and USP (University of the South Pacific) are considering the most appropriate mechanism to provide the required support. In the meantime a number of successful projects have been developed, the most notable being the black pearl industry in French Polynesia and the Cook Islands, seaweed in Kiribati and molluscs in the Solomon Islands and Tonga. The over exploitation of the near shore fisheries in many of the PICs is already a challenge to Governments in terms of the management of these resources. Farming of molluscs and holothuria as well as finfish, not only for local consumption but also as possible high value export commodities, needs to be evaluated and developed further.

6. Fisheries subsidy under WTO

42. Mr. Kosi Latu, Deputy Director, Legal and Constitutional Affairs Division, United Kingdom, presented his paper on Fisheries subsidy: a new emerging issue in terms of WTO. This was first raised in the global trade in 1997 for the following reasons:

- Increased concern about contribution of fisheries subsidies to over-capacity in fishing and environmental unsustainable fisheries;
- The need for strategic trade policies.

43. He revealed that information on global fisheries subsidies was poor, piecemeal and often confidential. Regulation of fisheries subsidies was a recent issue and is the , subject of an on-going discussion within the WTO Committee on Trade and Environment (CTE). Mr. Latu also indicated that developed countries were the main contributors to the existing global fisheries subsidies.

44. On the issue of compatibility of fisheries subsidies with WTO rules, he reported that it has not been the subject of a dispute within the WTO dispute settlement process.

Fishery subsidies and fisheries resources

45. There were concerns with fisheries subsidies in relation to the environment and two important issues were discussed:

- In 1997, New Zealand and USA placed proposals before the WTO CTE – *There is a decline in the fish resources in the Pacific.*
- The Ninth APEC Ministerial Meeting on Fisheries in November 1997.

46. For the Seattle WTO Ministerial Conference, a joint submission by Australia, New Zealand, United States, Philippines, Iceland and Norway requested that members agree to the elimination of subsidies that contribute to fisheries over-capacity.

“There is a growing recognition that many subsidies affect the fisheries sector, impede sustainable development, distort trade, and seriously undermine the possibilities of effective conservation and sustainable utilization of fish stocks”. [Communication from Australia, Iceland, New Zealand, Norway, Peru, Philippines and the United States in preparation for the Seattle Conference.]

47. Environmental groups, NGOs, IGOs, e.g. World Wild Fund for Nature (WWF), Green Peace, United Nations Environmental Programme (UNEP) have expressed concerns about the impact of fisheries subsidies on fisheries resources. FAO and the OECD studies on the sustainability of global fisheries resources and the impact that trade distortion measures indicate that world fisheries are in a “*state of crisis*”.

48. Mr. Latu reported that these studies indicated that:

- The use of inappropriate incentive measures has led to over-capacity, over-capitalisation and over-exploitation of fish stocks;
- Generally, these trade distortions encourages over-capacity;
- These effects are exacerbated where there are ineffective conservation and management measures.

49. Other effects of fishing subsidies were reported as follows:

- Distortions create a downward effect on global seafood prices;
- Trade distortions can compromise the ability of developing countries to ensure sustainable development. [Refer to submission by New Zealand at the CTE, 21 May 1997]

Compatibility of fisheries subsidies with WTO

50. Concerning the compatibility of fisheries subsidies with WTO rules, Mr. Latu referred to Article XVI GATT 1947 which reads as follows:

“... Contracting parties should seek to avoid the use of subsidies on the export of primary products. If however, a contracting party grants directly or indirectly any form of subsidy which operates to increase the export of primary product from its territory, such subsidy shall not be applied in a manner which results in that contracting party having more than an equitable share of the world export trade in the product during a previous representative period, and any special factors which may have affected or may be affecting such trade in the product”

51. In 1979, Tokyo Round Agreement Members adopted the “Subsidies Code”. The Subsidies Code was an attempt to tighten the disciplines contained in Article XVI of GATT. Relevant aspects are:

- The Code distinguished between export subsidies in terms of primary and non-primary products;
- Obligation not to grant export subsidies on products other than certain primary products did not apply to developing countries.

52. In the Uruguay Round negotiations, fish and fish products fell under the definition of “primary products” under the GATT 1947 regime but excluded from the coverage of the Agreement on Agriculture (AoA). AoA covers all products, less fish and fish products.

53. Fish and fish products are excluded from AoA, but are subject to the rules of the Subsidies and Countervailing Measures Agreement (SCM), which subdivides subsidies as follows:

(a) Prohibited subsidies - These are export subsidies and subsidies which are contingent on export performance or the use of domestic over imported goods.

(b) Actionable Subsidies - While not prohibited, these subsidies can in principle be granted or maintained unless they cause “*adverse effects*” on the interests of other member Countries, i.e. that may cause

- Serious prejudicial injury to the domestic industry;
- Injury to the domestic industry of the importing country;
- Nullify or impair the benefits accruing to other members under GATT.

(c) Non-actionable Subsidies - subsidies involving assistance under the defined conditions for industrial and applied research, disadvantaged regions or for certain environmental purposes.

54. Broadly speaking, the provisions of the Agreement on SCM apply to industrial products; those of the Agreement on Agriculture cover agriculture products. In the past, the rule against the use of export subsidies on industrial products applied only to developed countries. The SCM Agreement extended this rule to developing countries.

55. Under the SCM Agreement, an industry is deemed to have received a subsidy where a “benefit” is conferred on the industry as a result of:

- Direct transfer from the government of funds (e.g. grants, loans or equity infusion) or Government guarantees of payment of loans;
- The Government forgoing the revenue that would otherwise have been collected;
- The Government providing goods and services, or purchasing goods.

The concept of benefit is essential to determining whether a measure represents a subsidy.

Special and differential treatment of developing country members

56. Mr. Latu expressed his views on the above issue but focussed on the following points:

- Developing countries have a transitional period of eight years (i.e. 1 January 2003);
- Cannot increase the level of their export subsidies during transition period;
- Rules against the use of export subsidies does not apply to least developed countries and to developing countries with per capita GNP of less than \$US 1,000.

Remedies

57. During this portion of his presentation, Mr. Latu referred to Article 4, SCM Agreement, which provides two types of remedies for a member, which has reason to believe that its interests are adversely affected by the use of the subsidy.

- Dispute settlement process - best settled through consultation.
- Countervailing measures.

58. Countervailing measures can include the following:

(a) Prohibited subsidies

- Subject to accelerated dispute settlement process;
- Subsidizing member must withdraw it without delay;
- Affected member requests consultations with the member maintaining the subsidy;
- If no mutually agreed solution is reached within 30 days of request for consultations the matter can be referred to the dispute settlement body;
- If subsidy is a prohibited measure, the Dispute Settlement Board (DSB) shall recommend the subsidizing member to withdraw the measure without delay;
- If the subsidizing member does not withdraw the measure then the DSB may authorize appropriate countermeasures.

(b) Actionable subsidies

Actionable subsidies are subject to *automatic dispute settlement* and may be subject to *countervailing action*. Generally the following will apply:

- Dispute settlement procedure will apply, if bilateral consultations with the subsidizing member do not lead to its withdrawal;

- Where adverse effects of the actionable subsidy results in material injury to domestic industry, the importing country may levy countervailing duties on the imported subsidized products instead of invoking the dispute settlement process;
- Countervailing duties can only be levied when investigations have been carried out establishing the subsidized imports are causing injury to the domestic industry.

(c) Non-actionable subsidies

Not subject to the dispute settlement process or countervailing measures. However, where a country has reasons to believe that the subsidy programme has serious adverse effects on its domestic industry it may request consultations. If consultations fail then the matter may be referred to the Committee on SCM.

Notifications

59. With reference to notification, Mr. Latu referred to article 25 of the SCM Agreement, which indicates that members must notify any subsidy as defined in Article 1. The notification must include the form of the subsidy, its amount, its policy objective or purpose, its duration and statistical data permitting other members to assess its trade effects.

60. Fisheries industry subsidies include subsidies to:

- Harvest sector (fishers);
- Shipbuilding sector;
- Processing sector.

And also include fees from access fishing agreements e.g. Multilateral Fisheries Agreement between the USA and PICs.

61. The Multilateral Fisheries Treaty contains 3 types of financial payments:

- Payment representing license fees and technical assistance by US fishing industry;
- Observer programme costs paid by US industry, i.e. management programmes;
- Economic development assistance provided by US Government.

62. The amount paid for this treaty amounts to \$US18 million per annum. Other payments made by USAID amount to \$14 million of annual returns to beneficiaries. Within his presentation, Mr. Latu posed two questions:

- Do these payments constitute subsidies?
- Are they prohibited or actionable subsidies?

63. Implications for PICs

- The exploitation of fisheries resources through access fishing agreements is the single most important source of income for most PICs.
- The Multilateral Fisheries Agreement between USA and PICs may have to be renegotiated to make it compatible with WTO disciplines.

7. Harmonization of Domestic Policy, Legislation, Regulations with WTO Requirements

64. Mr. Primitivo Gomez Toran presented a paper on “Harmonization of domestic policy, legislation and regulations with WTO requirements”. He said that since the Tokyo Round and more significantly on the Uruguay Round there has been a shift of emphasis from tariff reduction to positive legislation. This was partly due to the significant reduction in the level of tariffs operated by developed countries in the previous rounds of negotiations.

65. The Marrakech declaration stresses open market-oriented policies as the way to participate in the World Trading System.

66. The shift into rule-making is evident in practically all the agreements, e.g. TRIPS requires members to comply with the provisions of different conventions; the Agreement on Technical Barrier to Trade (TBT) requires members to justify the need for technical regulations. SPS requires members to ensure that such measures are based on scientific principles and not maintained against scientific evidence. AoA contains elaborated rules for domestic programmes. All these agreements require countries to adopt measures, which hitherto fell within the universe of domestic economic regulations.

67. Features of the shift are:

- Rule-making employs the GATT principle of national treatment to erase the boundary between domestic and external economy;
- Transformation of trade policy from low into high politics;
- Increasing power of NGOs influencing politics of trade policy and trade negotiations

68. Several participants noted the difficulties countries face in drafting legislation in compliance with the WTO agreements and stressed the need for technical assistance and model legislation. It was suggested there be a cooperative effort at regional level given the similarity of situation in different countries. CFTC is considering the possibility of working in this area.

69. The advantages of joining WTO were discussed and a participant recalled the ongoing dispute between Fiji and Australia concerning rice. He noted that Fiji, as a member of WTO was not free to apply policy it considers adequate to solve problems such as those encountered by the rice growers. A discussion of advantages and disadvantages of being or not being WTO Member followed. Bilateral solutions as opposed to multilateral ones were analysed, and the importance of the dispute resolution mechanism with a multilateral framework was stressed.

34. The delegate from Vanuatu, which has been trying to join WTO since 1995 and is encountering enormous difficulties, raised the problem of accession. Being a LDC he felt the situation unfair and that there were requirements to accept undertakings beyond certain countries' capabilities. He asked that the problem of accession of LDC be specifically addressed by the recommendations of the meeting.

8. WTO Instruments Designed to Support Member's Rights, in Particular for Developing Countries

70. Mr. Gomez Toran presented a paper focusing on "Special and Differential Treatments" (SDT) included in the WTO Agreements. SDTs have evolved in the last 40 years of negotiations. In the 60-70s they were mainly aimed at facilitating access for developing countries and allowing them to protect their own markets (infant industries and development needs). They were based on non-reciprocity and at providing temporary waivers, which at a subsequent stage became permanent ones.

71. In the 80s, the developing countries opted for open trade. Several outward oriented countries were successfully growing. The Generalized System of Preferences (GSP) was seen as product constraining as it was not bound. Moreover, GSP preferential margins were falling as Most Favour Nation (MFN) tariffs were being reduced.

72. The Uruguay Round adopted ad-hoc measures that included delays on implementation; exemptions; best effort endeavours from developed countries and technical assistance.

73. Mr. Gomez Toran noted that the Marrakech package included a decision not to require the LDCs to undertake commitments or concessions inconsistent with their development, financial and trade needs, or with their administrative and institutional capacities. He illustrated various SDT measures contained in selected WTO agreements, among them the following:

74. Agreement on Sanitary and Phytosanitary Measures (SPS) – STD include:

- Equivalency (Art. 4.1);
- Technical assistance (Art. 9.1,2);
- Preparation; application of SPS measures (Art. 10.1,2,3);
- Participation in international organizations (Art. 10.4);
- Delays for LDCs of 5 years for imports; intervals between publication and application (Annex B.2);

- Drawing attention (Annex B.9).

75. Agreement on Textiles and Clothing (ATC) – STD include:

- Annual quota growth rates advanced by one stage for exporters represent 1.2% or less of the total restricted trade;
- One stage advancement of the growth rates more favourable treatment for LDC in an eventual application of the transitional safeguard;

76. Agreement on Custom Valuation – STD include:

- Delays of implementation for 5 years
- Extension possible;
- Delay of implementation of computed value method;
- Technical assistance;
- Retain minimum values;
- Possibility of non-acceptance of reversion of unit and computed methods
- Consider further processing in unit method;
- Study of cases of sole agents, sole distributors.

77. Agreement on Subsidies and Countervailing Measures (SCM) – STD include:

- Annex VII: countries exempt from export subsidies. DCs 8 years;
- LDCs 8 years, DC 5 years domestic content subsidies;
- Possible extension;
- Attention to export competitiveness;
- No presumption of serious prejudice;
- Countervailing determination terminated if subsidies less than 2%, (or 3%) or volume less than 4% of imports in the country.

78. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) – STD include:

- Supplementary delay of 4/10 years for DC/LDC;
- Additional 5 years delay for patent protection;
- Technology transfer;
- Technical assistance;
- Contact point.

79. Participants asked questions on possible protection under the TRIPS Agreement of natural germplams sold to other countries. The response was that natural products are not considered as patentable subject matter in TRIPS. Discussion followed among the participants; some stated that it was necessary to extend the coverage of Article 27 to protect natural products and community property rights. Further discussion made reference to indigenous knowledge and folklore.

80. Participants also proposed that efforts should be made at regional level to develop schemes for the protection of the natural products, indigenous knowledge, etc in order to prepare the region's negotiating position in the eventual updating of TRIPS Agreements.

9. Pacific Agreement on Regional Trade Area – PARTA

81. Ms. Mere Falemaka, Trade Policy Adviser, Trade and Investment Division of the Forum Secretariat presented a paper on the Pacific Agreement on Regional Trade Area (PARTA). The agreement would represent an instrument for the region to respond to the effect of trade globalization and the consequent decrease of most aid and the elimination of trade preferences. The Agreement will help countries to deal with political and economic marginalisation. The implementation of the agreement would be facilitated by the recent rapid development of communications in the region.

82. With regard to relations with the major trading partners, the Draft Agreement contains a separate protocol concerning Australia and New Zealand, which are the major important partners of countries in the region. With regard to the United States it is hoped that they will accept the Caribbean precedent and will not ask Micronesian countries for reciprocal arrangements. As far as the EU is concerned, the Agreement could become the basis for Partnership Agreement's negotiation. In addition, it will create a vehicle for dealing with all trading partners.

83. Due to the small volume of trade within the region (about 7% of total trade) it is not expected that the Free Trade Area (FTA) will bring immediate benefits. However it will create new opportunities as a result of the more targeted regional market and a more favourable environment regionally. The creation of the FTA will imply little loss of revenues, however the rule of origin should be reviewed for some countries. FTA will not start until 2001 and its implementation will be made in stages.

84. The draft Agreement covers only goods and has provision for the progressive phase-out of all tariffs in 8 years with special differential treatment for Small Island States (SIS) for 10 years. Art. 8 provides for a negative list of goods subject to tariffs, to be prepared and negotiated individually by each country. In addition, provisions are made for emergency measures and protection of developing industries.

85. Two important protocols complete the Agreement: one on relations with Australia and New Zealand and the second on Trade Facilitation, which include measures on quarantine, standards and harmonization of custom procedures.

86. Future steps include:

- Provision of technical assistance to countries to develop a negotiation position;
- Adoption of legal text in July 2000;
- Final negotiation in February 2001; and,
- Signing of the Agreement by Forum Countries in 2001.

87. Participants found the presentation very informative and noted the importance of harmonizing customs measures in the region. In response to question on how to address the issue of differing labour costs among countries in the region, it was stated that the differences in cost should be related to higher productivity and efficiency and not adjusted with subsidies.

88. Some of the participants stressed the need to include services in the agreement. It was also noted that, in contrast to the WTO Agreement, the main focus of the FTA was on tariffs and will be extended to services in future. Other comments referred to the extent of the negative list and the need to limit its length. It was also noted that FTA could provide countries with an opportunity to integrate aspects such as community property rights, which are not covered by the TRIPS Agreement.

89. With regard to harmonization of quarantine measures and standards, it was noted that the different situation in the countries in the region was noted. A lot of work and large investments in terms of both human resources and technical assistance will be required to address this issues.

10. The EU-ACP Partnership Agreement: the new trade regime

90. Ms. Mere Falemaka, presented a second paper on "New ACP-EU Partnership" She illustrated the background, principles/objectives, structure/features of the new Convention and the implications for the Pacific Islands.

Background

91. The new Convention comes after the Lome Convention, which expired on 29 February 2000 and formed the basis of ACP-EU relations. A new Convention has become necessary as a result of several factors that include:

- Internal changes: enlargement and deepening of EU integration; shift of EU focus beyond ACP; ineffectiveness and erosion of trade preference; need for greater accountability;
- External factors: consistency with WTO; expiry of waiver on 29 Feb. 2000; rapid changes in international trade environment.

Objectives

92. Main objectives of the Convention are:

- Sustainable development;
- Economic growth through development of private sector;
- Integration of ACP in new world economy;
- Social development and equitable income distribution;
- Eradication of poverty

Fundamental Principles

93. The Convention is based on the following fundamental principles:

- Equality of partnership and ownership of development strategies;
- Participatory approach in development planning and priorities (Art 4-7);
- Structured dialogue and mutual fulfillment of obligations;
- Differentiation and regionalism.

Structure

94. The PA is divided into 5 Parts which in essence constitute three main pillars, namely:

- (a) Political dialogue;
- (b) Trade and Development Co-operation; and,
- (c) Development Finance Co-operation

Regional Economic Partnership Arrangement - REPA

95. The Regional Economic Partnership Arrangement (REPA) falls under (b) Pillar and its main objectives are to increase private sector development and promote integration of ACP into global economy through strengthened partnership. The REPA will be negotiated between 2002 and 2007 after which a new arrangement comes into force in 2008. The REPA will be consistent with WTO requirements through progressive liberalisation over a timeframe. However, REPA is not mandatory and will be negotiated only with countries that are willing to do so. The EU will also assure market access for LDC products between 2002 and 2005. The Lome IV non-reciprocal preference will apply during the transitional period.

REPA Implications for PICs

96. The Pacific Islands need to recognize that the proposed REPA will ultimately result in reciprocal trade relations with the EU shifting from the existing non-reciprocal trade and the integration of WTO rules and principles in the REPA. The new REPA also brings other opportunities such as services and information technology (IT). PICs will also need to assess the proposed REPA and prepare to negotiate with the EU.

97. Ms. Mia Mikic, Senior Lecturer, International Economics Treasurer, Department of Economics of the University of Auckland University of Auckland, presented a paper on "The EU-ACP Partnership Agreement: The New Trade Regime and Poverty". She noted that the Partnership Agreement (PA) aims to develop qualitatively

different trade between the EU and the ACP, as well as to foster integration of the ACP countries into the world economy and to promote their growth. While the Agreement introduces some new instruments and mechanisms to achieve such objective, in the trade framework much is left unchanged for the next 7 years. The new trade agreement does not change the underlying principle of trading between the EU and the ACP countries. It is still based on non-reciprocal trade preferences, including the protocols on sugar, beef and veal at least during the preparatory period (2000-2007).

98. Ms. Mikic examined the Trade section of the PA. In particular, she discussed the desirability of using non-reciprocal preferences during the transitional period with respect to the ultimate objective which both parties (EU and ACP) to the agreement recognize as the most important one: alleviation of poverty in the ACP countries.

99. She concluded saying that there should be better co-ordination of trade and development policies at EU level, which would enable the EU to provide better assistance in improving infrastructure and the facilitation of trade. Product development and improved legislation as well as expertise in trade issues should be supported with special provisions at the national as well as regional level. Increased foreign direct and local investment is necessary to boost the private sector (in particular SME, which are credited with being the most dynamic in most economies).

100. The discussion that followed this presentation focused on the opportunity to use the FTA as a platform for future negotiation with EU. Some of the participants highlighted the importance of the link between trade and poverty and the need to consider seriously the problem of poverty eradication and the trade of products from Pacific Island Countries.

10. The Role of Science and Risk Analysis in International Food Regulations/Standards

101. Mr. S. Rajasekar, Manager WTO/SPS - Codex Coordinator and Contact Point for New Zealand Ministry of Agriculture and Forestry, presented a paper on the Role of Science in International Food Regulation and Trade.

102. Mr. Rajasekar explained that non-tariffs barriers have in the past, caused major problems for the international food trade and that sanitary and phytosanitary measures were often used as a disguised form of protection. The Tokyo Round started to consider and regulate TBT measures, however the Agreement set during the Tokyo Round was ineffective because it was unclear and non-binding; e.g. New Zealand could set and justify its own measures.

103. The SPS and TBT Agreements came into effect on 1 January 1995 with the establishment of the WTO. The Agreements set new and clearer rules and obligations addressing sanitary and phytosanitary measures. The SPS and TBT Agreements encourage the harmonization of national measures with international standards and put a new emphasis and importance to the work of international standard setting bodies and in particular the Codex Alimentarius Commission (CAC) for the measures related to food. As a consequence of the new emphasis and role of Codex Standards in international trade, in 1991 CAC initiated a major review of Codex work and procedures and initiated a discussion on the principles of Risk Analysis.

104. In 1995, CAC adopted a "Statement of Principles on Role of Science in Codex Decision Making". The statement provided the foundation and basis for Codex work on risk analysis and enabled Codex to move forward. The Statement of Principles includes four Principles as follows:

105. Principle 1

"The food standards, guidelines and other recommendations of Codex Alimentarius shall be based on the principle of sound scientific analysis and evidence, involving a thorough review of all relevant information in order that the standards assure the quality and safety of the food supply"

The purpose of this principle is to uphold the pre-eminence of science in Codex decision making.

106. Principle 2

"When elaborating and deciding upon food standards, Codex Alimentarius will have regard, where appropriate, to other legitimate factors relevant for the health protection of consumers and for the promotion of fair practices in food trade."

The purpose is to restrict consideration of the so-called other legitimate factors to those relevant to health protection and promotion of fair trade practices

107. Principle 3

“In this regard it is noted that food labeling plays an important role in furthering both of these objectives.”

The Principle provides explicit recognition that labeling plays in health protection and promotion of fair practices in trade

108. Principle 4

“When the situation arises that Members of Codex agree on the necessary level of protection of public health but hold differing views about other considerations, members may abstain from acceptance of the relevant standard without necessarily preventing the decision by Codex.”

The purpose of this Principle is to urge countries not to block the adoption of Codex standards because of differing views.

109. Regarding Risk Analysis, Mr. Rajasekar indicated that it is integrated into the Codex analytical framework and that the concepts and methodologies related to risk analysis are evolving. He noted the three Expert Consultations covering Risk Assessment, Risk Management and Risk Communication jointly organised by FAO and WHO.

110. Mr. Rajasekar also referred to other Codex initiatives encompassing various areas such as: organisation of expert consultations e.g. Dietary Modelling; Biotechnology; Microbiological Risks, etc.; strengthening risk assessment bodies, e.g. JECFA (Joint Expert Committee on Food Additives) and JMPR (Joint Meeting on Pesticide Residues) and providing training and technical assistance to developing countries. The expected outcomes of these activities will be:

- Sound science-based framework for standards;
- Consistent application of risk analysis framework within the Codex system;
- Increased confidence in Codex standards;
- Greater acceptance and use of Codex standards
- Fewer trade problems.

111. With regard to the role of science in developing standards, Mr. Rajasekar noted that the SPS Agreement requires: that national measures be based on scientific principles and assessment of risks; be applied in a consistent manner; and not create unjustified barriers to trade. The SPS Agreements encourage the use of international standards to conform to WTO requirements. He explained that Risk Analysis consists of three components: Risk Assessment, Risk Management and Risk Communication and that the process should be transparent, involve all interested parties and take account of uncertainty.

112. Among the current issues related to the role of science and risk analysis, Mr. Rajasekar noted the following:

- How to address scientific uncertainty
- Risk analysis policy guidelines
- Role of labelling in consumer information
- Definition of “other legitimate factors”

He concluded by pointing out the need to build on public confidence in food safety, to focus on outcomes, encourage international harmonisation and to assist developing countries.

113. The participants stressed the need to strengthen national capacity, to establish national standards consistent with international requirements and also highlighted the difficulties that PICs are facing to meet the requirements of major trading partners and standards developed by Codex Alimentarius. With regard to the equivalence judgement, the participants inquired whether the recognition of equivalence would facilitate the export of developing countries products. It was recognized that among PICs there is a growing awareness of the importance of food quality and safety and that consumers are becoming increasingly concerned about this issue. The participants recognized the importance of reviewing the national food standards to make them consistent with the WTO requirements.

11. Food Industries, Codex Standards and WTO requirements

114. Ms. Annamaria Bruno, Food and Nutrition Officer, FAO Sub-regional Office for the Pacific Islands, introduced a paper on "Food on Food Industries, Codes Standards and WTO requirements". She highlighted some of the main aspects of the Agreements on Sanitary and Phytosanitary Measures (SPS) and on Technical Barrier to Trade (TBT).

115. In the South Pacific, agriculture and fisheries remain fundamental sectors of the economy, and are crucially important for providing labour and food security through subsistence and semi-subsistence food production as well as for maintaining the living standards of much of the Pacific Island Countries' (PICs) populations. Most of the exports from PICs are primary products (i.e. raw/fresh), mainly fruit, vegetables and fish subject to little manipulation and/or very simple processing. Although exports from the Pacific region are still concentrated on traditional products such as coconut, coconut oil, copra, cocoa and fishery products, there is a gradual trend to diversify.

116. The level of development of the food industry in the Pacific region, in terms of technology applied, application of good manufacturing and hygienic practices and quality assurance system, is related to the type of industry, and, in most cases, to the existence of an export market for a certain product. The Pacific fishery industry has made (and continues to make) huge investments in the upgrading of their facilities and training of their managers and staff. The application of quality assurance systems has allowed the fishery industry not only to maintain trade access to these large and extremely valuable markets, but also to become even more competitive and successful in the international market place. Similarly to the fishery industry, the other food exporting industries have invested in the upgrading of their facilities and training their personnel (managers, quality assurance and workers) in order to comply with the requirements of the importing countries.

117. The status of the current food regulatory system varies amongst PICs. In many countries the lack of modern legislation and standards, and inadequate enforcement, allows the distribution and sale of food products of questionable quality and safety. This situation and the inadequacy of control of imported food, contributes to creating favorable conditions for the dumping of unsafe and low quality products in the countries, which often are sold at a lower price than domestic products.

118. In addition to a lack of resources, both financial and physical, the food control system in PICs is often given low priority in national planning, caused in part by the lack of knowledge regarding the role of food control in consumer protection and economic development. Modern laws and effective food control systems would contribute to the development of food industries in the Pacific region; with consequent improvement of exports and possible reduction of imports of certain processed food.

119. To ensure that adequate resources become available for implementing effective food control systems, there is an urgent need for PICs to become aware of the economic and health benefits of such systems. Governments should acknowledge the role of consumers, producers and industries in the development of food standards to improve their transparency and engender commitment. Efforts should be made to establish consultative structures, such as National Codex Committees, that include the participation of all interested parties.

120. In order to meet the requirements of importing countries, the PICs should have a particular interest in strengthening and harmonizing national food regulations with international standards and establishing import and export food inspection and certification procedures to ensure conformity with the SPS and TBT agreements.

121. The participants expressed their concern in relation to the lack of coordination of food control systems in various countries in the region and the risk of duplicating activities and controls. They also highlighted that as the requirements of Codex standards are higher than national standards, they have difficulties exporting their products abroad.

12. Genetically Modified Food (GMF)/Crops and their Implications for the WTO

122. Ms. Annamaria Bruno gave a brief introduction on biotechnology and its potential benefits and risks. She highlighted some of the definitions provided by the Convention on Biological Diversity (CDB) and contained in the Cartagena Protocol on Biosafety, approved in January 2000 in Montreal.

123. Mr. Rajasekar provided information on the work carried out by the Codex Alimentarius Commission in relation to Genetically Modified Food (GMF). He indicated that biotechnology is applied in the production of some

food crops, e.g. maize, potatoes, soybeans, tomatoes and oilseeds. Application of biotechnology can improve the nutritional value of certain products, e.g. by adding certain micro-nutrients and reducing the level of cholesterol. The trade in GMF is facilitated through mutual recognition of country regulations, harmonization of existing regulations between countries or by recognition of international standards.

124. As regards the potential risks, Mr. Rajasekar pointed out the need for appropriate strategy and safety assessment criteria, controls related to testing, release, use and cross-border movement, adequate level of risk assessment and management of GMOs (Genetically Modified Organisms). He explained the role and activities of the recently established Codex ad-hoc intergovernmental Task Force on Food Derived from Biotechnology, which met for the first time in Japan in March 2000. In addition he referred to the ongoing work of the Codex Committee on Food labelling on the issue of labeling foods obtained through biotechnology.

125. Mr. Kosi Latu presented a paper on the use of labeling from three perspectives in regard to GMOs. He pointed out that developed countries are not fully embracing the benefits of the new technology. Mr. Latu said that the main concerns underlining the ongoing debate on genetically modified food/crops are related to health and food safety, the environment, the escape of genes creating super weeds and anti-biotic marker genes. He further indicated the ethical and moral concerns.

126. In regard to labeling, Mr. Latu said that there is a mounting global pressure on governments, especially developed countries, to establish mandatory labeling for GM food. For example: the United Kingdom has a policy to label GM food, thus allowing consumers to make their choice; OECD countries agreed on a policy of labeling and trials on GM food while Australia has agreed on GM food labeling but is considering its cost implication.

127. A participant said that PICs were not yet ready to use bio-engineering in the production of their foods and expressed their concerns about the costs of purchasing e seeds and on the sustainability of establishing and maintaining research centers. However, it was agreed that awareness about the development in this area is important in particular, the different regulations regarding GMOs in various countries, which may pose potential barriers to PICs export. The participants recognized the need to develop national standards consistent with international requirements and to adequately respond to the consumer's concern on the safety of food derived from biotechnology and the risks to the environment.

13. Specific Quarantine Pests in the Pacific Region: Fruit Flies. Compliance with Importing Country's Quarantine Requirement

128. Dr. Mat Porea, Plant Protection Officer, FAO Sub-regional Office for the Pacific Islands, presented a paper on special quarantine pests in the Pacific region which constrains trade. He highlighted the important quarantine pests for fruit and vegetables in PICs. They include: Taro Beetle (PNG, Solomon Island, Vanuatu, Kiribati, New Caledonia and Fiji), Taro Leaf Blight (PNG, Solomon Islands, Samoa, American Samoa & Vanuatu), Panama Disease (Northern Australia) and Fruit Flies (throughout the Pacific) which is the worst pest in the region.

129. The fruit flies attack tropical fruit and vegetables in the Pacific region resulting in lost production worth millions of dollars each year. Some species of fruit flies have a number of specific hosts, e.g. the primary Fruit Fly pest of Carambola is *Bactorocera carambolae*, as compared to *Bactorocera papayae* which is the main pest in mango, papaya and guava. Another important species, *Bactorocera frauenfeldi* causes extensive damage to fresh fruit and vegetables. He presented a table highlighting the losses caused by fruit flies and stressed the importance of control measures to reduce losses.

130. With reference to quarantine restrictions and the export of fruit and vegetables, Dr. Porea described some recommended control measures, which include: the hot forced air quarantine treatment, technology on quarantine treatment based on non-host status, the generic quarantine heat treatment and processing of fruit and vegetables into puree, juice, frozen chunks, dried fruits etc.

131. With regard to the export of fruit and vegetables, Dr. Porea emphasized the need to comply with the bilateral quarantine agreements (BQA). This is a phytosanitary measure common among the PICs with reference to all host material of fruit flies species. A proper agreement should be signed when an exporting country wants to enter a particular market of another country. Normally the agreement is done under the importing countries terms that ensure sufficient protection from quarantine pests and diseases.

132. Dr. Porea mentioned the Cook Islands case as an example of exporting country's compliance with the BQA for fruit flies for papaya export to New Zealand. To comply with the New Zealand requirements, the Cook Islands

should provide New Zealand with the following information: pests lists, pre-harvest pests control in the field, post-harvest pests controls, type of treatment and re-certification of the Heat Treatment Plant. Dr. Purea indicated that New Zealand is the major importer of PICs horticulture products and has been most constructive in developing protocols that allow the growth of trade from PICs without significant risk so that zero fruit fly infestation of produce reaching New Zealand is ensured.

133. To conclude Dr. Purea said that non-compliance with the importing country's quarantine requirements mean no export trade and that contributing factors to the inconsistency of exports are: the high costs of purchasing heat treatment systems and complicated treatment requirements.

134. The participants raised a number of issues and concerns which included: irregular information dissemination, flexibility and inconsistency of quarantine requirements by importing countries for PICs export; strengthening national capacity building; high costs of surveillance programmes; high costs of keeping farmers aware of quarantine requirements and coordinating activities; and, inappropriate treatment.

14. Assistance Available to the Pacific Island Countries

135. Dr. Vili A. Fuavao, FAO Sub-regional Representative for the Pacific, provided a brief introduction on the main FAO expertise relevant to WTO that includes:

- Global up-to-date data and information on agriculture, forestry and fisheries;
- Food Standards (Codex), quality and safety;
- Food and Agriculture policy analysis;
- Commodity market analysis and outlook;
- Food security assessment;
- Safe use of pesticides and fertilizers;
- Conservation of plant and animal genetic resources;
- Plant and animal protection;
- Sustainable fishery and forestry management;
- Land and water conservation;
- Environmental impact assessment;
- Legal and regulatory matters;

136. He also highlighted some of the main FAO technical assistance for the Pacific Island Countries, which includes:

- FAO Web-page "The Uruguay Round Agreement and FAO" <http://www.fao.org/ur>
- Liaison Office with the United Nations - Geneva
- TCP/RAS/7822 "Implications of Uruguay Round on Agriculture and Fisheries in the Pacific Island Countries"
- Second and Third "Round Table Meeting on Implication of WTO Agreements for Pacific Island Countries" - Auckland, April 1999 & April 2000
- Umbrella Programme for Training on Uruguay Round and Future Multilateral Trade Negotiations on Agriculture

137. Mr. Gomez Toran gave a brief introduction on the technical assistance provided by WTO. In particular he explained that WTO deals with the special needs of developing countries in three ways:

- The WTO agreements contain special provisions on developing countries;
- The Committee on Trade and Development (COMTD) oversees work in this area in the WTO;

- The WTO Secretariat provides technical assistance (mainly training in various kinds) for developing countries.

The WTO Secretariat has special legal advisers for assisting developing countries in any WTO dispute and for giving them legal counsel. The service is offered by the WTO's Technical Cooperation and Training Division, and a number of developing countries has already made use of it.

138. WTO jointly with UNCTAD and the International Trade Centre (ITC), the World Bank (WB), the International Monetary Fund (IMF) and the UN Development Programme (UNDP) has developed a common, integrated approach for assisting LDC make more effective use of the trading system and to provide opportunities for more developed countries to improve LDC's access to their markets

139. Technical cooperation is an area of WTO work that is devoted entirely to helping developing countries operate successfully in the multilateral trading system. The WTO holds regular training sessions on trade policy in Geneva and, in addition organises additional cooperation activities, including seminars and workshops in various countries. At present WTO is developing a distance-training programme through Internet

140. Ms. Mere Falekava, presented a brief account on Forum Secretariat assistance on WTO issues. She explained that the Forum Secretariat serves 16 countries in the region and 14 of these are Pacific (Forum) island countries. The primary role of the Forum Secretariat is to provide policy advice to leaders and member governments and to implement the decision of leaders on economic and trade issues including WTO issues.

141. The Forum Secretariat provides the following assistance to members:

- Policy advice – provides policy advice on the WTO Agreements and related issues through the Forum process which is through the Forum Trade Ministers, Forum Economic Ministers and then to Forum Leaders. In 1999 the Forum Trade Ministers decided to establish an Official Working Group to develop common positions on WTO issues before consideration of Ministers in the Forum process. The first meeting of the Working Group was held on 30 March 2000.
- Technical assistance – provides or arranges for technical assistance to member countries on WTO matters. These include assistance on accession, trade policy review and capacity building for the implementation of obligations.
- Training – secures funding, organises training on WTO Agreements and trade negotiation skills through seminars and workshops. In March this year the Forum Secretariat signed a Memorandum of Understanding (MOU) with the WTO Secretariat on a programme of training. The programme consists of WTO trade policy courses in the region, placement in the WTO trade policy courses in Geneva and the introduction of a WTO unit in the international trade course at the University of the South Pacific.
- WTO Representation in Geneva – to enhance the participation of the Forum island countries in the WTO negotiations the Forum leaders agreed last year to the establishment of a representative office of the Forum island countries in Geneva. The FIC representative to the WTO would closely follow developments in the WTO, participate in the discussions and provide regular advice to member countries. This representation would allow the Forum Members to maintain a physical presence in Geneva and to participate in the negotiations. The office is expected to be operational before the end of the year and will initially be for two years. At the same time the Forum Secretariat is exploring options for a longer-term representation with the assistance of donors.

142. Ms. Falekava, concluded by saying that the Forum Secretariat work in collaboration with other CROP agencies in a few areas related to WTO, which include:

- Intellectual Property Rights (IPR) – The Forum secretariat is working closely with SPREP and SPC in developing a regional policy and legal mechanisms for the protection of traditional knowledge on biological resources, plant varieties and cultural expressions.
- Trade and Environment – as mandated by the Forum Trade Ministers in 1999, the Forum Secretariat and SPREP are working to develop a programme to address trade and environment. The programme will involve examining and monitoring the linkage between trade and environment; designing a

programme for the development of environmentally friendly products; and to assess the impact of domestically prohibited goods in the Pacific region.

143. Dr Mick Lloyd, Head of the Plant Protection Service (PPS), Secretariat of the Pacific Community (SPC), presented a brief account of SPC, as a CROP organisation. He gave particular emphasis on the assistance PPS provides through its role in the region through national quarantine services, trade and the implementation of WTO agreements in the region. SPC is a Technical Services Organisation with a membership of 22 Pacific Island Countries and New Zealand, Australia, France, UK and USA. Its work in the region was complementary to that of FORSEC who provided policy advice to its members, the independent Pacific island countries. SPC also collaborated with SPREP, SOPAC and FAO in providing services in the region.

144. SPC is organised into three technical divisions: Land Resources, Marine Resources and Social Services. Land Resources consisted of Agriculture and Forestry programmes. Agriculture programme consisted of four sections: Animal Health and Production, Resource Economics and Information Services, Crop Improvement Services and Plant protection Services.

145. SPC - Plant Protection Service has approximately 30 technical staff and its services complemented those of national plant protection and quarantine services. Services in the regions provided by PPS are fully funded by donors, principally AusAID, NZODA, EU, and UNDP. SPC-PPS activities and work programme is developed in consultation with members through its two consultations bodies, Pacific Plant Protection Organisation (PPPO) and Regional Technical Meeting for Plant Protection (RTMPP)

146. Trade facilitation is a major focus of the SPC-Plant Protection Service. SPC-PPS activities consist of

- Capacity building in border services and trade facilitation role of quarantine,
- Capacity building, information and technical and advisory services on:
 - Global quarantine standards
 - Trade facilitation (import risk analysis – pests - and GMOs),
 - Post harvest technology
 - Diagnostic services
 - Emergency response planning
 - Tissue culture
 - Pest management systems for taro beetle, fruit-fly and other pests which minimise the use of pesticides in compliance with Codex standards

147. SPC-PPS also provides the regional link with FAO and IPPC, WTO – SPS through the ICPM as the Secretariat of PPPO.

15. Conclusion

148. An evaluation form distributed during the meeting confirmed the relevance of the content of the meeting to the participant's needs and areas of expertise. The majority of the participants stated that the subjects of the Round Table had been adequately covered. Suggested topics for the next meeting included: issues faced by countries in implementing WTO Agreements (AoA, SPS and TBT); competition policy; accession procedures and progress reports of acceding countries. The participants expressed their satisfaction with the meeting and their wish that it be held annually.

149. Participants and sponsors alike recognized the importance of continuing to hold an independent forum available where countries share their experience in dealing with WTO related issues. It was agreed that the Pacific countries lack both monetary and human resources to deal effectively with WTO issues. A regional approach such as the current series of round tables has proven to be both successful and very effective.

**Third Follow-up Round Table Meeting on Implications of WTO Agreements
for the Pacific Region**

Auckland, New Zealand, 03 – 07 April, 2000

List of Participants

COOK ISLANDS

Mr. Veia Mani
Director of Policy/Acting Head of Quarantine
Service
Ministry of Agriculture
P O Box 96, Rarotonga, CKI
Phone: +682 - 28711
Fax: +682 – 21881
E-mail: cimoa@oyster.net.ck

Mr. Rohan Ellis
Chief Executive Officer
Development Investment Board – Cook Islands
Private Bag, Avarua, Cook Islands
Phone: +682 - 24296
Fax: +682 – 24298
Email: cidib@oyster.net.ck

FIJI

Mr. Paula Taukei
Chief Economist
Ministry of Agriculture, Fisheries & Forests
Private Mail Bag, Raiwaqa, Fiji Islands
Phone: +679 - 384233
Fax: +679 - 385048

Ms Yok Yee (Yolinda) Chan
Economic Planning Officer
Ministry of Foreign Affairs and External Trade
Suvavoli House, Suva, Fiji Islands
Phone: +679 - 309662
Fax: +679 – 301741
Email: Ychan@govnet.gov.fj

FEDERATED STATES OF MICRONESIA

Mr. Francis Itimai
Deputy Assistant Secretary of Fisheries
Department of Economic Affairs
P.O. Box PS 12
Palikir, Pohnpei FSM 96941
Phone: +691 – 320 2620
Fax: +691 – 320 5854/2079
Email: fsmrd@mail.fm or fsmfisheries@mail.fm

KIRIBATI

Mr. Teuoti Beia
Senior Agricultural Officer
Ministry of Natural Resources Development
P O Box 267, Bikenibeu, Tarawa, KIR
Phone: +686 – 28096, 28108
Fax: +686 – 28121
Email: vet@tskl.net.ki

Mr. Tenanora Tekanene
Senior Commerce & Trade Officer
Ministry of Commerce, Industry and Tourism
P O Box 510, Betio Tarawa, Kiribati
Phone: +686 - 26156
Fax: +686 - 26233

NEW ZEALAND

Mr. David Gamble
Consultant to the Ministry of Foreign Affairs and
Trade
22, St. Columbans Grove
Lower Hutt, New Zealand
Phone: + 644 567 1677
Email: d.gamble@paradise.net.nz

Mr. Chris Carson
Trade Negotiator
International Policy (WTO)
Ministry of Agriculture & Forestry
ASB Bank House, 101-103 The Terrace – PO Box
2526, Wellington, New Zealand
Phone: +644 – 4744166
Fax: +644 – 4989891
Email: carsonc@maf.govt.nz

Mr. Neil Fraser
Manager, International Liaison - International Policy
Ministry of Agriculture & Forestry
ASB Bank House, 101-103 The Terrace – PO Box
2526, Wellington, New Zealand
Phone: +644 – 4989860
Fax: +644 – 4989891
Email: frasern@maf.govt.nz

Mr. S. (Raj) Rajasekar
Manager WTO/SPS - Codex Coordinator & Contact
Point for New Zealand
Ministry of Agriculture & Forestry
ASB Bank House, 101-103 The Terrace – PO Box
2526, Wellington, New Zealand
Phone: +644 – 4744216
Fax: +644 – 473 0118
Email: raj@maf.govt.nz

NIUE

Mr. Sauni Tongatule
Director
Department of Agriculture, Forestry and Fisheries
P O Box 74, Alofi, Niue
Phone: +683 – 4032
Fax: +683 – 4079
Email: tongatules@mail.gov.nu

Mr. Ron Hiku Viviani
Trade Adviser
Economic, Planning Development and Statistics Unit,
Premier's Department
P O Box 40, Alofi, Niue
Phone: +683 – 4200
Fax: +683 - 4206

PAPUA NEW GUINEA

Mr. Kino Wenge
First Assistant Secretary – Policy Planning and Co-
ordination Division
Department of Agriculture & Livestock
P O Box 417, Konedobu, NCD, PNG
Phone: +675 – 321 2839
Fax No.: +675 – 321 1387

Ms Seline Leo Lohia
Trade Officer
Department of Trade and Industry
P O Box 375, Waigani, NCD, PNG
Phone: +675 – 301 2527/2525
Fax No.: +675 - 3231109

REPUBLIC OF MARSHALL ISLANDS

Mr. Frederick Muller
Secretary of Resources & Development
Ministry of Resources & Development
P O Box 1727, Majuro, Marshall Islands 96960
Phone: +692 – 6253206/5330
Fax +692 – 625 5447
Email: agridiv@ntamar.com

SAMOA

Mr. Seve Tile Imo
Assistant Director of Crops, Extension and
Regulatory
Ministry of Agriculture, Forests, Fisheries and
Meteorology
P O Box 1874, Apia, Samoa
Phone: +685 – 22561/26841
Fax. +685 - 22565
Email: seve@lesamoa.net

Ms Margaret Malua
Principal Policy & Research Officer
Ministry of Trade, Commerce, Industries
P O Box 862, Apia, Samoa
Phone: +685 - 20471
Fax No.: +685 - 21646
Email: tcj@samoa.net

SOLOMON ISLANDS

Mr. Daniel Buto
Deputy Director of Trade
Department of Commerce, Employment and Tourism
P O Box G.26, Honiara, SOI
Phone: +677 - 21849
Fax No.: +677 – 26075
Email: trade@commerce.gov.sb

TONGA

‘Akau’ola
Secretary of Fisheries
Ministry of Fisheries
P O Box 871, Nuku’alofa, Tonga
Phone: +676 – 21399/23730
Fax: +676 - 23891

Mr. Manase Felemi
Deputy Director
Ministry of Agriculture & Forestry
Nuku’alofa, Tonga
Phone: +676 – 23038/23093
Fax No.+676 - 24271
Email: maf002@maf.gov.to

Mr. Trevor Guttenbeil
Deputy Secretary
Ministry of Labour, Commerce & Industry
Nuku’alofa, Tonga
Phone: +676 - 25483
Fax No.+676 – 25410
Email: tongatrade@kalianet.to

TUVALU

Mr. Tavau Teii
Director of Agriculture
Ministry of Natural Resources and Environment
Private Mail Bag
Funafuti Atoll, Tuvalu
Phone: +688 – 20825
Fax: +688 - 20826

Mr. Simeti Lopati
Permanent Secretary
Ministry of Tourism, Trade & Commerce
Private Mail Bag, Funafuti, Tuvalu
Phone: +688 – 20182
Fax: +688 - 20829
Email: tbc@tuvalu.tv

VANUATU

Mr. Abel Hivo Nako
Director-General
Ministry of Agriculture, Forestry, Fisheries and
Quarantine
P O Box 039, Port Vila, Vanuatu
Phone: +678 - 23406
Fax .+678 – 25108
Email: ncvanuatu@vanuatu.com.vu

Mr. Roy Mickey Joy
Director
Department of Trade, Industry & Investment
PMB 030, Port Vila, Vanuatu
Phone: +678 - 22770
Fax No.+678 - 25640
Email: trade@com.vu

OBSERVERS

COMMONWEALTH SECRETARIAT

Mr. Kosi Latu
Deputy Director
Legal and Constitutional Affairs Division
Marlborough House, Pall Mall, London SW1Y 5HX,
United Kingdom
Phone: +44 020 - 747 6414
Fax: +44 020 – 747 6406
Email: k.latu@commonwealth.int

FORUM SECRETARIAT

Ms Mere Falemaka
Trade Policy Adviser
Trade and Investment Division
Private Mail Bag
Suva, Fiji Islands
Phone: +679 – 312600
Fax: +679 – 312226

Mr. Parmesh Chand
Trade Commissioner
South Pacific Trade Commission
Forum Secretariat
Jetset Centre, 48 Emily Place – P.O. Box 774
Auckland 1001, New Zealand
Phone: +649 – 3020465
Fax: +649 – 3776642
Email: parmeshc@sptc.org.nz

HORT RESEARCH

Mr. Bob Macfarlane
International Business Manager
Mt. Albert Research Centre
120 Mt Albert Road
Private Bag 92 169
Auckland, New Zealand
Phone: +649 – 815 4200 ext. 7334
Fax: +649 – 815 4225
Email: bmacfarlane@hort.ci.nz

PIDP

Dr Sitiveni Halapua
Director, Pacific Islands Development Program
East-West Center
1601 East-West Road – Honolulu,
Hawai'i 96848, USA
Phone: +808 – 9447724
Fax: +808 – 9447670
Email: halapuas@ewc.hawaii.edu

SPC

Dr Mick Lloyd
Head, Plant Protection Service
Secretariat of the Pacific Community
Private Mail Bag
Suva, Fiji Islands
Phone: +679 – 370733
Fax: +679 – 386326/370021
Email: mickl@spc.int

UNIVERSITY OF AUCKLAND

Dr. Mia Mikic
Senior Lecturer, International Economics Treasurer
Department of Economics
The University of Auckland
Private Bag 92019, Auckland, New Zealand
Phone: +649 – 3737599 ext. 8312
Fax: +649 – 3737427
Email: m.mikic@auckland.ac.nz

Prof. Kenneth Jackson
Deputy Head of Department
Department of Economics
The University of Auckland
Private Bag 92019, Auckland, New Zealand
Phone: +649 – 3737599 ext. 8309
Fax: +649 – 3737427
Email: k.jackson@auckland.ac.nz

WTO

Mr. Primitivo Gomez Toran
Counsellor
Technical Cooperation Division
Rue de Lausanne, 154
CH-1211 Geneva 21, Switzerland
Phone: +41 22 – 739 5868
Fax: +41 22 – 739 5764
Email: primitivo.gomeztoran@wto.org

Mr. Viliami Tiseli
Consultant
27 Torino St.
PANMURE, Auckland
Phone: +649 – 5707333
Email: v.tiseli@xtra.co.nz

SECRETARIAT (FAO)

Dr Vili A. Fuavao
FAO Sub-Regional Representative
FAO Sub-regional Office for the Pacific Islands
(SAPA)
Private Mail Bag, Apia (Samoa)
Phone: +685 – 22127
Fax: +685 – 22126
Email: vili.fuavao@fao.org

Ms Annamaria Bruno
Food and Nutrition Officer
FAO Sub-regional Office for the Pacific Islands
(SAPA)
Private Mail Bag, Apia (Samoa)
Phone: +685 – 22127
Fax: +685 – 22126
Email: annamaria.bruno@fao.org

Mr. Francis Mangila
Policy Officer
FAO Sub-regional Office for the Pacific Islands
(SAPA)
Private Mail Bag, Apia (Samoa)
Phone: +685 – 22127
Fax: +685 – 22126
Email: francis.mangila@fao.org

Dr. Mat Porea
Plant Protection Officer
FAO Sub-regional Office for the Pacific Islands
(SAPA)
Private Mail Bag, Apia (Samoa)
Phone: +685 – 22127
Fax: +685 – 22126
Email: mat.porea@fao.org

***Third Round Table Meeting on Implications of WTO Agreements
for the Pacific Region***

(Sponsored: CFTC, FAO, New Zealand Government, WTO)

**Hotel Grand Chancellor, Auckland, New Zealand
3 – 7 April 2000**

Agenda

Convener/Chairperson: Dr. Vili A. Fuavao

Monday, 3 April²

8:30 a.m.

- **Opening**
- **Morning Tea**

Facilitator: Mr. Neil Fraser, MAF, NZ

Rapporteur: Mr. Francis Mangila, FAO

- General Progress including Seattle, Davos and UNCTAD meetings (Mr. Primitivo Gomez Toran, WTO)

12:00 –1:00 p.m.

- **Lunch**

1.00-5.00 p.m.

- Global agriculture and resumption of the WTO negotiations (Mr. Chris Carson, NZ MAF)
- Continuation of the Agricultural Reform Process, including non-trade concerns, special and differential treatment for developing countries etc. (Mr. Chris Carson, NZ MAF)

Round-up-Discussion

Tuesday, 4 April

8.30 a.m.

Status of agricultural export marketing in the Pacific region (Mr. Parmesh Chand, Trade Commissioner for the Pacific, Auckland)

Round-up Discussion

Facilitator: 'Akau'ola, Secretary of Fisheries, Tonga

Rapporteur: Dr. Mat Purea, FAO

- Status of Fishery in the Pacific ('Akau'ola, Secretary of Fishery, Tonga)

12:00 –1:00 p.m.

- **Lunch**

1.00 – 5.00 p.m.

- Case Study on WTO and Fisheries export subsidy – (Mr. Kosi Latu, CFTC)
- Fisheries subsidy under WTO (Mr. Kosi Latu, CFTC)

Round-up Discussion

² Coffee/tea breaks will be served each day at 10.00 am and 03.00 p.m.

Wednesday, 5 April

8.30 a.m.

Facilitator: Dr. Ken Jackson, Auckland University

Rapporteur: Ms. Annamaria Bruno, FAO

- Harmonization of domestic policy, legislation, regulations with WTO requirements (Mr. Primitivo Gomez Toran, WTO)
- WTO instruments designed to support Member's rights, in particular developing countries (Mr. Primitivo Gomez Toran, WTO)

12:00 –1:00 p.m.

• **Lunch**

1.00 – 5.00 p.m.

- Free Trade Area – (FTA) (Ms. Mere Falemaka, Forum Secretariat)
- The EU-ACP Partnership Agreement: the new trade regime (Ms. Mere Falemaka, Forum Secretariat, Dr Mia Mikic, Auckland University)

Round-up Discussion

Thursday, 6 April

8.30 a.m.

Facilitator: Mr. David Gamble, MFAT, NZ

Rapporteur: Mr. Francis Mangila, FAO

- The Role of Science and Risk Analysis in International Food Regulations/Standards (Mr. S. Rajasekar, NZ MAF)
- Food industries, Codex standards and WTO requirements (Ms. Annamaria Bruno, FAO)

12:00 –1:00 p.m.

• **Lunch**

1.00 – 5.00 p.m.

- Genetically modified food (GM food) /crops and its implications for the WTO (Ms. Annamaria Bruno, FAO; Mr. S. Rajasekar, NZ MAF; Mr. Kosi Latu, CFTC)
- Specific Quarantine pests in the Pacific region: fruit flies (Dr. Mat Porea, FAO)
- Compliance with importing country's quarantine requirements (Dr. Mat Porea, FAO)

Round-up Discussion

Friday, 7 April

8.30 a.m.

Facilitator: Dr. Sitiveni Halapua, PIDP

Rapporteur: Ms. Annamaria Bruno/Mr. Francis Mangila/Mr. Mat Porea, FAO

- Assistance available to the Pacific Island Countries
 - FAO assistance (Dr. Vili A. Fuavao)
 - WTO assistance (Mr. Primitivo Gomez Toran)
 - Forum Secretariat and CROP organizations assistance (Ms. Mere Falemaka)
 - SPC assistance (Dr. Mick Lloyd)

Round-up Discussion

11:00 –1:00 p.m.

• **Facilitator: Dr. Vili A. Fuavao, FAO**

- Discussion, Recommendation
- Closing

List of Papers and Working Documents

Papers presented:

1. Parmesh Chand, South Pacific Trade Commission, 2000. Status of Agricultural Export Marketing in the Pacific
2. Mere Falekava, Forum Secretariat, 2000. The Pacific Agreement on Regional Trade Area – PARTA
3. Mere Falekava, Forum Secretariat, 2000. The New ACP-EU Partnership
4. Mia Mikic, University of Auckland, 2000. The EU-ACP Partnership Agreement: the new trade regime
5. Rajasekar S., MAF-NZ, 2000. Role of Science in International Food Regulation and Trade
6. Annamaria Bruno, FAO-SAPA, 2000. Food Industry, WTO and Codex Standards
7. Annamaria Bruno, FAO-SAPA, 2000. Quality and Safety Aspects of Food Derived from Biotechnology
8. Matarangi Porea, FAO-SAPA, 2000. Specific Quarantine Pests in the Pacific Contributing to Constraints to Trade
9. Matarangi Porea, FAO-SAPA, 2000. Compliance with Importing Country's Quarantine Requirements

Documents distributed:

1. FAO/CFTC/WTO, 1999. Report of Round Table on Implications of WTO Agreements for the Pacific Region, Auckland 22-26 March 1999
2. FAO/SAPA, 1999. Report of the Third Meeting of Ministers for Agriculture of FAO member Countries in the South West Pacific (Nuku'alofa, Tonga 26 – 27 April 1999)
3. FAO, 1999. Report of the Conference on International Food Trade Beyond 2000: Science-Based Decisions, Harmonization, Equivalence and Mutual Recognition
4. FAO/SAPA, 1999. Report of the FAO Regional Workshop on Improved Agricultural Marketing
5. FAO, 1999. Trade Related Technical Assistance
6. IPPC, 1996. International Standards for Phytosanitary Measures. Part 1 – Import regulation. Guidelines for pest Risk Analysis
7. Andrew Shepherd, FAO, 1999. Agricultural Marketing in the South Pacific
8. WTO. The WTO ... in brief
9. WTO. 10 Benefits of the WTO Trading System
10. WTO. 10 Common Misunderstandings about the WTO
11. WTO, 1999. Trading into the Future. 2nd Edition
12. WTO, 2000. Integrated Framework for Trade-related Assistance to Least-Developed Countries: the Process to Date and Suggested Improvements (WT/COMTD/LDC/7) (23 February 2000)
13. WTO CD-ROM³, 2000. WTO Documentation for Third Round Table meeting on Implications of WTO Agreements for the Pacific Region

Useful references:

1. Ian Cartwright and Anna Willock, FFA, 1999. Oceania Birthright: The Role of Rights-based Management in Tuna Fishery of the Western and Central Pacific
2. FAO/WHO, 1999. Understanding the Codex Alimentarius
3. FAO, 1998. Food Quality and Safety Systems – A training manual on food hygiene and the Hazard Analysis and Critical Control point (HACCP) system

³ To be sent to the participants

Glossary of Acronyms used in the Report

ACP – Asian, Caribbean and Pacific Countries
AMS – Aggregate Measurement of Support
AoA – Agreement on Agriculture
APEC – Asia Pacific Economic Commission
ATC - Agreement on Textiles and Clothing
AusAID – Australian Agency for International Development
BQA – Bilateral Quarantine Agreement
CAC – Codex Alimentarius Commission
CDB – Convention on Biological Diversity
CFTC – Commonwealth Fund for Technical Cooperation
COA – Committee on Agriculture
CROP – Council of Regional Organizations of the Pacific
CTE – Committee on Trade and Environment
DC – Developing Countries
DSB – Dispute Settlement Board
DWFN – Distant Water Fishing Nation
EEZ – Exclusive Economic Zone
EU – European Union
FAD – Fish Aggregate Device
FAO – Food and Agriculture Organization of the United Nations
FFA – Forum Fisheries Agency
FORSEC – Forum Secretariat
FTA – Free Trade Area
GATT – General Agreement on Tariffs and Trade
GMF/GMO – Genetically Modified Food/Genetically Modified Organism
GNP – Gross Domestic Product
GSP – Generalised System of Preferences
JECFA – Joint Expert Committee on Food Additives
JMPR – Joint Meeting on Pesticides Residues
IGOs – International Governmental Organizations
IMF – International Monetary Fund
IPPC – International Plant Protection Convention
IPR – Intellectual Property Right
ITC – Intergovernmental Trade Centre
LDC – Least Developed Countries
MFN – Most Favour Nation
MHLC – Multilateral High Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Central and Western Pacific
MOU – Memorandum of Understanding

MTN – Multilateral Trade Negotiation
NGO – Non Governmental Organization
NZODA – New Zealand Official Development Assistance Programme
OECD – Organization for Economic Cooperation and Development
OIE – International Office for Epizootics
PA – Partnership Agreement
PARTA -Pacific Agreement on Regional Trade Area
PICs – Pacific Island Countries
PPPO - Pacific Plant Protection Organisation
REPA – Regional Economic Partnership Arrangements
RTMPP - Regional Technical Meeting for Plant Protection
SCM - Subsidies and Countervailing Measures
SDT – Special and Differential Treatment
SIS – Small Island States
SIDS – Small Island Development States
SOPAC – South Pacific Applied Geoscience Commission
SPC – Secretariat of the Pacific Community
SPREP – South Pacific Regional Environmental Programme
SPS - Sanitary and Phytosanitary Measures
TBT – Technical Barriers to Trade
TRIPS - Trade-Related Aspects of Intellectual Property Rights
UN – United Nations
UNCTAD – United Nations Conference on Trade and Development
UNDP – United Nations Development Programme
UNEP – United Nation Environmental Programme
UR – Uruguay Round
USAID – United States Agency for International Development
USP – University of the South Pacific
WB – World Bank
WCPO – Western and Central Pacific Ocean
WHO – World Health Organization
WTO – World Trade Organization
WWF – World Wildlife Fund